

Appeal against Decision Notice for Planning Application 25/00381/FPH

We, the applicants, are appealing against the decision made on our application with the following arguments against the 3 particulars of decision:

1. The proposed side extension, by reason of its siting, design, scale, form and bulk extending forward of its footprint would be detrimental to the character and of the appearance of the dwelling and 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).

The extension would not be detrimental due to the facts that:

- The forward footprint would end a large distance away from the public highway and still be behind the line of other close properties (Numbers 1 and 3 Melbourn Road), so has no negative effect (See picture 'Front Property Lines' attached).
- The extension would be merely a continuation of the current dwelling, meaning there will be no change to the appearance, so has no negative effect.
- The extension would not be seen from the public highway due to the large screening trees at the property boundary facing the public highway, so has no negative effect (See pictures 'Front1 to Front6').
- The extension size is not of any large form or bulk in percentage terms of the current dwelling, nor does it cover a large percentage of the grounds, so does not 'take over' with its size and/or create an overbearing look, so has no negative effect.
- The Extension includes an area currently covered by a conservatory (approximately 1/3 of the requested extension area). This means the extension would only actually be an addition of 2/3rds of its total area, which makes it only extend a further 2m from the conservatory end, so is not as large a scale works as would first appear.
- The extension would be symmetrical and have the dwelling front door situated in the middle, facing the public highway to bring the look in line with other properties along Melbourn Road, so would enhance the appearance of the dwelling and locality.
- The extension would give the site look more of a family home which is in keeping with the properties along Melbourn Road, so would enhance the appearance of the dwelling and locality.
- The extension would make the property look more like the only other bungalow along Melbourn Road (1C), so would enhance the appearance of the dwelling and locality.

In relation to the failing to comply with the above-mentioned policies, it does not state what points of those policies the statement is in relation to or give any kind of detail. On looking at the policies, I see none that the extension would not comply with.

2. The proposed box dormer, by reason of its siting, design, scale, form and bulk would introduce an unacceptable overbearing impact upon the occupiers of the adjoining

neighbouring property (1A Melbourn Road). The proposed development would fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and Section 12 of the NPPF (2024).

The dormer would not introduce an unacceptable overbearing impact due to the facts that:

- The neighbouring property has a few very large trees in between, which would heavily obscure any view of the dormer (See pictures 'Roofview1, Roofview2 and Roofview3' which are pictures from the left, centre and right of the property roof towards the neighbouring property at 1A).
- The dormer is to be constructed of the same materials as the roof itself (as it is an extension of the roof) and was designed with no obscured window outward facing, to appease the adjoining neighbour (after discussions between us on how the dormer could be to minimize negative visual impact). So, with no visual windows, the neighbouring property will only see tiles, which is what they currently see.
- The dormer is to be situated directly opposite from the neighbouring properties south facing side and will not protrude past the dwelling rear (North) wall line or exceed the height of the ridge of the existing roof, so it will not feel like it is closer and with the above point, will visually make it seem that it is not there.
- The neighbouring property is some 6m away from the property boundary in between, with the box dormer being a further 2.4m away from that boundary, so there is a good distance apart for the dormer to not feel overbearing.

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3. Insufficient details of proposed Air Source Heat Pump (ASHP) have been submitted, by reason of its design, capacity and output to ensure a satisfactory impact upon the existing residential amenity of the occupiers of the adjoining neighbouring property (1A Melbourn Road). The proposed development would fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and Section 12 of the NPPF (2024).

The simple facts are:

- Planning permission has not been applied for in this application.
- No details on the ASHP had to be given, as it was only added on plan to give a picture of items relating to the outside of the dwelling (and didn't have to be added at all).
- The installation of an ASHP is to be done under 'Permitted Development' as per the Planning Portal.
- The installation of the ASHP is being carried out under the Government Grant, where all required conditions required will be met.

In relation to the delegated file note, we give the following arguments:

3.1 Site and Neighbour Consultation:

- Visibility of the box dormer from the public domain.
Given that there is only a certain position someone would need to be in to see the dormer past the surrounding trees, the whole of the dormer would not be visible (see pictures 'Front1 to Front6').
This amount of visual impact would be no more or worse than the three front facing dormers from our neighbouring property at 1A (see picture 'Neighbour front').
- Not in keeping with other residential properties along this part of Melbourn Road.
The property is a bungalow, of which there is only one other on Melbourn Road (1C). The property would be brought more in keeping with that than it currently is. All other properties along this part of Melbourn Road are family homes – Changing an out-of-place two-bedroom retirement dwelling into a four-bedroom family home is more in keeping, and having a dormer is in keeping with the direct neighbouring properties of 1A and 1C. In addition, having the front of the property face the public highway would only match those properties in a similar position along this part of Melbourn Road.
- Does not respond positively to its context.
Both the dormer and extension would enhance the property making it an attractive and spacious home, with the right space fitting for a dwelling in its location. Along with the driveway, patio area and garden size, the change in the dwelling size fits positively into those, making the overall property picture proportionate.
- Does not follow the principles of good design.
The design of the dormer follows good, standard design principles to allow the use of space creation in the dwelling effectively, whilst blending into its surrounding by way of tiling to match the roof, with no outward facing window. It is also in a position that it would be heavily visually impaired from the neighbouring property and the public domain by the surrounding trees and their foliage.
The design of the extension follows good design principles by continuing the current building lines so it will not be seen or determined as an add on or extension, whilst making an understated, symmetrical look front facing to the public highway.
- Proposal is not in keeping with the existing building.
The dormer is in keeping as it is planned to use the same material, in wood and tile, as the current roof, to make it blend in, in the best possible way.
The extension is in keeping as it is simply a continuation of the building, following the same wall and roof lines, using the same material to make a seamless enlargement. Furthermore, the rendering of the completed dwelling would take away any visual sign of the extension, making it appear to have originally been built that way.
- Over development by virtue of mass and height on no 1A.
The dormer will not extend out further than the north wall, nor will it be any higher than the current roof pitch. Whilst a greater mass is being created, it is certainly not in excess to be deemed an over development.

