



Chartered Town Planners & Architectural Technicians

**APPEAL UNDER SECTION 78 OF THE
TOWN & COUNTRY PLANNING ACT 1990**

First floor rear extension to create a self-contained one-bedroom flat to include installation of external staircase.

Appeal by: Mr and Mrs Saroye.

Property Address: 101 Pixmore Avenue,
Letchworth Garden City, Hertfordshire, SG6 1QX.

Planning Authority Ref: 25/01438/FP.

August 2025

1.0 INTRODUCTION

1.1 This appeal statement is submitted on behalf of Mr and Mrs Saroye (the appellants) in respect of the refusal of planning permission by North Hertfordshire District Council for development comprising a first floor rear extension to create a self-contained one-bedroom flat to include installation of external staircase at 101 Pixmore Avenue, Letchworth Garden City, Hertfordshire, SG6 1QX. The appellant has retained the services of **4D Planning** to make this appeal.

1.2 The application was validated by the Council on the 09th June 2025. The application was determined on the 23rd July 2025. Despite not a single objection being received, planning permission was refused for the following two reasons:

“1. The proposal would result in an overdevelopment of the site and a consequent adverse impact on the character and appearance of the area. The proposals would be contrary to the provisions of Section 12 of the NPPF and Policies SP9 and D1 of the Local Plan.

2. The proposed development is likely to result in an adverse impact on existing residents amenity as a result of the overbearing impact of the proposed accommodation, overlooking / loss of privacy and noise and disturbance from the associated residential use and reduced access to light would create a substandard form of accommodation for existing occupiers and future occupiers. The proposal would fail to meet the requirements of Policy SP9 and Policies D1 and D3 of the Local Plan.”

2.0 SITE DESCRIPTION AND SURROUNDINGS

2.1 The property in question is located on the west side of Pixmore Avenue. The immediate surrounding area is predominantly residential in character.

2.2 The property itself is detached and two storeys in height. It is in commercial and residential use at ground floor level, and in residential use at first floor level (3 existing units in total). Its form / appearance is unusual in that it has an ‘unfinished’ appearance to the rear i.e. the first floor element doesn’t continue all the way to the back.

2.3 Pixmore Avenue has a varied built form, with many properties having been extended, altered and personalised over the years. There are many buildings of the scale proposed in the immediate area including the garage building immediately to the south, and White House Care Home to the south.

2.4 The site is within walking distance of a range of employment land, services, amenities and day-to-day facilities. There is a grocery shop within the building, and there is a public park to the east

and only approx. 320m away (Baldocks Road Recreation Area). Bus Route No's 90 and 91 run along Pixmore Avenue and Route No's 37, 92 and 92A run along Baldock Road. The site is thus very well served by public transport.

