



Appeal Decision

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/W1905/C/20/3247044

77 Barrow Lane, Cheshunt, Waltham Cross EN7 5LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mark Goodrich against an enforcement notice issued by Broxbourne Borough Council.
 - The enforcement notice, numbered ENF/20/0002, was issued on 6 February 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission unauthorised erection of a roof extension to the property.
 - The requirements of the notice are:
 - i. Revert the property to its pre-development condition by taking the following steps:
 - a) Remove the roof extension with increased roof height and rear dormer in its entirety; and
 - b) bring the roof of the property to its original height so that no part of the roof exceeds the height of adjoining property at no 75 Barrow Lane, Cheshunt, Hertfordshire EN7 5LT; and
 - c) reinstate the roof coverings to match adjoining properties.
 - ii. Clear all rubbish and debris to approved place of disposal in connection with compliance with point (i).
 - The period for compliance with the requirements is: Six months
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

Preliminary matter

2. Since the issue of the enforcement notice, the Broxbourne Local Plan 2018-2033 (2020) (BLP) has been adopted. For the purposes of decision making, the BLP is therefore now the development plan. The policies of the adopted BLP that are relevant to the enforcement appeal were referenced in the Council's reasons for issuing the notice and its appeal statement. Consequently, no parties will have been prejudiced by my having regard to the newly adopted policies in reaching my decision.

The appeal on ground (a) and the deemed planning application

Main issues

3. These are the effect of the development on the character and appearance of the dwelling and the wider area, and the occupiers of neighbouring properties with particular regard to outlook and visual amenity.

Reasons

4. The appeal property is a 2 storey semi-detached dwelling located in a small close with access from Barrow Lane/Beverly Gardens. Its perpendicular positioning to the highway allows for wide views from the public realm and neighbouring properties.
5. Policy DSC2 of the BLP requires all extensions and alterations to existing buildings to respect the character and design of that building, ensuring that the scale, design and external appearance of the extension/alteration does not unduly impact upon the parent building and wider setting. Policy DSC1 of the BLP expects a high standard of design for all development. Development proposals must, amongst other matters and wherever possible, enhance local character and distinctiveness taking into account urban form; building typology and details; height; materials and roof form.
6. Policy DSC1 of the BLP specifies that all developments should have regard to the Borough of Broxbourne Borough-wide Supplementary Planning Guidance (SPG) in relation to design. The SPG provides that there is a preference for dormer windows to be set below the existing ridge line and *on no occasion* (my emphasis) extend above it. Wherever possible they should be aligned with existing windows in the wall below the dormer and have a reasonable relationship in terms of size and style.
7. The roof extension, due to its design and height, which is beyond the ridge line of the original dwelling and its adjoining neighbour, is contrary to the guidance contained within the Council's SPG. The development causes material harm to the visual amenity of both the host dwelling and the wider locality. The white cladding, which does not match the existing or neighbouring roofs, illuminates the incongruous nature of the development and emphasises the visually dominant addition to the property. Furthermore, being constructed in line with the rear wall of the original dwelling, its massing and bulk are exacerbated. The development is an insensitive visual intrusion within the street scene and the locality.
8. Turning to the impact of the development upon the living conditions of the occupiers of neighbouring dwellings. It is likely that there would be limited impact on the outlook from neighbouring properties and I consider that the development would have limited impact regarding overbearingness. This is because the development does not project beyond the existing footprint of the building. As such, I find no conflict with Policy EQ1 which states that all proposals for development within the urban area must avoid detrimental impacts on the amenities, such as outlook, enjoyed by the occupiers of neighbouring properties.
9. Overall, I find that the development diminishes the character and appearance of both the host property and surrounding area in an unacceptable manner. It is contrary to the aims and objectives and provisions of Policies DSC1 and DSC2 of the BLP and the Council's SPG as detailed above, and Policies contained in the National Planning Policy Framework, which seek to promote high quality development.

Other matters

10. I sympathise with the appellant concerning his frustration with his builder and acknowledge his willingness to 'modifying the structure to be like others in the surrounding area' by reducing the ridge height and substituting the white temporary cladding with either cedar cladding or traditional roof tiles. However, where new drawings are presented at the appeal stage and show new works that may overcome the planning objections, there is no mechanism for incorporating them into the Deemed Planning Application which is based on the development as built and alleged.
11. Examples of two roof extensions in the locality have been brought to my attention by the appellant. Although I am not aware of the planning status or circumstances that may have led to those cases, from the photographs provided, these examples display the features that appear to accord with some of the guidance for dormer windows contained within the Council's SPG in that they do not extend beyond the ridge line of the original dwelling. As such, they are not considered immediately comparable to the appeal proposal.
12. For the reasons set out above, the appeal on ground (a) fails.

The appeal on ground (g)

13. The appeal on ground (g) is that the period for compliance with the notices falls short of what is reasonable. The appellant considered that a compliance period of 6 months would be insufficient having regard to the 'current financial situation' and asked for 8-10 months to enable him to find a builder, which was proving difficult during the Covid-19 pandemic, or to undertake a self-build.
14. The enforcement notice was issued in February 2020. Furthermore, the national limitations are less restrictive now than they were during March 2020 when the appeal was submitted. Consequently, I consider that the stated compliance period of 6 months should be an adequate period for complying fully with the requirements of the notice or for submitting a new scheme to the Council for their consideration.
15. For these reasons, I conclude that the period for compliance with the notice is reasonable. Consequently, the appeal on ground (g) fails.

SA Hanson

INSPECTOR