



Appeal Decision

Site visit made on 25 August 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/W1905/D/21/3274892 5 Bewley Close, Cheshunt EN8 8PZ

- 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 Luke Morrin against the decision of Borough of Broxbourne Council.
 - The application Ref 07/20/1126/HF, dated 3 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is construction of part single and part double rear and front extension with a flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for construction of part single and part double rear and front extension with a flat roof at 5 Bewley Close, Cheshunt EN8 8PZ in accordance with the terms of the application, Ref 07/20/1126/HF, dated 3 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The first-floor bathroom window in the rear elevation of the extension shall at all times/be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.
 - 3) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.00am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.

Main Issues

2. The main issues are the effect of the proposal on
 - The character and appearance of the host dwelling; and
 - The living conditions of neighbouring residential occupiers with reference to overbearing on 6 Bewley Close (No.6).

Reasons

Character and Appearance

3. The host dwelling is a two storey semi-detached house located on a corner plot in a cul-de-sac of similar properties. The host dwelling has been the subject of what appears to be a recent full width rear box dormer roof extension, for which a certificate of lawfulness¹ has been issued by the Borough of Broxbourne Council (the Council). The proposal is for front and rear extensions at ground and first floor levels, in materials and finishes to match the existing dwelling.
4. The proposed 2 storey front extension would allow for additional living space at first floor level, removing the current inset in the front elevation and the existing porch of the host dwelling at ground floor level. This would result in a minor alteration to the host dwelling that would align the front elevation and allow for an arched recessed porch, which would be entirely complimentary to its character and appearance.
5. At ground level, the proposed flat roofed rear extension would reach across the full width of the host dwelling, projecting 4 Metres from the existing rear elevation. At first floor level the proposed rear extension would project the same distance as that at ground floor level, but would only be approximately just over half the width of the host dwelling, aligning with the flank elevation of the host dwelling and setting back from the neighbouring semi-detached pair at No.6. The flat roof of the proposed first floor part of the rear extension would match that of the existing full width rear box dormer
6. The proposed rear extension would only be visible from rear aspects, where its projection, scale and form would result in it appearing as a subordinate addition to the host dwelling, complimentary in style, materials and details.
7. For these reasons, the proposal would not be harmful to the character and appearance of the host dwelling and would be in accordance with policy DSC1 of the Broxbourne Local Plan and paragraph 130 of the National Planning Policy Framework, which seek developments of high quality design that are sympathetic to local character and that take into account existing building typology, details, height, fenestration, materials and roof form.

Living Conditions

8. The adjoining house at No.6 has been the subject of a ground floor rear extension that appears to project approximately 2 Metres from the rear elevation and is aligned with its shared boundary with the appeal property. To the rear of this extension at No.6 is a substantial open lean-to structure with timber slat walls and polycarbonate roof.
9. Given the 4 Metre projection of the proposed extension, its set back at first floor level from the boundary with No.6 and the extension and structure to the rear of this neighbouring property, the proposal would not result in a degree of enclosure that would result in it having an overbearing presence when experienced from either the ground floor, first floor or rear garden of No.6

¹ Planning Ref: 20/0526/LDP

10. For these reasons I find that the proposal would not result in any overbearing to the degree that would result in harm to the living conditions of the residential occupiers of No.6 and would, therefore, accord with the Council's adopted Borough-Wide Supplementary Planning Guidance (SPG), policy DSC1 of the Broxbourne Local Plan and paragraph 130 of the National Planning Policy Framework, which collectively seek development that create places with a high standard of amenity for neighbouring residential occupiers.

Other Matters

11. Concerns have been raised by other interested parties with regard to the privacy of occupiers of residential properties that back on to the appeal property and the effect on property value. Given the scale of the proposed extension, the distances involved, and the use of obscured glazing at first floor level, which can be made the subject of a suitable condition, I do not find that the proposed extension would result in any additional degree of overlooking that would cause a loss of privacy harmful to the living conditions of the occupiers of this neighbouring property. The individual effect of the existing dormer extension in this regard is not a matter for me to consider, as this is the subject of an earlier certificate of lawfulness. The value of neighbouring property is not a planning matter and, therefore, not for me to consider as part of this appeal.

Conditions

12. I have had regard to the proposed conditions suggested by the council in the event of the appeal being allowed. However, I find that those related to the front landscaping, use of flat roofs as balconies and insertion of windows, are either not directly related to the proposal and/or would limit permitted development rights, for which there are no exceptional reasons.
13. I have included the standard required condition relating to the timing of implementation, and to protect privacy I have imposed a condition relating to glazing at the first floor level of the proposed extension. To avoid local disturbance during construction I have also imposed a condition that controls its hours.

Conclusion

14. For the reasons given, the appeal is allowed.

Victor Callister

INSPECTOR