2.5 The property is not statutorily or locally listed, nor does it lie within a conservation area.

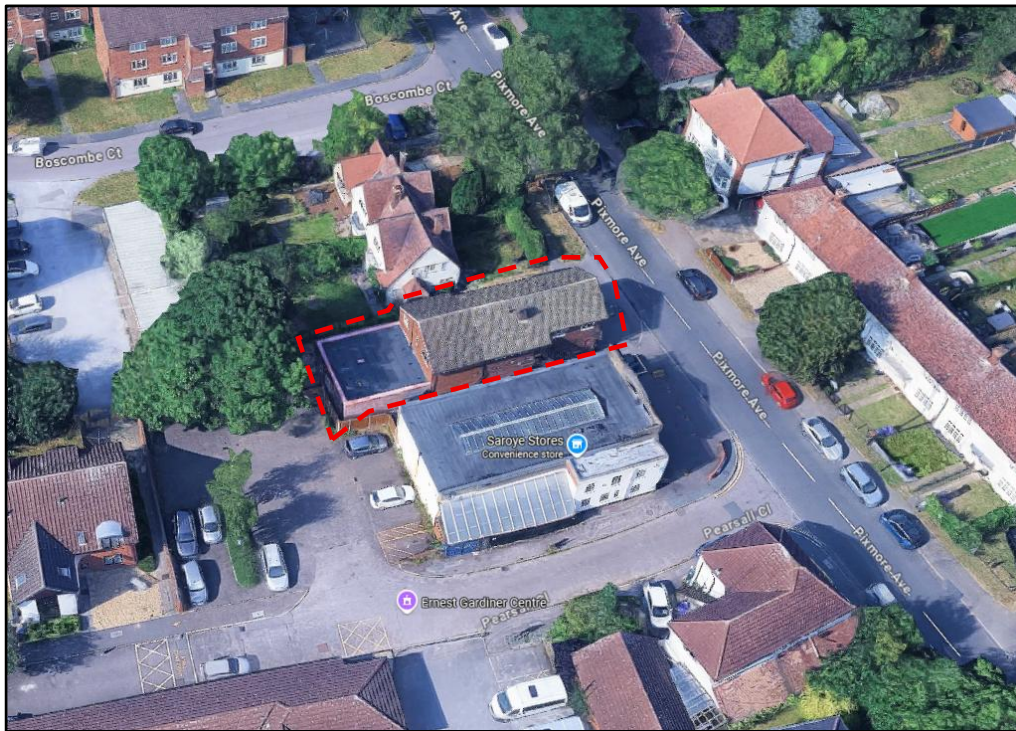


Figure 1: The application property (edged in dotted red line)

3.0 PROPOSED DEVELOPMENT

3.1 The proposed works are relatively simple in nature and would comprise a first floor rear extension. No new building footprint would be created and the extension would match the existing roof form in terms of ridge height and roof pitch. The extension would be finished in materials to match the existing property. The extension would essentially take on the form of 'finishing the building out' at first floor level.

3.2 The extension would facilitate the creation of a 1 bed / 2 person flat with a GIFA of 59sq.m. All habitable rooms would be served by a window.

3.3 The proposed flat would be accessed by an external staircase leading from an amenity space to the rear of the building. There is a long standing similar external staircase to the side of the property giving access to the existing flats at first floor level. There is space at ground level for bicycle and refuse storage.

4.0 PLANNING HISTORY

4.1 There is no recent planning history for the property.

5.0 GROUNDS OF APPEAL & CONSIDERATION OF PLANNING ISSUES

5.1 The two reasons for refusal cite concerns with

1) overdevelopment of the site and a consequent adverse impact on the character and appearance of the area, and,

2) adverse impact on existing residents amenity as a result of the overbearing impact of the proposed accommodation, overlooking / loss of privacy and noise and disturbance from the associated residential use and reduced access to light would create a substandard form of accommodation for existing occupiers and future occupiers.

The reasons for refusal are strongly refuted below by reference to relevant planning policy, and the established character of the area. It is again reiterated that not a single objection was received against the proposed development from any third party or council consultee. It is also noted that there are no objections to the principle of development, nor to highways/parking matters.

The National Planning Policy Framework 2024

5.2 The National Planning Policy Framework 2024 (NPPF) seeks to promote a wide choice of house types and home ownership. Para. 61 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

The proposed development would enhance the range of house types and house tenures available in the area.

North Herts Local Plan 2011-2031

5.3 It is noted at the outset that the site is not affected by any adverse planning designations - see Figure 2 below.



Figure 2: Extract from North Herts Proposals Map. Approx. location of property is denoted by red star.

5.4 The Local Plan references that the population is likely to increase over the next 10 years by nearly 9,000 residents (para. 2.4) and that to deal with this there is a need for a significant number of new houses to deal with this increase and other changing household needs (para. 2.39).

The proposed development would provide a much needed additional housing unit.

5.5 It is strongly considered that the two refusal reasons are an incorrect and over over-zealous interpretation and application of relevant planning policy and guidance. This is discussed in more detail below.

