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# Appeal Decision

Site visit made on 26 May 2022

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 June 2022**

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**Appeal Ref: APP/X1925/D/22/3296387**

**8 Baliol Road, Hitchin SG5 1TT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mike O'Neill against the decision of North Hertfordshire Council.
  - The application Ref 22/00199/FPH, dated 24 January 2022, was refused by notice dated 21 March 2022.
  - The development proposed is insertion of roof lights to existing front elevation roofslope and dormer to existing side and rear elevation roofslopes to facilitate conversion of loftspace into habitable accommodation (as a resubmission of planning application 21/02703/FPH, withdrawn on 11.11.2021).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. I note that the council changed the description of development from the application form. For precision, I have included the description on the decision notice.
3. The emerging North Hertfordshire Local Plan (2011-2031) (eLP) has been subject to examination and consultation on Main Modifications but is yet to be adopted. I have therefore determined this appeal in accordance with the relevant saved policies of the development plan, the North Hertfordshire Local Plan (1996) (LP) and relevant emerging policies of the eLP where they accord with the Framework.

## Main Issues

4. The main issues are:
  - The effect of the proposals on the character and appearance of the area.
  - The effect of the proposals on the living conditions of neighbouring occupiers.

## Reasons

### *Character and Appearance*

5. Baliol Road is a pleasant leafy residential street characterised by predominantly two storey, double-bay fronted, Edwardian houses set behind small front gardens, with longer rear gardens, accessed via side passageways.

6. At the site visit, it was evident to me that many of the dwellings along the road had been subject to extension and enlargement, mainly in the form of additions to outrigger extensions or single storey extensions and/or loft conversions. The appeal site, No 8 shares an outrigger with the neighbouring property at No 7 and also has a single storey flat roofed extension.
7. The appeal proposals would result in the extension of the loft area of the property to add an L shaped flat roofed dormer with two rear facing windows and one side-facing window with a Juliet balcony. The proposals also include two rooflights to the principal elevation and a rooflight to the top of the proposed flat roofed dormer (to serve the dressing area).
8. Saved policy 28 (House Extensions) of the LP seeks to ensure that extensions are sympathetic to the existing house in terms of design, windows, materials, scale and massing terms and suggests that pitched roofs are more appropriate for double height extensions. Policy D2 (House Extensions, Replacement Dwellings and Outbuildings) of the eLP also seeks to ensure that rear extensions do not dominate adjoining properties. Paragraph 130 of the Framework states that new development should function well and add to the overall quality of the area, whilst being sympathetic to its setting.
9. From the plans submitted, the additions would be noticeable, but there are already a number of similar loft dormer additions in neighbouring properties. Further, plan 21032/02-2A shows the proposed dormer sitting just below the ridge line of the main roof. It would not be visible from the principal elevation, and I consider that with the slight setback from the edge of the outrigger, it would be satisfactory. I therefore do not find harm to the character and appearance of the area and do not consider there is offence to saved policy 28 of the LP; policy D2 of the eLP nor the relevant part of para 130 of the Framework.

#### *Living Conditions*

10. The proposals include a window to the side elevation of the proposed dormer which would have a Juliet balcony. This would serve the new master bedroom. There is limited fenestration to the side elevation of the appeal property currently. Whilst there are some windows on the ground floor, at the first floor within the 'outrigger' to the property, there is a small single obscure glazed side window currently serving the family bathroom.
11. Policy D3 (Protecting Living Conditions) of the eLP supports development that does not cause unacceptable harm to living conditions.
12. The council argue that the addition of a new full height window and Juliet balcony within the proposed dormer would result in overlooking directly into the adjacent neighbour at No 9 Baliol Road, which has a large mono-pitched single storey extension with rooflights. I believe it would be entirely possible to see into the rear extension of No 9 through their rooflights from the proposed side window, reducing their privacy. Moreover, the full height windows and balcony arrangement would allow far more visibility into the neighbouring property, particularly when open.
13. I have considered whether a planning condition requiring the proposed opening to be obscure-glazed and/or non-opening would mitigate the impact on the neighbour. However, I have doubts over the practical enforceability of a

condition requiring obscure glazing in perpetuity. The very fact such alternative solutions may need to be considered suggests to me that the full height window and balcony as proposed would not be appropriate and would cause harm to neighbouring living conditions. I note that the master bedroom would already have a large window to the rear facing elevation, which the appellant's set out would provide sufficient natural light/ventilation to the room.

14. Whilst the remaining fenestration would not have an unacceptable impact upon neighbouring occupiers, I consider the additional overlooking from the side window and balcony would harm the living conditions of occupiers at No 9, contrary to saved Policy 28 of the LP and Policy D3 of the eLP as well as the relevant parts of the Framework.

### **Other Matters**

15. I have considered the appellant's arguments in respect of the 'fallback position'. The details of this are shown in the appeal statement at paragraph 5.20 which were approved by the council in a Certificate of Lawfulness (LPA Ref 21/03325/LDCP) which would allow a smaller flat roofed dormer, set further back on the outrigger with similar rear facing windows and a much smaller side window. The appellants state that they would implement the scheme and I have no reason to doubt this.
16. However, I consider that the appeal proposals are materially more harmful than the fallback position for the reasons I have already given, and it therefore does not alter my conclusions overall.

### **Conclusions**

17. For the reasons given and having regard to all matters raised, the appeal is dismissed.

*Sian Griffiths*

INSPECTOR