
Appeal Decision

Site visit made on 19 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/X1925/D/19/3231437

6 Cubitt Close, Hitchin, Hertfordshire SG4 0EL

- 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 Kash Haer against the decision of North Hertfordshire District Council.
 - The application Ref 19/00666/FPH was refused by notice dated 23 April 2019.
 - The development proposed is part first floor front extension and part first floor, part single-storey side extension as a variation of earlier approval Ref. 18/00219/FPH.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the host dwelling and surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of No. 7 Stirling Close, with particular reference to visual impact, daylight and sunlight.

Reasons

Character and Appearance

3. The appeal property is situated in a corner location in a cul-de-sac. It is a modern two-storey detached dwelling, which has previously been extended. Planning permission has been granted for further extensions to the property (Ref 18/00219/FPH). The first floor front extension and single-storey side extension have been partially constructed. The proposal before me seeks to widen the proposed first floor side extension from some 3.6 metres to 6.3 metres, with a steeper pitch on the roof of the side extension.
 4. The surrounding cul-de-sac is characterised by predominately two-storey dwellings with single-storey garages and porches. The single-storey elements to the sides of properties make an important contribution to the character and appearance of the streetscene, by providing a visual gap at first floor level.
-

5. The proposed first floor extension would be excessively wide in relation to the width of the existing dwelling. From my observations, due to the scale, siting and design of the proposed first floor side extension, I consider that it would not appear subordinate to the host dwelling. The significant increase in width would overwhelm the appearance of the dwelling to the detriment of the character and appearance of the existing dwelling.
6. The dwelling is already significantly larger than other dwellings in this cul-de-sac. The proposed first floor side extension would be significantly visible from Cubitt Close above the existing garage, and would appear to almost double the width of the existing dwelling. From my observations, due to the bulk and siting of the proposed first floor side extension, I consider that it would unacceptably enclose the gap at first floor level in this corner location. In addition, whilst the dwelling is already larger than those in the vicinity, it would result in a dwelling that would be excessively larger than surrounding dwellings and as such would unacceptably dominate the streetscene.
7. For the reasons stated above, I conclude on this issue that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding streetscene.

Living Conditions

8. During my site visit, I was able to view the appeal property from the neighbouring property at No. 7 Stirling Close. That neighbouring property is a two-storey dwelling with a small rear garden. Due to the size, design and close proximity of the proposed first floor side extension together with the height and proximity of the roof of the proposed single-storey side extension, I consider that they would significantly unacceptably affect outlook from the middle first floor side window to a bedroom. The outlook would be totally dominated by the proposed side additions. In addition, for the same reasons, I consider that these parts of the proposal would unacceptably dominate the rear garden area at No. 7 Stirling Close, making this a significantly less pleasant place to use.
9. The proposal would cause some loss of daylight and sunlight to the side windows and rear garden at No. 7 Stirling Close. However, from my observations, due to the orientation of the properties and scale of the proposed development, I do not consider this would be significant. Nevertheless, due to the harm I have identified above, this does not justify allowing the appeal.
10. I conclude on this issue that whilst the proposal would not cause significant loss of daylight or sunlight, it would have an unacceptable visual impact on neighbours.

Conclusion

11. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would have an adverse effect on the appearance of the host dwelling and surrounding streetscene and on the living conditions of neighbours. Thus, the proposal would be contrary to Saved Policies 28 and 57 in the North Hertfordshire District Council's District Local Plan No. 2 with Alterations (1996), particularly where they seek to ensure that house extensions are sympathetic to the existing dwelling and visual amenity.
12. At paragraph 213, the National Planning Policy Framework states that due weight should be given to existing policies according to their degree of

consistency with the Framework. In this particular instance, I consider that these policies have some consistency with the Framework, but only where the Framework seeks to ensure good design that is sympathetic to local character and where it seeks to protect residential amenity.

13. I have been referred to emerging Policies D1, D2 and D3 in the North Hertfordshire District Council's Local Plan 2011 – 2031 Proposed Submission Document (October 2016). As these policies may be subject to future amendment, I have attributed them limited weight in my determination of this appeal.
14. It must be acknowledged that at the heart of the Framework is the presumption in favour of sustainable development. It sets out the three overarching objectives which are interdependent.
15. Turning to the economic objective, some very small benefit would accrue in relation to the construction of the proposed extensions. In terms of the social objective, the proposal would provide additional living accommodation to accommodate an extended family, particularly elderly relatives. However this would be at the expense of the living conditions of neighbours and would not be within a well-designed built environment. I now turn to the environmental objective. For the reasons stated above, I have found that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding streetscene. The harm is so significant in terms of both the social and environmental objectives that taking the three overarching objectives together, the proposal would not constitute sustainable development.

J L Cheesley

INSPECTOR