The proposed development seeks to 'finish out' an existing building and provide a much needed housing unit in an established residential area that is well served by services and amenities.

Refusal Reason 1 - overdevelopment of the site and a consequent adverse impact on the character and appearance of the area.

5.6 The Planning Officer Delegated report gives little insight to this refusal reason. Parae. 4.3.8 of the Delegated Report merely mentions:

“The proposed extension would see the existing building have a greater depth at first floor and have a greater impact on the neighbouring properties given its blank flank wall at a height of 5 metres in close proximity of the shared boundary”.

It is submitted that this concern does not stand up to scrutiny and in no way justifies a refusal. The extension would be no higher or wider than existing built form at first floor level. Whilst it technically/physically speaking would have a ‘greater’ impact on the neighbouring property to the north, this impact is minimal and far from a threshold to justify a refusal. It is emphasised:

- There is a separation distance of approx. 2.5m to the boundary with the neighbouring dwelling to the north (No. 99), and a further separation distance of approx. 4.5m to the corner of the main rear elevation of this dwelling.
- Rear outlook from within the neighbouring dwelling (No. 99) in question in a westerly direction would remain completely un-impeded.
- A 45 degree line (in the vertical plane) drawn from the mid-point of windows/doors on the neighbouring dwelling (No. 99) and towards the application site would not be infringed upon by the proposed extension.
- No side (north) facing windows or openings are proposed.
- No objections were received from neighbouring dwellings.

It is disingenuous to suggest that the proposed development would have an adverse impact on the character and appearance of the area. There is no prevailing / consistent pattern of development in the area (in terms of building layout, style, or form), and the extension would have limited, if any, visibility from the public realm. It is thus submitted that the extension would have absolutely no impact on the ‘character and appearance’ of the area.

Refusal Reason 2 - adverse impact on existing residents amenity as a result of the overbearing impact of the proposed accommodation, overlooking / loss of privacy and noise and disturbance from the associated residential use and reduced access to light would create a substandard form of accommodation for existing occupiers and future occupiers.

5.7 The above concerns are strongly refuted and each is taken in turn below:

Overbearing impact: This concern is also discussed in para 5.6 above with respect to the neighbouring property (No. 99). It is failed to see how the proposed flat could be deemed overbearing to any of the three existing flats in application property. Taking firstly the existing ground floor flat – the proposed flat would be situated on top of it such that a resident in the existing ground floor flat looking out from any of the habitable room windows and doors would simply not see it. The proposed flat would have no physical presence (actual or perceived) from within the ground floor flat. With regards to impact from the ground floor amenity area it is pointed out that this serves little if any amenity function of present – it being hard surfaced and somewhat unkempt. So it cannot be said that the proposed extension is detrimentally overbearing from an amenity space when this space provides

no such amenity at present. The applicant is happy to accept a condition, if it is minded to allow the appeal, to submit and agree a detailed landscaping plan for this area. This would be a planning gain associated with the proposal and an opportunity to create/enforce a high quality amenity area for all flats in the building.

Taking secondly the existing first floor flats, the proposed flat would be situated west of them such that any resident in the existing first floor flats looking out from any of their habitable room windows and doors would simply not see it.

That the proposed extension could be considered overbearing is without any real justification by the Planning Authority. It is emphasised that no new building footprint is proposed and the residential arrangement proposed is no different to a typical purpose built or converted flatted building whereby residential units sit on top and/or aside each other.

Overlooking / loss of privacy: No side (north) facing windows or openings are proposed for the new flat, and as such there would be no actual/perceived overlooking towards the neighbouring dwelling to the north (No. 99). Whilst the stairwell would lead down towards this property, such would be its positioning against the rear gable wall that it would not facilitate any views towards habitable room windows in No. 99. It would give a slightly elevated view of a portion to the garden of No. 99 but this would be no more (and indeed would likely be less) than what already exists from first floor windows in the existing flats. Furthermore, whilst a new window is proposed to an existing first floor 1 bedroom flat, the window in question would serve a bedroom and would face the gable wall of No. 99 in a similar manner as already existing windows on the property do, and in a mutually similar manner as windows in No. 99 face the building in question.

