



Appeal Decision

Site visit made on 4 July 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15TH July 2022

Appeal Ref: APP/W1905/D/22/3299610

25 Hilltop Close, Cheshunt EN7 6QN

- 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 Ify Oti against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/1384/HF, dated 23 November 2021, was refused by notice dated 8 March 2022.
 - The development proposed is part two storey and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposal on: -
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties.

Reasons

Character & Appearance

3. The appeal site is a detached house at the end of a cul-de-sac, Hill Top Close. As well as adjoining residential properties on Hill Top Close, it also adjoins residential properties on Holbeck Lane and Headingly Close. It has previously been extended to the rear by a single storey flat roofed extension, part of which has a roof terrace, and a conservatory. There is only a small amount of rear garden remaining but the garden wraps around the side of the house which in all provides a reasonable amount of private amenity space. The area is residential in character with well-established vegetation, boundary fences and domestic paraphernalia.
4. The extension would be to the rear of the house and so not have any impact on the street scene. It would be seen from other properties on neighbouring streets i.e. Holbeck Lane and Headingly Close, as well as from its immediate neighbours in Hill Top Close. The two-storey element would be especially noticeable particularly as it would be substantial in size and designed with a roof that would be mostly flat but with sloping tiles thereby creating what has been termed a 'crown roof.'

5. Local Plan¹ Policy DSC1 sets out general design principles and amongst other things, establishes the Council's expectation for a high standard of design that enhances local character and distinctiveness, taking into account various considerations including details such as height and roof form. Policy DSC2 specifically requires extensions and alterations to existing development to respect the character and design of the building that do not unduly impact on the parent building and its wider setting due to scale, design and external appearance. The Council's SPG² also sets out guidance for development and amongst other things requires extensions to complement the parent building and be visually integrated with it.
6. I consider that the scale and design of the two-storey element would conflict with the Local Plan policies and the SPG. It would be a large addition that due to the awkwardness of the roof would appear contrived and out of keeping with the original form and character of the house. This would be harmful to the appearance of the house itself and as it is overlooked by a number of neighbouring properties, its impact would affect its wider setting.
7. On this issue therefore, I conclude that the proposed two-storey element of the extension would have a harmful effect on the character and appearance of the area, contrary to policies DSC1 and DSC2 and the general advice in the SPG.

Living Conditions

8. The decision notice does not refer to specific properties where their occupiers living conditions would be harmed but generally refers to those to the east and north. The closest properties on Holbeck Lane, Nos 45, 47 and 49 lie to the north and north-east and are positioned at an angle to the appeal site. The nearest property on Holbeck Close is No 2 which faces the appeal site but at a distance and angle where any impact is limited. The physical relationship between No 25 Hilltop Close and its neighbours in Holbeck Lane and Headingly Close as well as neighbouring properties in Hilltop Close is such that overlooking to various degrees exists now. This is exacerbated by the existing roof terrace.
9. However, the proposal would not increase the level of overlooking or loss of privacy beyond that which exists now and given the current relationship between properties in these neighbouring streets some overlooking is inevitable. Whilst I have found that the appearance of the two-storey element would have a harmful effect on the character and appearance of the house and the area and therefore the outlook from neighbouring properties, I do not consider that their living conditions would be unduly harmed.
10. Local Plan Policy EQ1 seeks to avoid any detrimental effect on the amenities of occupiers of neighbouring properties in terms of daylight, sunlight, outlook and overlooking. The SPG sets out separation distances between dwellings and advice on types of development including rear extensions. The relationship between the appeal site and its neighbours would create lesser distances than advised in the SPG but taking into account the angles between neighbouring properties, I do not consider that the occupiers of neighbouring properties would be harmed in terms of their privacy or loss of daylight or sunlight. Whilst

¹ Borough of Broxbourne Local Plan 2018 – 2033 - The Broxbourne Local Plan - A Framework for the Future Development of the Borough, June 2020.

² Borough-Wide Supplementary Planning Guidance, Adopted - August 2004 (updated 2013) (SPG).

there would be some impact in terms of outlook, I do not consider that the living conditions of the occupiers would be unduly harmed by the proposal and no conflict with Policy EQ1 would occur.

Conclusion

11. Whilst I do not consider that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties, I have found harm in terms of the effect of the proposal on the character and appearance of the area.
12. I have considered all other matters raised but none alter my conclusion. I conclude that the living conditions of the occupiers of neighbouring properties would not be harmed by the proposal but it would have a harmful effect on the character and appearance of the area. This would conflict with Local Plan policies DSC1 and DSC2 and the SPG. The appeal therefore fails.

J D Clark

INSPECTOR