

Appeal Decision

Site visit made on 21 February 2017

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 march 2017

Appeal Ref: APP/W1905/D/16/3167719

28 Franklin Avenue, Cheshunt, Hertfordshire EN7 5DX

- 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 Marlon Amele against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0546/HF, dated 12 March 2016, was refused by notice dated 3 October 2016.
 - The development proposed is first floor rear extension.
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Decision

1. This appeal is allowed and planning permission is granted for a first floor rear extension at 28 Franklin Avenue, Cheshunt, Hertfordshire EN7 5DX in accordance with the terms of the application, Ref 07/16/0546/HF, dated 12 March 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved drawings: 585:03, proposed rear extension: first floor plan, rear of property south elevation, side of property east elevation and side of property west elevation.

Procedural Matter

2. The proposal was described by the appellant on the application form as 'add a second storey extension on top of an existing 3m ground floor extension. The second storey extension will be a bathroom as we have no bathroom upstairs'. During the course of determining the application the Council amended the description to 'first floor rear extension'. I consider that this more accurately describes the proposal and I have amended the banner heading accordingly.
 3. The plans submitted with the appeal included a set that showed details of a proposed rear dormer (south elevation rear of property and side of property west elevation). The appellant has confirmed that the appeal proposal is for the first floor rear extension only and excludes the rear dormer. As a result the plans that I have considered are rear of property south elevation, side of property east elevation and side of property west elevation which show only the proposed first floor rear extension and indicate that the proposal would
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have a flat roof. Whilst the appellant has indicated that I should consider the plans that include the rear dormer and the mini-pitch profile this would be a materially different scheme as it would include the dormer which does not form part of the appeal.

4. The rear elevation shows the property to have a hipped roof. However, when I visited the site I observed that whilst the property may originally have had a hipped roof, due to the construction of No 28a the property now has a gable end. Whilst the plans are therefore incorrect as the proposal does not include works to the roof I do not consider that this drafting error affects my ability to determine this appeal and as a result I have assessed the proposal on the basis of what I observed on site.
5. In their third reason for refusal the Council have made reference to policy H16. As the two other reasons for refusal refer to policy HD16 and it is a copy of this policy that has been provided I consider that this is a typing error and have assessed the appeal against HD16.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the wider area; and
 - the effect of the proposal on the living conditions of the occupant of the adjoining properties with particular reference to light and overlooking.

Reasons

7. Franklin Avenue is a pleasant residential road which is characterised by two storey terraced properties. It would appear that No 28 originally formed the end unit of a terrace but that an additional house (no 28a) has been built to the side. The property has a single storey full width rear extension.
8. The proposal is for a first floor rear extension that would extend out over the existing ground floor rear extension. Due to the screening provided by No 28a views of the extension would be limited to the rear gardens of adjoining properties and Linden Close. Whilst I acknowledge that the proposed extension would be relatively bulky, when viewed from these locations, as it would be seen in the context of the gable end of No 28a I do not consider that it would be harmful to the character and appearance of the host property or the wider area.
9. The proposed extension would be built up to the boundary with No 26. The rear elevations and gardens of these properties face in a north westerly direction and I acknowledge that as a result of the proposal there may be some loss of sun reaching the rear garden of No 26. However, this would be somewhat limited due to the proximity, bulk and mass of No28a which is located in a similar position to the proposed extension and is considerably larger in scale than the appeal proposal. As a result I consider that the proposal would not result in a loss of light to such a degree that it would adversely affect the living conditions of the occupants of No 26.
10. Due to the fact that it projects further rearward, unlike other properties within the terrace, any overlooking from the rear first floor windows of the adjoining

properties of the rear garden of No 28 is currently limited. The proposal would result in the first floor rear elevation of No 28 sitting just behind the rear elevation of No 28a and as a result there would be oblique views from the proposed bedroom window across the rear garden of No 28a. However, whilst this would increase overlooking of the rear garden of this property I consider that given it would be from a bedroom window it would not be to such a level that would warrant dismissing this appeal.

11. In conclusion I consider that the proposal would not be out of character with either the host property or the surrounding area and would not adversely affect the living conditions of the occupiers of adjoining properties and as a consequence would be in accordance with policies H6 and HD16 of the Borough of Broxbourne Local Plan (second review) 2001-2011 (2005) which advocate development should be of a scale and design that is compatible with the parent building and the character of the wider area and should not materially harm the amenity of existing residents. The policies are in accordance with the National Planning Policy Framework (the Framework) which seeks, amongst other things, to secure good quality design and to secure a good standard of amenity for existing occupiers of buildings.

Conditions

12. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against the Framework and judge that they meet these tests. In addition to the standard time limit, for clarity and in the interests of the character and appearance of the host property and the surrounding area, a condition requiring matching external materials to be used in the construction of the extension has been attached. For the avoidance of doubt and in the interests of clarity, I have also imposed a condition requiring that the development be carried out in accordance with the approved plans.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jo Dowling

INSPECTOR