There would be negligible impact to the privacy of existing flats. The proposed flat would not interfere in any way with the existing first floor flats: it would not face towards them and would be accessed completely independent of them. The proposed flat would exist in isolation from the existing first floor flats.

The proposed flat would not adversely interfere with the existing ground floor flat. Whilst one form of accessing the proposed flat would involve walking past a ground floor flat bedroom window, it is pointed out that this is the case at present for residents of the existing first floor flats (they have the option of parking to the south west of the site and walking around the rear of the building to their external stairwell on the north elevation). Similarly another form of accessing the proposed flat would involve walking past a ground floor flat lounge window, it is pointed out that this is the case at present for residents of the existing first floor flats. The addition of a 1 bed / 2 person flat would not add significantly to comings and goings from the site. There would no adverse impacts with regards views from the proposed flat to the proposed amenity area. As noted above, this area serves little if any

amenity function at present – it being hard surfaced and somewhat unkempt. So it cannot be said that the proposed extension is detrimental to an amenity space when this space provides no amenity value at present. The applicant is happy to accept a condition, if it is minded to allow the appeal, to submit and agree a detailed landscaping plan for this area. This would be a planning gain and it is noted that communal amenity areas should and generally do have mutual overlooking from a number of units.

That the proposed extension could be considered to give rise to adverse privacy impacts is without valid justification by the Planning Authority. There is a degree of mutual overlooking in all urban environments and the proposal is no different in this regard. Crucially the extension would not give rise to direct overlooking into any habitable room window, or any greater level of overlooking (than what already exists) to any existing private amenity area.

Noise and Disturbance: It simply cannot be substantiated that 1 bed / 2 person flat would bring with it associated noise and disturbance. The Planning Authority have provided no basis for this. The proposal is for a small residential use within an established residential setting, and using existing / established site access routes. We again emphasise that no objections were received. It must be emphasised too that the Environmental Health section of the council considered noise implications for the proposed development and raised **no** objections.

It is emphasised that the appellant is in full ownership of the existing residential units on the appeal site and manages them to a very high standard. All units meet building regulations.

Reduced access to light: The delegated report of the planning officer cites concern with large trees on the rear boundary which may cause overshadowing. In this regard it is submitted that the proposed flat, being at first floor level, would be situated at a height such that very good levels of sunlight can still reach it. It is also claimed in the delegated report that the proposed flat would reduce the light into the existing first floor flat – this is completely incorrect as the first floor flats would retain five south facing windows: the one bedroom flat would have a large window serving its kitchen / dining area; and the three bedroom flat would have four windows serving its lounge and bedrooms. The tree in question would not adversely impact on light levels coming from a southerly direction.

6.0 CONCLUSION

6.1 In conclusion and having regard to the aforementioned issues as set out above in this Appeal Statement, it is submitted that the development would not result in development uncharacteristic of the wider locality, nor appear out of place here.

6.2 The works proposed are a logical and practical way of creating an additional housing unit in a residential setting. The appeal site is in a highly sustainable area well served by public transport and services/amenities.

6.3 It is submitted that the two refusal reasons do not stand up to thorough scrutiny:

- The proposed extension is not considered overbearing: no new building footprint is proposed and the residential arrangement proposed is no different to a typical purpose built or converted flatted building whereby residential units sit on top and/or aside each other.
- The extension would not give rise to direct overlooking into any habitable room window, or any greater level of overlooking (than what already exists) to any existing private amenity area.
- The Environmental Health section of the council considered noise implications for the proposed development and raised no objections.
- The proposed flat, being at first floor level, would be situated at a height such that very good levels of sunlight can still reach it.

6.4 It is submitted that the appeal should be allowed.