The extension will only extend a further 2m out from where the current conservatory sits, with the additional porch only being of small size and height. Putting it into context, this is not an over development either.

- Impact on neighbouring property no 1A (dwelling and garden) due to dominance of box dormer.
Whilst the dormer will be an added area to the current roof, it will not extend out further than the current roof end, nor will it be higher than the current roof pitch. Add these to the fact that there is a very large tree in between the properties, which is part of 1A's property, and we cannot see how there is any impact or dormer dominance.
- Side extension creates unacceptable bulk and massing which is not sympathetic to no 1A.
Currently, there is a conservatory, that received planning approval, to the side of the property that is nearest and most visible to the side of 1A. This will be removed for the extension to go in its place, which will only be a further 2m out from the end of the conservatory. Therefore, the actual addition affecting 1A is only the bulk and mass created by the further 2m, which, to put it into perspective, is an amount that could be created by permitted development (should it meet all relevant requirements).
- Shadowing to no 1A and impact on daylight.
The dormer will have no effect on shadowing or daylight, so can only presume that this is in relation to the extension. Aerial views of both our property and the neighbouring 1A show that, should the extension be in place, it would not affect any of the requirements of 'Right to light', so any impact on shadowing and daylight should not be deemed as any significant consequence. In addition (see picture 'Trees affecting light'), the ringed trees, that were much taller than the property roofline, were massively affecting shadowing and daylight on 1A. Had I not removed them 6 months ago, due to various reasons, 1A would not have anywhere near the kind of low shadowing level and high amount of light that it currently has.
- Lack of detail in relation to sustainable drainage, improvements on energy and waste or appropriate new planting.
This is not something believed to be required for the planning permission application, however, as discussed on numerous occasions with our neighbours at 1A, planters with screening trees are to be placed along the property boundaries which covers the appropriate new planting. As shown on the plans, an air source heat pump is to be installed for energy improvement. As the works would comply with building regulations, all the above mentioned will be adequately met and or improved.
- Contrary to Local Plan Policy.
It is not stated in what way the dormer and extension are contrary to Local Plan Policy, nor do we see how this is the case.
- NHC Environmental Health (Noise & Other Nuisance) – Insufficient details submitted to determine impact of proposed ASHP unit.
As we are not asking for permission to install an ASHP unit, we have no need to give any information on this. The ASHP will be installed as part of the government funded scheme to get more housing greener and will be installed under permitted development. Therefore, this is not anything that is required to be part of this process.

To summarise:

We feel that this application has been judged wholly on the negative effects to the neighbouring property (1A), due to the strong views put across via their solicitor letter; so much so, that a refusal has been given for something that we did not apply for approval for (nor do we even need to), in the air source heat pump.

We strongly challenge the delegate note rejection reasonings for the side extension - resulting in a loss of daylight and sunlight to the neighbouring 1A main living area large window which would result in a harmful impact on the day to day living conditions of the occupants, when the extension would abide by the 'right to light' 45 and 25 degree rules and not exceed those angles and the current daylight and sunlight being received has only been for a 6 month period due to the removal of various trees (had those removed trees remained, the extension would not be visible from no.1A and the daylight and sunlight would have remained the same – See picture Originaltrees). And for the box dormer - introducing a significant amount of bulk to the north side roof slope which would result in the outlook from the upper floor bedroom windows of no.1A being onto a solid blank wall, when distance between the windows of no.1A and dormer would be over 8 meters (the same distance to the current outlook of a sloped wall), which allows for a view of far more than just the dormer directly in front and the view is massively obscured by no.1A's own trees. These reasonings are in objection to the believed result of harm to the reasonable well-being of neighbours and as such is likely to have a significant impact on existing residential amenity, which we feel is an over-exaggeration on the real result these proposals would cause.

It doesn't seem to have been taken into consideration the positive effect that could come out of the permission being granted to both the property and the other residential properties along Melbourn Road.

At no point was any discussion attempted with us, nor our architect (even though our architect asked to be contacted for a discussion if a rejection looked possible), to seek a positive outcome. The delegate notes Proactive Statement even goes as far to state that they did not act proactively through positive engagement due to the view that the fundamental objections could not be overcome through dialogue – We find it preposterous that contact was not made to even attempt creating a positive outcome or at least give some better context or information on what may possibly be allowable, especially as, in the case of both the extension and dormer, it was stated on the delegate notes 'the principle of an extension is acceptable on the west side elevation' and 'the box dormer could otherwise be considered as permitted development'. We were and are happy for any adjustments to be made to our plans that would allow for our proposals to go ahead, so would be completely fine had permission been granted with conditions after discussions, had they taken place.

In addition, the point made on the box dormer failing in the materials used in the delegate notes is completely incorrect – My architect challenged the Determining Officer on this point, who agreed that she was incorrect as she believed that the box dormer should be constructed by brick as per the property walls. Couple that to further information on the delegate notes point 4.3.9 stating 'The proposed development does not include an increase in the number of bedrooms', when it does in fact increase the property bedrooms from 2 to 4, and it gives us doubts on whether the Officer was equipped enough to make the judgement on our application.

We hope that in making this appeal against the refusal decision, by giving further detail and information from our side, our proposals can be looked at in the correct context.

We look forward to hearing from you.

Lee Rogers and Samantha Rogers