



Appeal Decision

Site visit made on 24 July 2025

by **Megan Thomas K.C. Barrister-at-Law**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/P1940/D/25/3364145

51 Fotherley Road, Mill End, Hertfordshire WD3 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Jones against the decision of Three Rivers District Council.
 - The application ref. is 24/2020/FUL.
 - The development proposed is a “garage conversion, front, rear & first floor side extensions, new boundary walls & associated internal alterations.”
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion, front, rear and first floor side extensions, new boundary walls and associated internal alterations at 51 Fotherley Road, Mill End, Hertfordshire WD3 8QQ in accordance with the terms of planning application ref.24/2020/FUL dated 16 December 2024, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: drawing numbers FLY-101; FLY-110 Rev 01; FLY-111 REV 01; FLY-002; FLY-010; FLY-011; FLY-012; FLY-020; FLY-102; FLY-112; FLY-120 Rev 00 & FLY-001.
 - 3) Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.
 - 4) The garage conversion (as shown on drawing number FLY-110 REV 01) shall not be occupied or used at any time other than as incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site. It shall remain functionally linked with the existing dwelling and shall not be used as an independent dwelling at any time or be sold or let off.

- 5) Prior to the first use of the balcony hereby permitted, the proposed obscured screening (privacy level 5) as shown on plan numbers FLY-120 REV 00 and FLY-111 REV 01 shall be installed at a height of 1.7m as measured from the surface of the balcony for its entire circumference and retained as such thereafter in terms of design, siting and height.
- 6) The rear flat roof (excluding the balcony) as shown on plan numbers FLY-120 REV 00 and FLY-111 REV 01 shall only be used in connection with repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The appeal site is located on the south west side of Fotherley Road opposite its junction with Beresford Road. It is separated from the next dwelling to its north-west (no.1 Home Way) by a triangle of grass and a pedestrian public right of way which runs to the side of the appeal site between these dwellings. Home Way is an extension of Fotherley Road, and is a no-through road. No.1 Home Way has a two storey side extension to its south east side.
4. The appeal dwelling is a two-storey semi-detached dwelling with a single storey side garage with a flat roof and on-site front forecourt car parking. The rear of the property is wider than the frontage as the rear garden splays outwards to follow the line of the public right of way. The area is residential and contains semi-detached and terraced dwellings of similar design and character. The semi-pair to the appeal dwelling is 49 Fotherley Road and the two are not identical as, amongst other things, no.49 has a two storey projecting gable at the front and a rectangular rear garden.
5. The proposed development includes the erection of a part single, part two storey side and rear extension, the erection of a single storey front extension and conversion of part of the garage. There is already a small single storey front extension and a modest increase in size to that is proposed which would not be forward of no.49's projecting front gable. I see no objection to that element. The focus of the appeal is the impact of the proposed first floor side and rear extensions given their siting, massing, design and size.
6. At ground floor level the dwelling would be extended to the rear by about 1.75m in depth and would extend to a width of about 9m, flush with the flank boundary adjacent to no.49 and would adjoin the existing rear extension at the appeal site. It would have a parapet roof with a height of about 3.3m.
7. At the first floor level, the dwelling would be extended to the side and rear. This would have a minimum width of about 3m at the front, increasing to a width of about 5m at the rear. The flank wall would be partly splayed along the north-western boundary line with the public footpath.

8. The first floor would be stepped to the rear extending to a maximum depth of about 3.4m. There would be a first-floor walk-on rear balcony with a depth of about 2m beyond the first-floor rear extension. It would have a width of about 5m and be enclosed by a glass balustrade. The first-floor extension would have a ridge height of about 7.7m, matching the main house, and would extend in line with the existing ridge line. To the rear, this would form a gable end. There would be windows within the first-floor front and rear elevations of the extension.
9. The rear part of the existing garage would be removed, and the existing rear extension would be extended in width flush with the north-western boundary, flush with the existing garage wall. The remainder of the garage would be internally converted into habitable living accommodation. There would be a door and window within the front elevation. The converted garage and existing rear extension roof would be altered from a flat roof to a parapet roof with a height of about 3.3m.
10. From Fotherley Road and Home Way, the proposed first floor angled, splayed hipped roof form and flank wall would be noticeable, however, there is a wide visual gap between no.1 Home Way and the proposed development which would prevent it being overbearing or unduly dominant in the streetscene. A user of the public right of way would be aware of a high wall at the front corner of the property but this would be a relatively short section of two storey flank wall before turning the corner and diverging from the line of the common boundary with the public right of way into the site. The generous space and openness between the properties would allow the proposed two storey elevations to be absorbed into the streetscene without harm, even though part of them would be flush with part of the boundary. I do not agree that the proposal would appear unduly cramped and on this occasion, it would be an efficient use of urban land.
11. The proposed flank wall of the proposed rear gable closest to the public right of way would be stepped back from the boundary and whilst the gable extension would have a roofline the same height as the main roof, it would not dominate views from the right of way. The proposed second rear gable would be lower and shorter in depth and would tuck in alongside and behind the larger one. Both would be sufficiently far from the rear garden of no.49 Fotherley Road to avoid any undue sense of enclosure or loss of outlook. My site visit confirmed that views of the rear of the appeal dwelling from the public right of way were only glimpsed owing to vegetation and boundary wall and I consider that with the proposed rear gables in place views would remain glimpsed and unobjectionable. These would include views of the proposed rear balcony and its glass balustrade which to my mind would not be out of keeping in this residential area.
12. Overall, I consider that the proposed extensions would be proportionate and subservient to the host dwelling. The extensions would have a mixture of roof formations including hipped elements as well as gable ends and a parapet wall. Overall, these features are in keeping with the character of the existing dwelling and wider area.
13. My conclusion is that the proposals would not harm the character or appearance of the host dwelling or surrounding area. They would not be contrary to policies CP1 or CP12 of the Three Rivers Core Strategy (adopted 2011) or policy DM1 of the Three Rivers Development Management Policies LDD (adopted 2013).

Conditions

14. The Council suggested some conditions in the event that the appeal was successful. I have considered these in the light of advice in Planning Practice Guidance. I have attached a condition which specifies the approved plans, for the avoidance of doubt. In order to protect the character and appearance of the area there is a condition which requires that all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.
15. As the garage conversion contains features which could possibly facilitate its use as a separate independent dwelling and its use as such could harm the pattern of development in the area and amenity of neighbours, I have imposed a condition which prevents its use as a separate and independent dwelling and requires it to be used as incidental to the enjoyment of the main dwelling.
16. To safeguard the amenities of occupants of nearby neighbouring properties, I have imposed a condition which ensures the privacy screening be retained or replaced after its installation. For the same reason, there is a condition which prevents the rear flat roof (excluding the balcony) being used as a balcony, roof garden or similar amenity or sitting out area.

Conclusion

17. Having considered all representations made, for the reasons given above, I allow the appeal subject to conditions.

Megan Thomas K.C.
Inspector