



Appeal Decision

Site visit made on 4 October 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/X1925/D/23/3320887

8 Newmarket Road, Royston SG8 7DY

- 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 S Patel against the decision of North Hertfordshire District Council.
 - The application Ref 22/03101/FPH, dated 30 November 2022, was refused by notice dated 1 February 2023.
 - The development proposed is described as extension and internal/external alterations to the existing house. Conversion of the loft space to provide additional accommodation.
-

Decision

1. The appeal is dismissed insofar as it relates to the part single storey, part two storey rear extension, replacement of the existing pitched roof with a flat roof, and the raising of the roof ridge height to include insertion of a rear dormer window with obscured glazed door to facilitate conversion of loftspace into habitable accommodation.
2. The appeal is allowed insofar as it relates to the erection of canopy to front elevation and planning permission is granted for the erection of canopy to front elevation at 8 Newmarket Road, Royston SG8 7DY in accordance with the terms of the application, Ref 22/03101/FPH, dated 30 November 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 not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1181 PL01 B – Site Location Plan, 1181 PL 02 C – Site Layout (inc Roof Plan) As Existing and Proposed, 1181 PL 03 D – Floorplans and Elevations – As Proposed.

Procedural Matters

3. The description of development in the banner heading above is the original description of the development as set out on the application form. Whilst neither of the main parties has provided written confirmation that a revised description of development was agreed, the description of development from the Council's decision notice more accurately describes the development. I have therefore used that description in my formal decision.
4. In determining the planning application, the Council has issued a split decision to grant planning permission for part of the development for the erection of canopy to the front elevation and refusing planning permission for the dormer

window, rear extensions and replacement of rear gable with flat roof. Appeals following split decisions are dealt with under Section 78 of the Town and Country Planning Act 1990 (The Act) as being against the refusal of planning permission. In such cases and in accordance with Section 79(1)(b) of The Act, the whole proposal is before me to determine.

5. For the reasons that follow, I find the erection of the front canopy to be acceptable. As it is clearly severable, both physically and functionally, from the rest of the proposal, I intend to issue a split decision and grant permission for the front canopy only.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the house and the local area.

Reasons

7. The appeal site comprises a two storey detached house with two storey front and rear projections which each have a prominent gable roof. Although the house has been altered, the gable roofs are a key component of the appearance of the house. The surrounding area is residential in character and there is some diversity in the housing. Whilst houses on this side of the road vary in terms of design, there is general uniformity in scale and arrangement as houses are sat within large plots set back from the road.
8. The dormer window would extend across the majority of the width of the roof plane, despite being set in from the sides of the roof slope. Whilst it would be no higher than the roof ridge, it would create a large flat-roofed dormer at a height just below the ridge of the roof which would not be visually subservient. I accept that the depth of the dormer window would be less than the depth of the first floor extensions, however, this would not mitigate the lack of visual subservience.
9. Due to a combination of its height, width and scale, the dormer window would have an overly bulky appearance and would dominate the rear elevation and roof of the house, which would be a stark contrast with the simple form and proportions of the existing roof.
10. The flat roof design of the first floor extensions would be at odds with the pitched roof characteristics. As such, even accounting for the use of acceptable matching materials, the extensions would not integrate well with the existing architectural detailing of the house. The replacement of the gable roof with a flat roof would also result in the loss of this attractive existing feature and would therefore erode part of the house's distinctive character.
11. The design of the dormer window and first floor extensions would therefore fail to respect the established roof form of the house and would adversely change its appearance.
12. At my site visit, I saw that whilst there are differences in appearance, the properties on either side of the house have similar roof pitches with gable ends. This similarity of gable roofs produces a pleasing element of design continuity between the house and its neighbours, despite the differences. However, this shared continuity would be broken through the loss of the rear gable roof.

13. The neighbouring properties appear to have generally retained their pitched roof characteristics, and I could not see any examples of flat roof first floor rear extensions within the immediate setting of the appeal site. I accept that the absence of similarities within the immediate locality does not render an extension inappropriate. However, the presence of the flat roof extensions would appear highly noticeable and incongruous in this immediate context where there is a broad consistency of upper-floor pitched roof forms. Subsequently, given the local character, the first floor extensions would not be sympathetic additions.
14. My attention has been drawn to two sites in the area where buildings have flat roofs. One of the sites relates to a large block of flats which is a stand-alone building that has a unique appearance where flat roofs appear to be part of the original design. This site is therefore not comparable to the appeal site in terms of its characteristics. The other site relates to a terraced row of a more recent housing development which is on the other side of the road and would not be viewed in the context of the appeal site. As such, these examples do not establish a context to justify the proposed flat roof design.
15. In the context of the appeal site, the rear of the house is not visible from public views, however, it is visible from the rear gardens of the immediate neighbours. As such, the visual harm from the discordant nature of the development would be easily seen and noticed from these neighbouring garden areas.
16. For these reasons, I find that the dormer window, first floor extension and the replacement of the rear gable with a flat roof, would cause significant harm to the character and appearance of the house and the local area and would therefore fail to comply with Policy D2 of the North Hertfordshire Local Plan 2011 – 2031 (the LP). Whilst the house is not within a conservation area, nor is it subject to any design prescriptions, this policy amongst other things, requires house extensions to be sympathetic to the existing house in form, proportions and roof type, regardless of any designation. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework, which along with other things, seeks development that is visually attractive and sympathetic to local character.
17. Separately, the erection of the canopy to the front elevation would have a neutral effect on the character and appearance of the house and the local area. This element would therefore comply with Policy D2 of the LP.

Other Matters

18. I note that the appellant made changes to the proposal following advice from the Council, however this does not alter or outweigh my finding.
19. The Council has not raised any concerns regarding the proposal's impact on the living conditions of neighbouring occupants. From my site visit, I am content that the development would not result in unacceptable harm in this regard. Nevertheless, a lack of harm in this respect is a neutral consideration that does not weigh in favour of the development.

Conditions

20. I have imposed the statutory implementation condition and a condition listing the approved plans to provide certainty.

Conclusion

21. The proposed development insofar as it relates to the dormer window, first floor extension and the replacement of the rear gable with a flat roof, would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, I conclude the appeal should be dismissed insofar as it relates to the dormer window, first floor extensions and replacement of the rear gable with a flat roof.
22. Separately, I conclude that the development insofar as it relates to the erection of the canopy to front elevation, would comply with the development plan. Therefore, the appeal should be allowed insofar as it relates to the erection of the canopy to front elevation.

L Reid

INSPECTOR