



Appeal Decision

Site visit made on 10 December 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 DECEMBER 2021

Appeal Ref: APP/W1905/D/21/3284254

183A Appleby Street, Cheshunt EN7 6QX

- 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 Mrs J Young against the decision of the Borough of Broxbourne.
 - The application Ref 07/21/0588/HF, dated 6 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is a loft conversion with side dormer windows to provide bedroom and bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of existing and surrounding residents with particular regard to overlooking and outlook.

Reasons

3. The appeal site is a detached bungalow which is somewhat hidden from the street scene and lies to the West of No.183 Appleby Road, which is setback behind a green in front of No.s 159-183 (odd) Appleby Road. The appeal dwelling appears to have been constructed within the past decade and is constructed of brick with a pitched and gabled roof with the gable fronting the front and rear of the property. The appeal site is situated within a residential environment which shares its western side boundary with the rear boundary of No.s 6 and 7 Beechwood Close, and the eastern boundary of the appeal site with No.183 Appleby Road.
4. With regards to potential overlooking, the proposed plans detail that the proposed bathroom window to the west would be obscurely glazed, and that the proposed bedroom window to the east would be obscurely glazed to a height of 1.7 metres above floor level with clear glazing for the remainder of the window. In my view, this would be appropriate to avoid any potential or perceived overlooking from the proposal to the surrounding area. I appreciate there is concern from interested parties with regards to how obscure the glass would be, however a sufficiently worded condition which details an adequate level of glass opaqueness would be sufficient to address these concerns and avoid any potential overlooking of the proposed windows into the neighbouring properties.

5. Turning to living conditions as a result of outlook, the proposed window to the bedroom would be the only window to this room and for the most part would be obscurely glazed. Whilst there would be some high level outlook provided by the unglazed component of the window above 1.7 metres, the outlook would be severely restrictive and create a poor living environment to this proposed habitable space.
6. Taken as a whole, whilst I disagree with the Council in regards of the development causing adverse harm as a result of overlooking; I agree that the proposed scheme would not create a sufficient living environment in terms of outlook. Consequently, the scheme would not comply with Broxbourne Local Plan (LP) Policy EQ1 which seeks that proposals must avoid detrimental impacts in terms of outlook.
7. I note that the Decision Notice refers to LP Policy DSC1 (II), however this policy is labelled alphabetically, rather than numeric. Despite this, the policy is a design related policy which does not deal with matters regarding living conditions. As such this policy is not relevant to the determination of this matter.

Conclusion

8. Whilst some components of the scheme such as overlooking have been found to be acceptable, when the scheme is taken as a whole, this has not been sufficient to outweigh the harm to living conditions caused by outlook. Taking the above into account, the appeal is dismissed.

J Somers

INSPECTOR