

Appeal Decision

Site visit made on 22 June 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2023

Appeal Ref: APP/W1905/D/23/3321105

1 Mortimer Gate, Cheshunt, Hertfordshire EN8 0XG

- 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 Lee Bennett against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0881/HF, dated 18 September 2022, was refused by notice dated 9 February 2023.
 - The development proposed is 'wrap-around two-storey rear and side extension to a link-detached house. New extension replaces existing conservatory. New extension increases living accommodation on both storeys, including the addition of a bedroom'.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effect of the proposed extension on the character and appearance of the host dwelling and the street scene; and the effect on the living conditions of the occupiers of No 5 Mortimer Gate, with regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal property is a modern two storey dwelling, which is semi-detached due to the garage being linked to the neighbouring property. The surrounding area is residential in character with similar two storey detached and semi-detached dwellings.
 4. Policy DSC1 of the Broxbourne Local Plan 2018-2033 (2020) requires a high standard of design in new development, including that it should wherever possible enhance local character and distinctiveness. Policy DSC2 of the Local Plan requires that the scale, design and external appearance of an extension should not unduly impact on the parent building and wider setting.
 5. The predominant built form in the area is two storey dwellings with dual-pitched roofs and gable ends, often directly next to the road frontage as is the case with the appeal property. Most properties in the surrounding area appear
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to be unaltered with some examples of modest single storey extensions to the rear and a more limited number of two storey additions.

6. From views in front of No 1 the side extension would be of limited width and of lower height than the existing roof; as such, it would appear proportionate and subordinate to the host dwelling. The secondary door to serve the utility room is not in my view such an unusual feature in this position that it would appear incongruous or result in material harm.
7. To the side, the existing gable end with a simple dual-pitched roof is highly evident in the street scene due to its position close to the boundary with the adjacent footpath and road. The rear extension would add limited depth at ground floor level as it would largely be sited on the footprint of the existing conservatory. However, the upper floor would project to the same depth and, consequently, would add substantive bulk to the original built form, unbalancing its proportions. This would be apparent both in the effect on the dwelling in isolation and in contrast to the largely unaltered dwellings in the surrounding area.
8. The wraparound roof of the rear to side extension would result in a complex and contrived roof form, which would appear incongruous and uncharacteristic compared to the simple dual-pitched roofs of the host dwelling and neighbouring properties. Due to the position of the appeal property in a highly prominent position, these changes would be readily apparent from the public realm along Thomas Rochford Way as well as from nearby dwellings. Use of materials to match the existing dwelling would not overcome these effects.
9. The appellant draws attention to a number of examples of extended properties in the surrounding area, including No 6 Mortimer Gate. However, this dwelling retains the same two storey form as the appeal property and appears only to have been altered by the addition of a rear single storey extension. Similarly, a number of other examples appear to involve single storey extensions. Those that are two storey are not of the same depth and, more specifically, do not include the same wraparound roof form as the appeal proposal. As such, they are not directly comparable and are not a sufficient reason to overcome the harm found above. The fact that neighbouring residents have not objected is also not a reason to set aside these findings of material harm.
10. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the street scene. Consequently, it is contrary to Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033, as described above.

Living Conditions

11. The Council's supplementary planning guidance (SPG) concerning house extensions provides guidance on the appropriate separation distances between properties and their boundaries, and neighbouring dwellings to the rear. The closest dwelling to the rear is No 5 Mortimer Gate. The Council indicates that the window to window distance between No 5 and the extension to No 1 would be some five metres below the expected standard of 25 metres. The extension would also result in a three metre shortfall from the expected 10 metres separation between the rear elevation and garden boundary.

12. The appellant provides detailed measurements taken on-site, which demonstrate that the required separation distances in both cases would be exceeded. Based on the evidence provided and my own site inspection, it is clear that the proposed extension would not breach the standards included in the SPG, but would retain sufficient separation so as not to harm the living conditions of the neighbouring occupiers to the rear.
13. Therefore, for these reasons, I conclude that the proposed extension would not result in material harm to the living conditions of the occupiers of No 5 Mortimer Gate, with regard to outlook and privacy. As such, there is no conflict with Policy EQ1 of the Local Plan, which requires development to avoid detrimental impacts on the amenities of neighbouring properties.

Conclusion

14. I have found in the appellant's favour with regard to one main issue, concerning living conditions. However, this is not sufficient to outweigh the material harm and conflict with the development plan with regard to the other main issue concerning the effect on character and appearance. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR