



Appeal Decision

Site visit made on 28 June 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/W1905/W/21/3278662

The Cottage, Bell Lane, Broxbourne EN10 7EX

- 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 & Mrs Newman against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0165/HF, dated 15 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is proposed part single storey & part two-storey side (SE) extension and side (NW) garage extension.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed part single storey & part two-storey side (SE) extension and side (NW) garage extension at The Cottage, Broxbourne, EN10 7EX in accordance with the terms of the application, Ref 07/21/0165/HF, dated 15 February 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 221/01, Proposed block and roof plan 221/03 F, Proposed ground floor plan 221/05 D, Proposed first floor plan 221/07 D, and, Proposed elevations 221/09 C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of matching appearance to those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the window within the first-floor gable end of the development has been fitted with obscured glazing, and no part of that window which is less than 1.7 metres above the internal finished floor level of the room shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning

authority. The scheme for the protection of the retained trees shall be carried out as approved.

Preliminary Matters

2. Within their statement of case the Council have referred to development plan policies which are not referred to within either the decision notice or file note. The appellant has had the opportunity to respond. Therefore, they would not be prejudiced by my inclusion of the additional information within the assessment of the main issues.

Main Issues

3. The main issues are:
 - The effect of the development upon the character and appearance of the area; and,
 - The effect of the development upon the living conditions of the occupiers of number 78 Bell Lane, with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal site comprises a 2-storey brick built detached house. Although occupying a corner plot and being sited closer to the Bell Lane highway than other houses within the area, The Cottage is not prominent within the street scene. This is due to the fairly modest scale of the house when compared to others within the area and the high close board fence to the road-side boundaries of the property. It is also because of the presence of trees and hedgerows within and adjacent to the site.
5. Whilst the eaves of the 2-storey gable extension would be higher than those within the original dwelling, and although of relatively substantial size and massing, the proposed extensions would not be prominent from the surrounding streets. This is due to the relative seclusion of the house and because the overall height of the extensions would be lower than the host house. These factors, combined with the proposed setback of the extensions from the Bell Lane facing end elevation of The Cottage, mean that the development proposals would be subservient to and not dominate the host dwelling.
6. The proposed duplication of the existing and distinctive dormer windows, within the 2-storey extension, would complement and integrate well with the host dwelling. As would the use of materials of matching appearance and the alignment of new windows with original ones. The form, proportions and design detailing of both the proposed 2-storey gable extension and the garage extension would be of a scale and appearance which would complement the host dwelling, and which would change but not harm the character and appearance of the house.
7. A tree preservation order has been provided which relates to the oak tree. On the evidence before me, this and other trees within and adjacent to the site could be retained and protected, subject to the imposition of a suitably worded condition. Such retention and protection is deemed to be necessary because of

the amenity value of the Oak tree, and the positive effect that the wider group of trees has upon the character and appearance of the area.

8. I conclude that the development would not harm the character and appearance of the area. Accordingly, I find no conflict with the requirements of Policies DCS1 or DCS2 of the Local Plan¹ which seek to ensure that development is of a high standard of design which does not unduly impact upon the parent building and wider setting, and which where possible should enhance local character and distinctiveness. In addition, it would comply with the SPD² which requires extensions to complement and be visually integrated with the parent building.

Living conditions

9. Within the garden of number 78, only the upper first floor gable end wall and the roof of the extension would be visible above a small section of the tall and well-established hedgerow which separates the two properties. Notwithstanding the irregular shape of the appeal site and the proximity of the 2-storey extension to the boundary between the two properties, any change to the outlook available from within the garden of number 78 would be minimal and not visually dominant. The proposed development would not therefore lead to any unacceptable harm to the living conditions of the occupiers of number 78 in terms of outlook from within their garden.
10. One of the 2 windows which would serve the proposed bedroom is within the gable end wall of the 2-storey extension. Notwithstanding the substantial intervening hedgerow, from this window it would be possible to directly and at a close distance, look into the garden of number 78. This would be to the detriment of the privacy available to the occupiers of number 78 when using their rear garden. Notwithstanding the above, a condition requiring that the first-floor window within the gable end wall be obscure glazed and non-opening below 1.7m from the internal floor level of the room, would prevent the previously identified overlooking.
11. For the reasons set out above, the development would not have an unacceptable effect upon the living conditions of the occupiers of 78 Bell Lane with regard to privacy or outlook. Accordingly, I find no conflict with the requirements of Policy EQ1 of the Local Plan¹ which seeks to avoid developments which would have detrimental impacts upon the amenities enjoyed by the occupiers of neighbouring properties. Nor does it conflict with the SPD² which seeks to ensure that windows and doors be avoided where it would cause concern regarding overlooking, and that extensions would not unduly enclose, reduce daylight to, or be overbearing on an adjoining property.

Conditions

12. The statutory conditions are imposed for clarity, specifying the time period for the implementation of the permission, and to identify the plans to which the permission relates.
13. A matching materials condition is imposed to protect the character and appearance of the area. I accept that strictly matching windows may perform poorly in terms of heat transfer. It is therefore appropriate to amend this condition to require that the materials be of matching appearance.

¹ Borough of Broxbourne – The Broxbourne Local Plan 2018-2033

² Borough of Broxbourne Borough-Wide Supplementary Planning Guidance – Aug 2004 (updated 2013)

14. A condition is required to secure a site-specific tree protection plan and an arboricultural method statement. These documents would need to be prepared and subsequently approved by the Local Authority prior to the commencement of development. This is to ensure that any clearance, excavation and construction works are undertaken in a manner which would protect the trees within and adjacent to the site, and to therefore protect the character and appearance of the area.
15. A further condition is necessary which would require that the first-floor gable end window be obscure glazed and non-opening below 1.7m. This is to ensure that an acceptable level of privacy can be retained for users of the rear garden of number 78 Bell Lane.

Conclusion

16. For the reasons given above and having regard to the development plan as a whole and other material considerations, I conclude that the appeal should be allowed.

V Simpson

INSPECTOR