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# Appeal Decision

Site visit made on 26 October 2023

**by Ian McHugh DipTP MRTPI**

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

**Decision date: 23.11.2023**

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## **Appeal Ref: App/X1925/D/23/3322062 17 Common Rise, Hitchin, SG4 0HN**

- 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 R and Mrs Bell against the decision of North Hertfordshire District Council.
  - The application Ref 22/01563/FPH, dated 7 June 2022, was refused by notice dated 1 March 2023.
  - The development proposed is a single-storey rear extension and insertion of ground and first floor windows to existing front elevation.
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### **Decision**

1. The appeal is dismissed insofar as it relates to the single-storey rear extension. The appeal is allowed insofar as it relates to the insertion of ground and first floor windows and planning permission is granted for the insertion of ground and first floor windows at 17 Common Rise, Hitchin, SG4 0HN, in accordance with the terms of the application, Ref 22/01563/FPH, dated 7 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 (the insertion of ground and first floor windows) shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted (the insertion of ground and first floor windows) shall be carried out in accordance with the following approved plans: Location Plan 17CR 01; Existing Elevations and Floor Plans 17CR 05; and Proposed Elevations and Floor Plans 17CR 10D.

### **Main Issue**

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 19 Common Rise, with particular regard to outlook.

### **Reasons**

3. The appeal property is a semi-detached two-storey dwelling, which is situated in a residential area where houses are mixed in terms of their scale and appearance. Several dwellings along Common Rise have been altered and extended, with a number of extensions on the rear of the houses. The appeal dwelling has also been extended, with a two-storey addition at the rear of the property. The appellant refers to other extensions being larger and deeper than those existing and proposed at the appeal property. However, I have considered the appeal proposal on its own merits.

4. The proposal is to add a flat-roofed single-storey rear extension projecting out from the existing two-storey addition. In addition, three new windows are proposed on the front elevation along with a replacement ground floor side window. There are no objections from the Council to the insertion of these windows. The proposed windows would be in character and scale with the existing dwelling and I consider them to be acceptable.
5. The proposal would provide a garden room accessed through the kitchen. An earlier application (reference 22/00643/FPH) to construct a single-storey extension with a pitched roof was refused by the Council in March 2022. A subsequent appeal (APP/X1925/D/22/3302266) was dismissed on 21 October 2022. The Inspector concluded that the earlier proposal would unacceptably enclose the rear garden of the neighbouring property at number 19 Common Rise (number 19).
6. The appellants have sought to overcome the objections to the previous proposal by omitting the pitched roof and by leaving gap between the side wall of the extension and the side boundary between the properties. The extension would project 3.2m from the rear wall of the existing dwelling and it would be 5.8m in width and 2.7m high (dimensions quoted in the Council Officer's report). The appellant contends that the proposal now addresses the previous concerns and I have noted that the previous Inspector commented that a smaller extension would, "result in less harm with regard to the main issue."
7. Policy D3 of the North Hertfordshire Local Plan 2011-2031 (LP) states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. This policy accords with paragraph 130 of the National Planning Policy Framework 2023 (The Framework), which, amongst other things, states that planning decisions should ensure that they create places with a high degree of amenity for existing and future users. The Council contends that the proposal would conflict with both Policy D3 and The Framework, as it would give rise to an unacceptable sense of enclosure and level of dominance for the occupiers of number 19.
8. I agree that the proposal is materially different from the earlier application and that reduction in height is particularly significant. Nevertheless, the existing two-storey extension already encloses and dominates the outlook from number 19 and its garden and I consider that a further addition (albeit set-in from the boundary and with a flat roof) would unacceptably add to the amount of built development close to the side boundary with number 19 and it would further and unacceptably increase the sense of enclosure, making the garden of that property a less enjoyable space in which to be. Accordingly, the proposal would conflict with Policy D3 of the LP.
9. In reaching my decision, I have noted that the appellant points to discussions and dialogue with the Council's Planning Officer, which were taken to indicate that the proposal would be acceptable. Notwithstanding, I am required to consider the proposal having regard to the Council's final decision, which, for the reasons given above, I have found to be justified.

### **Conditions**

10. The Council has suggested conditions in the event of the appeal being allowed. I have imposed the standard condition requiring the approved development

(the insertion of windows) to commence within 3 years of the date of this decision. In addition, a condition specifying the approved plans, insofar as it relates to the insertion of the new ground and first floor windows only, is also imposed.

**Conclusion**

11. For the reasons given above, I conclude that the appeal is allowed in relation to the insertion of ground and first floor windows. Regarding the proposed single-storey rear extension, the appeal is dismissed.

*Ian McHugh*

INSPECTOR