

**TOWN & COUNTRY PLANNING ACT 1990
SECTION 78**

APPEAL BY MR & MRS C MORTLOCK

AGAINST THE DECISION OF NORTH HERTFORDSHIRE DISTRICT COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A TWO STOREY SIDE EXTENSION AND SINGLE STOREY FRONT AND REAR EXTENSIONS TO EXISTING DWELLING FOLLOWING THE DEMOLITION OF EXISTING GARAGE. REPLACEMENT OF HANGING TILE TO EXISTING DWELLING WITH A HARDIE PLANK CEMENT BASED CLADDING IN LIGHT GREY AT

**23 THE ROWANS, BALDOCK,
HERTFORDSHIRE, SG7 6HL**

**LPA REFERENCE
26/00228/FPH**

GROUND'S OF APPEAL

1.0 THE APPEAL PROPERTY

- 1.1 No 23 The Rowans is a two storey, four bedroom detached dwelling standing at the southern end of The Rowans, within a relatively modern housing estate of similar properties on the south-eastern side of Baldock. No 23 is situated on the south side of a short curved cul-de-sac at the head of The Rowans, as shown on drawing MOR/26/01.
- 1.2 The dwelling lies slightly behind the building line of No 21 and has a single storey double garage set behind the rear wall and an open car port in front of the garage. There is a significant gap to the south-west of No 23, separated from No 27 by substantial tree planting that wraps around the south of the curtilages, as shown in the images below.



- 1.3 The dwelling is not a listed building nor does it lie within the Baldock Conservation Area.

2.0 THE PROPOSED DEVELOPMENT

- 2.1 This is shown on drawing MOR/26/03 and comprises four elements. The first is a full-width single storey front extension which would project 1.7m. The roof form would be mono-pitch and would sit just below the cill level of existing first floor windows. Openings to the front elevation would reflect the position, size and design of the original windows and 3 velux rooflights are proposed.
- 2.2 The second element involves removing the existing garage and car port and replacing them with a two storey extension, sitting over the footprint of the existing garages/car port. It would be 5.85m wide and 11,07m deep. The roof form would be a pitched front gable set below the ridge height whilst maintaining the eaves level of the host dwelling. A series of solar panels would be installed on the west facing roof slope. At ground floor the annex would comprise a single garage, open lounge/kitchen, study and wet room, with two bedrooms and a shower room above.
- 2.3 Materials would comprise matching brickwork at ground floor level with cement coated cladding in a light grey colour to all first-floor elevations, with Marley modern roof tiles to match the existing. The front and rear gabled ends would each contain one window, with none in the side (south-west) facing elevation and one shower room window facing across the rear garden. A line of solar panels would be installed on the south-west facing roof slope.
- 2.4 The third element involves extending the existing lounge at the rear of the property by 2.3m, linked to the west elevation of the proposed two storey extension. The roof form would be a mono-pitch and would sit just below the cill height of the existing first floor windows. Openings would be to the rear elevation with 3 velux rooflights. External materials would match those of the existing dwelling.
- 2.5 The fourth element is the replacement of the existing grey hanging tiles to the first floor front and west elevations with the same cladding proposed for the annex.

3.0 THE COUNCIL'S DECISION

- 3.1 Having assessed all of the elements involved in this householder application the Council has refused permission for the following reason:

The proposed two storey extension, by reason of its scale and design would result in an unsympathetic bulky addition to the existing dwelling, resulting in a detrimental impact upon the character and appearance of the property and a failure to retain the open character and wider context of the locality. The proposed development would fail to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 and Section 12 of the NPPF 2024.

- 3.2 It is clear from this decision (and from the case officer's report upon the application) that it is only the two storey side extension which the Council has found to be unacceptable.

4.0 THE POLICY CONTEXT

4.1 The reason for refusal cites two Local Plan policies and the NPPF against which the development has been judged. **Policy D1** of the Local Plan deals with Sustainable Design and states that planning permission will be granted provided that development proposals respond positively to the site's local context and take all reasonable opportunities, consistent with the nature and scale of the scheme.

