



## Appeal Decision

Site visit made on 18 July 2023

by **C Billings BA (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21<sup>st</sup> September 2023**

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### **Appeal Ref: APP/X1925/W/22/3311396**

### **72 Lancaster Road, Hitchin, Hertfordshire, SG5 1PE**

- 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 Staddon against the decision of North Hertfordshire District Council.
  - The application Ref 22/01727/FPH, dated 27 June 2022, was refused by notice dated 26 August 2022.
  - The development proposed is for a single storey rear extension and box dormers to the rear for a loft conversion.
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### **Decision**

1. The appeal is dismissed insofar as it relates to the box dormers and rear roof extension, including the raising of the main ridgeline. The appeal is allowed insofar as it relates to the single storey rear extension and 3 No. rooflights in the front roof slope and planning permission is granted for these elements only at 72 Lancaster Road, Hitchin, Hertfordshire, SG5 1PE in accordance with the terms of the application, Ref 22/01727/FPH, dated 27 June 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
  2. The development hereby permitted, namely the single storey rear extension and 3 No. rooflights in the front roof slope shall be carried out in accordance with the details shown on drawing Nos. JPT/STN/1221/001 Rev A and JPT/STN/1221/006 Rev A.
  3. The external materials of the single storey extension hereby permitted shall match the host dwelling.

### **Preliminary Matters**

2. Since the determination of the planning application, the North Hertfordshire Local Plan has been adopted (November 2022) (NHLP). The policies within the NHLP supersede the saved policies from the 1996 North Hertfordshire District Local Plan No 2 (with Alterations). I am required to determine the appeal based on the adopted development plan. The main parties have had opportunity to comment on the implications of this for the appeal and, I am satisfied that no party has been prejudiced by this approach.
3. The Council issued a split decision. Section 79(1)(b) of the Town and Country Planning Act 1990, allows that, on appeal under section 78, the Secretary of

State may deal with the application as if it had been made to him in the first instance. Nevertheless, I agree with the Council on the acceptability of the 3 No. roof lights in the front roof slope and the single storey rear extension and allow the appeal in respect of these elements of the scheme, as they would accord with the development plan.

### **Main Issues**

4. Having regard to the above, the main issues are the effect the proposed dormers and roof extension on:
  - the character and appearance of the host dwelling and the surrounding area and,
  - the living conditions of the occupants of immediate neighbouring properties in respect of outlook.

### **Reasons**

#### *Character and appearance*

5. The character of Lancaster Road comprises traditional terraced properties set within long narrow plots. There is a gradual rise along Lancaster Road with the roofline of the terrace row to accommodate this. Properties are generally two-storey with pitched roofs and large ornate chimneys forming prominent features, that positively contribute to the character and appearance of the area. Several properties along the road have had alterations to provide accommodation in the roof, including the introduction of roof lights to the front roof slopes and flat roof dormer additions to the rear. None of these alterations dominate the street scene, nor rise above the main ridgeline in this part of Lancaster Road.
6. At the rear, the appeal property and the continuing row of terraced properties have two storey outriggers with dual pitched roofs and large chimneys that span the property boundaries. I acknowledge that a number of properties have had dormer extensions, nevertheless, the form of the rear outriggers provides a unifying character and rhythm to the rear elevations. Their similar form, together with the pitched roofs and chimneys positively contribute to the character and appearance of the area.
7. When viewed in the context of the surrounding area, the proposed dormer extensions by virtue of their, position, scale and bulky nature would appear top-heavy and awkward. This together with the fact the dormers would span the width of the whole main roof slope, above its apex and over the whole of the depth of the outrigger, would result in a box-like form at odds with the host dwelling and neighbouring dwellings. As a result, the dormers would appear dominant and harmfully erode the rhythm of the terrace row.
8. From the road, the height of the proposed dormer would extend in line with the height of the ridgeline of No 71 but would project above the ridgeline of No 73. The position and design of this step and that the flat roof dormer would be visible above the existing ridgeline, would result in an incongruous feature, disrupting the simple roof form of the terrace row to the detriment of the street scene.
9. I noted the other rear dormer roof extensions brought to my attention. Nos 36 and 31 Lancaster Road have had rear flat-roof dormer extensions of similar design and scale to that proposed. However, they do not extend above the

height of the main ridgeline of the host dwelling and are not directly comparable to the appeal proposal.

10. I accept that No 36 is an end terrace property with a public footway along the side of the property, so that the rear dormer extension has presence in the street scene. Nevertheless, this property is some distance away at the opposite end of the terrace and differs to the design of the proposals, as it does not rise above the ridgeline of the main roof.
11. I also noted other examples of properties in the wider surrounding area with rear dormer roof additions, which have raised the ridge height and are visible from the street scene, including No 38 York Road, No 18 Ickleford Road and No 59 Bunyan Road. However, these examples are some distance from the appeal property and do not influence the character and appearance of the street scene. Whereas, the proposed development, extending above the ridgeline would look harmfully out of place in its context.
12. Overall, I conclude that the proposed dormers and roof extension would harm the character and appearance of the host property and surrounding area in conflict with Policy D2 of the NHLP, which amongst other things, requires house extensions to be sympathetic to the existing house and adjoining properties. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character and add to the overall quality of the area.

#### *Living conditions*

13. The proposed dormer extension would extend the full depth of the existing rear 2-storey outrigger. It would have a side vertical wall opposite the outrigger at No 71 Lancaster Road (No 71) extending up to the main ridge height of the host dwelling. This would result in a much higher, dominant wall facing No 71, with limited gap between the two properties. Due to the location and scale of the proposed dormers, they would appear overbearing and unacceptably diminish the outlook from parts of the garden of No 71 and, at oblique angles, from windows of No 71. Whilst the occupiers of No 71 do not object to the proposed dormers, this does not overcome my concern about its harmful effect on their living conditions.
14. Due to the juxtaposition of the proposed dormers to the rear garden and windows in the rear of No 73, there would be no harmful effect on the living conditions of its occupiers in respect of outlook. Also, due to the significant rear garden length and subsequent distance separation, the proposals would not negatively affect the outlook of occupiers of neighbouring properties at the rear of the appeal site.
15. The proposed dormers would be detrimental to the living conditions of No 71 in respect of outlook, in conflict with Policy D2 of the NHLP, which requires that extensions do not dominate neighbouring properties. The proposed dormers would also conflict with the Framework which seeks to ensure developments create places with a high standard of amenity for existing users.

#### **Other Matters**

16. The Councils delay and lack of communication in dealing with the application does not outweigh the harm identified above.

17. The appellant indicates that the appeal site may benefit from permitted development rights. However, I have no details of such a scheme before me. There is also little to suggest that if the appeal is dismissed a permitted development scheme would be pursued. Therefore, I give this matter limited weight in the determination of the appeal.
18. Although the privacy of neighbours is a concern of the Council, it is not a main issue. No side windows are proposed in the dormers and the nearest neighbour at the rear, is a significant distance away. Accordingly, the proposed dormers would not result in harmful overlooking to neighbours.

### **Conditions**

19. In respect of the proposed rear single storey extension and rooflights, in addition to the standard time limit condition, it would be necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the approved elements of the scheme should accord.
20. A condition is necessary to ensure the single storey extension would be built of appropriate materials, in keeping with and to protect the character and appearance of the host building.

### **Conclusion**

21. For the reasons given above, I conclude that the proposed single storey rear extension and 3 No. rooflights in the front roof slope should be allowed. Regarding the proposed dormers and roof extension, I conclude that the proposals would conflict with the development plan and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, in this respect the appeal is dismissed.

*C Billings*  
INSPECTOR