



Appeal Decision

Site visit made on 30 September 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/X1925/D/25/3368979

31 Thatcher's End, Hitchin, SG4 0PD

- 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 Martin Basak against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02811/FPH.
 - The development is the erection of rear/side extension, patio and rear outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The appeal property is a dwelling set at the end of a small terrace within an established residential estate. The works are described as being comprised of a rear/side extension, a patio and outbuilding. I saw that building works were far advanced. The shell of the rear/side extension was complete with its roof in place and external glazing installed. The patio seemed complete, as was the outbuilding, which appeared pre-fabricated.
3. The single storey rear/side extension appears however to have been built in a single and continuous operation extending the full width of the plot between the side boundaries shared with Nos 29 and 33 Thatcher's End respectively. The elevated patio also extends from one side boundary to the other. The outbuilding is free-standing, being set in the rear garden, but alongside the boundary shared with No 33.
4. The applicant sought permission for all elements set out in the development's description. Since all elements are either wholly or partly complete, I have treated the appeal as if the original application had been made under s73A of the Act¹ in which the appellant seeks to retain all that's been built and to complete the development in accordance with the submitted plans.
5. The appellant refers to a certificate of lawfulness² granted for a proposed extension directly to the rear of the host property. The appellant suggests that this element should not prove controversial for that reason. However, that is not the scheme that has been built; the scheme built is significantly greater in scale.

¹ Town and Country Planning Act 1990.

² Ref 24/00159/NCS

6. Although no specific measurements have been provided, I also harbour doubts as to whether the rear extension has been built below the maximum height permissible in the Order next to the boundary with No 29. The roof of this part of the scheme is slightly higher than that of the side extension, whose height, according to the appellant, disqualified it from being regarded as permitted development.

Main Issues

7. The main issues are the effect of the development on: (a) the character and appearance of the host property and its surroundings, and (b) the living conditions of the residents either side of the development with particular reference to privacy and visual impact.

Reasons

Character and appearance

8. Policy D2 of the North Hertfordshire Local Plan (LP) contains a specific policy relating to house extensions and outbuildings. In respect of extensions, it provides that permission will be granted where the extension is sympathetic to the existing house in specified matters and where they do not dominate adjoining properties.
9. In this case the dwelling is a modestly sized link property. The extensions are placed to the rear, and I therefore share the appellant's view that there is little or no effect on the public realm, particularly since a pre-existing brick wall linking the dwelling with No 33 has been incorporated into the scheme.
10. At the rear, however, the extensions, given that they spread deeply across the full width of the plot, appear disproportionate in size and scale to that of the host property. The dwelling's appearance when viewed from adjacent gardens has changed significantly, to its detriment, in view of the perceived disproportionality of the additions. The previous open character of the rear gardens in the vicinity of the appeal site has also been subject to harmful alteration by the addition of the extensions, patio and outbuilding which have given rise to visual congestion, the result of what I regard as an overdevelopment.
11. I conclude that in view of the harm caused by the development, a clear conflict arises with the provisions of LP policy D2 since the extent of building at the rear is disproportionate to the size and scale of the host property and the erection of the outbuilding taken in combination with the rear extensions has harmed the character and appearance of the site and its surroundings.

Living conditions

12. As mentioned before, the side walls of the extensions have been built on the common side boundaries shared with the immediately neighbouring dwellings. I noted that No 33 has been extended at the rear, but at a lesser depth than the appeal scheme. A fence separates the patio from No 33, and this is topped by a trellis. I could see directly into No 33's rear garden from the stepped patio, given its height above garden level, and obliquely into No 33's rear room. No 33's residents have thus been harmfully deprived of their privacy.
13. The fence on the boundary with No 29 is solid, and its privacy remains unaffected by the scheme. However, No 29 is un-extended, so the appeal property's rear extension, as built, runs from No 29's original rear wall deep into the garden. The

extension's internal floor level coincides with that of the original dwelling, but judging from the 'dead work' observed its finished floor level at its deepest point seemed to me to be significantly above the original level of the sloping garden.

14. I note that No 29's residents did not object to either the scheme put forward for a certificate of lawfulness or to the current scheme, nevertheless it seems to me that the visual impact upon any resident of that property, current or future, would be significant and harmful in view of the overbearing nature of the development.
15. I therefore conclude that the living conditions of the appeal property's immediate neighbours would be harmed because of loss of privacy and the overbearing visual impact of the development as built. A clear conflict therefore arises with those provisions of LP policy D3 which seeks to protect residents' living conditions from harm. Although a mitigation measure has been proposed in respect of the patio, this would prove insufficient to overcome the harm identified.

Other matters

16. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. The Framework advises that planning decisions should ensure that development should create places with a high standard of amenity for existing and future users. That objective would not be achieved in this case.
17. Whilst I find this development unacceptable on its individual merits, I am also mindful that a successful appeal could encourage others to pursue similar proposals, which the Council would find difficult to resist.
18. No other matter raised is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR