
Appeal Decision

Site visit made on 28 June 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/W1905/D/17/3170954
32 New Road, Broxbourne EN10 7LW

- 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 D Carroll against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1182/HF, dated 19 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is a single storey rear extension and first floor side and rear extensions incorporating a roof conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and first floor side and rear extensions incorporating a roof conversion at 32 New Road, Broxbourne EN10 7LW in accordance with the terms of the application, Ref 07/16/1182/HF, dated 19 October 2016, subject to the 6 conditions listed in the attached schedule.

Procedural Matters

2. The Council has referred to a number of documents in both reasons for refusal provided on the decision notice. Policy DSC1 of the 2016 Regulation 18 Draft version of the Broxbourne Local Plan was used to determine the application, but the plan has not yet been examined and I consequently give it limited weight.
 3. While I have not been provided with an extant development plan policy requiring specific internal space standards to be met, the Council has provided the Borough-wide Supplementary Planning Guidance (SPG)(adopted 2004, reviewed 2013). This SPG sets out requirements for internal spaces for new dwellings and flat conversions.
 4. The Government issued a Written Ministerial Statement (WMS) on 25 March 2015. This WMS introduces a set of national technical standards, including the *Technical housing standards - nationally described space standard*. The nationally described space standard (NDSS) can only be applied in respect of internal space of new dwellings, if there is a relevant development plan policy in place, and has no other statutory meaning or use.
 5. This appeal proposal is for extensions to an existing house, and therefore the NDSS and the SPG are not applicable in setting out minimum bedroom sizes and ceiling heights in this instance. Furthermore, the NDSS has no bearing on the effect of a proposal on the character and appearance of an area.
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Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the area; and
- whether satisfactory living conditions would be provided for occupiers of the proposed development.

Reasons

Character and Appearance

7. New Road is a residential street which has a mixture of detached and semi-detached houses in a variety of architectural styles and heights. No 32 is a detached two-storey brick and render house with a main roof hipped on all sides. The existing house is not symmetrical with windows of varying sizes on the front elevation. The house has previously been extended to the side and rear at ground floor level and lies in close proximity to its semi-detached neighbours, Nos 30 and 34.
8. I acknowledge that the proposal would introduce a noticeably different roof shape and height to the house. However, while both of the neighbouring properties are of a similar height and design to one another and some other houses on the street, No 32 has a different roof form and layout to its neighbours. Although No 32 is the only detached house of its architectural form on New Road, there are other examples of detached properties with a range of different roof types, heights and forms. Overall, I do not consider that the proposed increase in roof height to No 32 would be so disruptive to the house and the area as to be unacceptable. Given the variety of roof designs that exist in the immediate and wider area, the proposed roof would not be detrimental to the character and appearance of the area.
9. While the proposed side extension would extend some distance back from the front of the house, the majority of the side extension would not be visible from public vantage points, lying close enough to the boundary with No 30 to be masked from view. I consider that the extension would sit comfortably with the main house, particularly given the attention paid to detailing of the extension to match the existing building. I note that one of the neighbouring occupiers would rather that only the rear extension and loft conversion were undertaken, however I have not found any reason to prevent the side extension from occurring. As such, I do not consider that the side extension would detrimentally affect the character and appearance of the area.
10. The second floor window would be in keeping with its position within the front gable and would also continue the successive reduction in the size of windows from the ground floor upwards. The window to the side extension at first floor level on the front elevation is of a reasonable width given its subservient position set back from the front of the house. It would also be stepped in from the brick detailing on the corner of the house, and would relate well to the overall width of the side extension.
11. When considering the proposed fenestration of No 32 relative to the existing fenestration of neighbouring houses, I note that while the semi-detached houses have a high degree of symmetry with their paired houses, the fenestration of the detached properties is generally less symmetrical. I

therefore consider that the insertion of two further windows in the front elevation of the house as part of the extension would not harm the appearance of the dwelling.

12. Concluding on this main issue, the proposal would not cause harm to the character and appearance of the area. The proposal is therefore compliant with the requirements of policies H6, H8, HD13 and HD16 of the Borough of Broxbourne Local Plan Second Review 2005 (the Local Plan). These policies reflect those principles of the National Planning Policy Framework (the Framework) that seek to ensure developments respect local character.

Living Conditions

13. According to the Council's calculations, Bedrooms 4 and 5 on the second floor of the house would have more than 25% of their floor area with a head height of less than 2.3 metres. Despite the lack of applicable policy in relation to internal space standards, I have considered the size and layout of the proposed accommodation as a whole with the rest of the appeal property. As the extensions would form part of a large family home, I conclude that the living conditions of the occupiers of No 32 would not be detrimentally affected by the restricted ceiling height in parts of bedrooms 4 and 5. The overall internal space within the house would be acceptable.
14. I find that the appeal proposal does not cause any harm to the living conditions of the occupiers of the appeal site. Consequently, there is no inconsistency with policies H8 and HD13 of the Local Plan which set out general requirements for the design quality of development. Furthermore, I can find no conflict with the Framework which requires a good standard of amenity for all existing and future occupants of land and buildings as a part of its core planning principles.

Conditions

15. In order to safeguard the living conditions of neighbouring occupiers in relation to privacy, it is necessary to restrict the insertion of windows and doors and to control the type of windows in the side elevations of the house. I have not however restricted the height and position of rooflights beyond requiring development to accord with the approved plans, as I do not consider it reasonable to require the rooflights in the main roof to be non-opening below 1.7 metres from finished floor level. Due to the pitch of the proposed main roof and the relationship of the appeal site with neighbouring houses, I do not consider that the rooflights would give rise to overlooking and loss of privacy.
16. There is a Lombardy Poplar located at the end of the rear garden to No 32 adjacent to an unadopted service road. This tree is subject to a Tree Preservation Order¹. Given the restricted access available to the rear garden from the front of the property, it is likely that construction access would be sought via the rear garden adjacent to the tree. As such, protective measures are necessary to ensure the safety of the tree.
17. In addition to these conditions, I consider it necessary to specify conditions limiting the lifespan of the planning permission, confirming the approved plans and the materials for the proposed extensions. All of these conditions are required to ensure certainty, with the condition on materials also ensuring that the appearance of the extensions is satisfactory.

¹ Tree T5 of Order No 2, 1989, rear of New Road/St Michaels Road.

Conclusion

18. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be allowed.

J Gilbert

INSPECTOR

Schedule of 6 Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 12141-S001 and 12141-P010-B.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out on plan 12141-P010-B.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the side elevations of the dwelling.
- 5) The extension hereby permitted shall not be occupied until the proposed window at first floor level in the side elevation of the house facing No 34 has been fitted with obscured glazing in accordance with details that have first been submitted to and approved in writing by the local planning authority, and no part of this window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in this form thereafter.
- 6) Before development commences, the Lombardy Poplar tree to the rear of No 32 New Road shall be protected by fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.