



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: 4TH January 2022

Appeal Ref: APP/W1905/D/21/3278306

11 Flamstead End Road Cheshunt EN8 0HL

- 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 Flogert Tarja against the decision of the Borough of Broxbourne.
 - The application Ref 07/21/0115/HF, dated 2 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is a two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and single storey rear extension in accordance with the terms of the application Ref: 07/21/0115/HF, dated 2 February 2021, subject to the conditions attached as an annex to this letter.

Main Issue

2. The main issue is the effect of the proposed development upon the existing building and the character and appearance of the locality.

Reasons

3. The appeal site is located along Flamstead End Road, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early to mid-twentieth century. The local area is largely suburban and predominantly contains pairs of semi-detached dwellings. The dwellings along this section of Flamstead End Road are higher in status than those along Fairley Way and have a greater presence in the street scene with forward projecting gable ends to either side of the semi-detached dwellings. The dwellings contain similar design elements and materials such as hipped roof forms, the use of brick and pebbledash render with boundaries consisting of low brick dwarf walls or hedges. Vegetation has a dominant influence upon the street scene where street trees, vegetated front gardens and glimpses to vegetation to the rear through gaps in between buildings reinforce the qualities which make up local character and distinctiveness.
4. In undertaking extensions to existing buildings, the Broxbourne Local Plan (LP) Policies DCS1 and DCS2 are design-led policies which seek to ensure that residential extensions complement and where appropriate, enhance the appearance of the street scene and that the proposed built form is appropriate by assessing elements such as scale, form, detail, and the appearance of the parent building from a wider setting.

5. The proposed extension would be approximately half the width of the original dwelling, and whilst the proposal does elongate the building past the perceived building line, the form and massing of the proposed extension would not be dissimilar to other extensions permitted in the nearby vicinity. There is an ample area of land to the side of the existing building to accommodate the proposed extension so that it does not appear cramped within the plot and maintains adequate separation distance to the boundary with the neighbouring property. Whilst the proposal would make the pair of semi-detached dwellings appear a-symmetrical, the setback of the extension from the front façade enables the extension to be read as a subservient and later addition to the existing building.
6. Consequently, and in conclusion of this matter I disagree that the proposal would be overly large, as it would be subservient in scale and massing and not uncharacteristic to similar extensions found within the locality. The proposed scheme would therefore be in compliance with LP Policies DCS1 and DCS2 as described previously.

Other Matters

7. To the front of the property is a Birch Tree that is subject to a Tree Preservation Order (TPO).¹ The Council are satisfied that the proposed scheme should not cause adverse harm to the tree, subject to the placement of a condition with regards to tree protection measures to be undertaken during construction. I have no reason to dispute this opinion that the proposed scheme, subject to condition should not cause harm to this tree.
8. The planning application also concerns a single storey rear extension to the existing dwelling. The council have not objected to this element of the scheme and this proposal was not listed in the reasons for refusal. That said, I have no reason to dispute this opinion by the Council and that the ground floor rear extension is appropriate when considered against LP Policies DCS1 and DCS2.

Conclusions and conditions

9. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed below.
10. The Council in their Appeal Form response detailed that should the appeal be allowed, that specific conditions should be included which I have considered the in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which are necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality. Condition 4 seeks that the flat rooved section of the ground floor rear extension is not utilised for private amenity which is related to the scheme and is necessary as the use of this space for amenity would require additional assessment as to the impacts towards living conditions and character and appearance of such an alteration. Condition 5 seeks that tree protection

¹ Tree Preservation Order (No.5) 2021 LT6-335

measures are implemented to protect the tree that is subject to a TPO and is considered necessary.

11. The Council has suggested a condition with regards to the maintaining of a parking area to the front of the site. However this is not related to this particular planning application and is therefore not relevant to this particular scheme and is not included. The Council has also suggested a condition that restricts the placement of a window to the flank elevation. This condition is not relevant to this application and any such inclusion would mean that the scheme would not be built in accordance with the approved plans. As such, this particular condition is unnecessary and not related to this planning application and is not included. Additionally, there is a suggested condition relating to controlling the hours of construction of the site with the reasons being to be in the interests of noise sensitive properties. The Council has not explained what is meant by noise sensitive properties. Given the small scale and nature of the proposal, this condition would appear unreasonable and therefore not included on the decision notice.

J Somers
INSPECTOR

ANNEX 1: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Site Plan, Drawing No. PL00 Rev a, Dated 10/20
 - Plans, Drawing No. PL401 Rev a, Dated 10/20
 - Elevations, Drawing No. PL411, Dated 10/20
- 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, sitting-out or amenity area.
- 5) Throughout construction and post-development the Protected Silver Birch specimen at the front of the site and adjacent to the vehicular access shall be afforded best possible protection in accordance with the regulations of BS:5837:2005 (Trees in relation to construction). Full root, bough and branch protection shall be afforded at all times and so maintained thereafter.