4.2 **Policy D2** deals with House Extensions and states that planning permission for house extensions will be granted where:

a) The extension is sympathetic to the existing house in height, form, proportions, roof type, window details, materials and the orientation of the main dwelling; and

b) Extensions do not dominate adjoining properties and:

i. are well related to the floor levels of adjoining properties,

ii. there is an appropriate distance between the proposed extension and the windows of the adjoining properties; and

iii. spacing between buildings ensures there is no harm to the character and appearance of the streetscene.

4.3 **Section 12** of the NPPF deals with Achieving well-designed places. Paragraph 135 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

5.0 THE MATERIAL CONSIDERATION

5.1 Based upon the reason for refusal and from the case officer's report the only consideration in this case relates to the two storey 'side' extension and the extent to which it would have a detrimental impact upon the character and appearance of the property and a failure to retain the open character and wider context of the locality.

5.2 No 23 The Rowans stands at the southern end of the road. Southwards from its junction with Park Drive the majority of The Rowans is characterised by tightly spaced detached dwellings set along a common building line, particularly along its western side. However that character changes as it passes the junction with Alder Close where it curves south-westwards to form a short cul-de-sac with the half a dozen houses around it being set further apart, particularly on its south-eastern side, where Nos 17 to 23 have staggered frontages.

5.3 To the south-west of No 23, between it and No 27 there is a much wider gap which includes an access into No 25, which now serves three dwellings (25, 25A and 25B) within a large well landscape site, and not part of the street scene at the head of The Rowans. Two of these three were allowed on appeal in the 1980's.

- 5.4 The side extension proposed in this appeal will not impact upon this gap. It is over the footprint of the garages and car port and views of it will be extremely limited, particularly from the approach to the head of the cul-de-sac, as shown in the image below.



- 5.5 The side extension is positioned well back from the road and although seen in views eastwards from the head of the cul-de-sac, the staggered nature of the south-eastern elevation will ensure that it does not impose upon the prevailing street scene in this part of The Rowans. This contrasts with a relatively recent two storey side extension that has been added to No 30 (shown below), opposite the appeal property, which has impacted upon the original open space alongside it.



- 5.6 The appellants find it hard to reconcile the decision to permit the side extension to No 30 The Rowans, which is not subordinate to the original dwelling, with their side extension, built over the footprint of existing buildings, recessed some way back in the street scene and not imposing upon views around the head of the cul-de-sac or the character and appearance of the housing around it.

- 5.7 In this respect the appeal development responds positively to the site's local context under the provisions of Policy D1, is sympathetic to the existing house in height, form, proportions, roof type, window details, materials and the orientation of the main dwelling; and would not dominate adjoining properties under the provisions of Policy D2.
- 5.8 Most significantly however is the fact that the wide spacing between Nos 23 and 27 ensures that there would be no harm to the character and appearance of the streetscene. In this context the development does not conflict with either Policy D1 or D2 of the Local Plan. To put this development into context, it is proposed within the only large space between dwellings in this housing estate and is incapable of being repeated anywhere else and thus does not set a precedent for others.
- 5.9 Subsequent correspondence with the case officer has confirmed that there would be no objection in principle to a two storey side extension, but that it should ideally be reduced to read as an extension to the dwelling and at the same time remain subordinate. Again it is hard to reconcile this view with the extension and unsubordinated nature of the addition to No 30 The Rowans, directly opposite the appeal property.

6.0 SUMMARY

- 6.1 Of the 4 elements that make up the development at No 23 The Rowans the Council has found that only one of them, relating to a two storey side extension, is unacceptable. The reason relates in the main to an alleged harm to the character and appearance of the property and a failure to retain the open character and wider context of the locality.
- 6.2 The side extension replaces built development on the site and would not harm the wide space and vegetation that separates No 23 from No 27. The character of this area of The Rowans differs from the wider context of the remainder of The Rowans, where dwellings are closely spaced on a regular building line.
- 6.3 Assessed against the requirements of Design Policies D1 and D2 of the Local Plan and those of the NPPF the Inspector appointed to determine this appeal is respectfully requested to agree that the proposed development, unlike that at No 30 The Rowans, would integrate successfully into the prevailing character and appearance of this part of The Rowans and to grant planning permission accordingly.

Alan Breckon
For Mr & Mrs Mortlock
March 2026