

Appeal Decision

Site visit made on 18 April 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/W1905/D/17/3169699

40 Guiver Court, Kennedy Close, Cheshunt, Herts EN8 0AU

- 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 Selahattin Sarigul against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0020/HF, dated 18 December 2015, was refused by notice dated 19 December 2016.
 - The development proposed is described as 'we have done a small extension in the back garden (small conservatory room)'.
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Preliminary Matter

1. The development proposed has been undertaken and is in use. I have therefore dealt with the appeal on the basis that it seeks retrospective permission for a small conservatory room.

Decision

2. The appeal is allowed and planning permission is granted for a small conservatory room (retrospective) at 40 Guiver Court, Kennedy Close, Cheshunt, Herts EN8 0AU. The permission is granted in accordance with the terms of the application, Ref 07/16/0020/HF, dated 18 December 2015, subject to the following condition:
 - 1) The roof area of the conservatory hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issue

3. The main issue is the effect on the character and appearance of the host building and surrounding area.

Reasons

4. Guiver Court is one of a number of modern residential blocks located in a group with access from the High Street. The front of the building faces into an inner courtyard and parking area. Consequently, while the conservatory is located to the rear of No 40, this faces onto the High Street. Guiver Court and neighbouring buildings share a high degree of uniformity in their design and appearance, with no signs of alteration.
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5. The small conservatory infills the gap to the rear of the property created by the single storey element of each apartment that project from the main part of the building. It is the same depth as these and has the appearance of a conventional conservatory. The white UPVC and glass construction matches the original fenestration of the main building.
6. The conservatory is partly visible from the recessed public footpath that runs close to the rear of the building. However, due to the proximity of the path to the building's rear boundary wall, views of the conservatory from here are largely obscured. It is, however, more visible from the opposite side of the High Street where any shielding effect of the wall is less apparent.
7. From this position, the conservatory can clearly be seen as a separate addition to the original building. However, its small scale at ground level in relation to the much larger host building, together with the conventional materials that match elements of the main building, does not result in it having undue prominence or an incongruous appearance. As such, it does not result in unacceptable harm to the appearance of the building or street scene.
8. Accordingly, for these reasons, I conclude that the conservatory does not have a materially harmful effect on the character and appearance of the host building and surrounding area. As a result, there is no conflict with Policy H6 of the Council's Local Plan Second Review 2001-2011 as it relates to the requirement for extensions to be compatible with the host building and wider setting; or to Policy HD16 of the same plan, which includes the requirement for high standards of design and for development to respect its context. These policies are broadly consistent with the National Planning Policy Framework, particularly section seven concerning good design.

Other matters

9. While I note the procedural issues raised by the appellant concerning the determination of the application in this case, these are properly outside the scope of this appeal.

Conditions and conclusion

10. As the development has been undertaken there is no requirement to impose conditions concerning implementation of the development. I agree, however, with the Council that use of the conservatory roof as a balcony or for other amenity purposes should be prevented by condition, to ensure there is no harmful effect on neighbouring occupiers' living conditions.
11. For the reasons given I conclude that that the appeal should succeed.

J Bell-Williamson

INSPECTOR