

Appeal Decision

Site visit made on 29 August 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/W1905/D/23/3320572

25 Moorhurst Avenue, Goffs Oak, Hertfordshire, EN7 5LD

- 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 Georgina Georgiou against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0601/HF, dated 17 June 2022, was refused by notice dated 6 December 2022.
 - The development proposed is single storey rear and side extensions, a front extension to the garage and a loft conversion incorporating side dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues, firstly the effect of the proposed side dormers on the character and appearance of the host dwelling and the street scene of Moorhurst Avenue; and secondly, the effect of the proposed side dormers on the living conditions of neighbouring occupiers with respect to outlook and privacy.

Reasons

3. The appeal dwelling is a modest detached bungalow with an adjoining flat roofed single storey garage that extends to the shared boundary with No 27 and abuts a similar garage at No 27. It sits in a row of similar bungalows giving a noticeable degree of uniformity to this part of Moorhurst Avenue. The street slopes downwards from east to west, meaning that No 23 is on higher land and No 27 on lower land than the appeal dwelling.
 4. The Council considers that the single storey rear and side extensions and the front extension to the garage would be proportionate to the host dwelling and acceptable and I agree. In addition, the Council does not object to the proposed raising of the ridge height. Again, in view of the topography in the street which means that the ridge height steps down between one dwelling and the next, I agree that the proposed increase would alter but not overwhelm the host dwelling and would not appear out of place in the street scene. I shall therefore restrict my further consideration to the proposed side dormers.
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5. The proposed east facing dormer would be set well back from the front of the dwelling, would be on lower land than No 23 which it would face. Owing to the limited gap between Nos 23 and 25, it would be largely hidden from view in the street scene. I therefore agree with the Council that in terms of character and appearance this dormer would not be materially detrimental to either the host dwelling or the street scene of Moorhurst Avenue.
6. Two dormers are proposed on the west facing roof slope. These would face into the wide gap at first floor between Nos 25 and 27 and would be set at a higher level than No 27. In addition, the forward dormer would be towards the front of the main roof. In consequence, these large dormers would be prominent in the street scene where side dormers are not characteristic. Moreover, the forward dormer in particular would dominate the west facing roofscape when viewed from the street, appearing as a bulky and incongruous addition. This would detract from the characteristic hipped roof and the original single storey character and appearance of the dwelling.
7. The appellant states that the dormers have been designed in accordance with guidance set out in the Council's Supplementary Planning Guidance "Dormer Extensions". That may be so. However, I cannot agree that the dormers, which would be about 2.5m wide, almost as high and project significantly from the slope of the roof, would be small or modest. On the contrary, in the context of the modest host bungalow they would appear disproportionately large.
8. The appellant also points out that there are different building designs in the street, including on properties opposite the appeal site where front facing dormers are characteristic. However, these are part of the original design of these 1.5 storey dwellings and set well within the plane of the roof with limited projection and significantly below the ridge. I do not therefore find these comparable with the appeal proposal. Finally, the appellant points out that roof dormers can be permitted development. However, this appeal is against the refusal of planning permission and I have determined it on its planning merits.
9. It is concluded on the first main issue that although the east facing dormer, owing to its set-back and limited visibility from the street, would be acceptable, the west facing dormers would have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Moorhurst Avenue. In consequence, they would conflict with Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033 (LP), 2020, which, taken together, expect extensions to be of a high standard of design such that they respect the character and design of the host building and enhance local character and distinctiveness, taking into account, amongst other things, building typology and roof form.
10. Turning to the effect on living conditions, the dormer facing No 23 would overlook the rear patio and garden of this dwelling. However, the window would serve a bathroom and the plans indicate that the glazing would be obscured. This, and a requirement for the window to be non-opening below 1.7m above floor height, could be secured by condition. Although the dormer would project noticeably from the roof plane it would remain set well back from the shared boundary. Overall, I do not therefore find that this dormer would have a materially detrimental effect on privacy at or outlook from No 23 or its garden.

11. The two dormers facing No 27 would serve a bedroom and would be clear glazed. The views from the more forward dormer window would be mainly directed towards the front garden and over the garage of No 27 with only oblique views towards the rear which would be limited by the dwelling, including a single storey rear extension.
12. However, the rearward dormer would be set closer to the original rear elevation of No 27. In consequence, direct views would be possible over the garage and rear extension at No 27 towards the private rear garden. This would result in a noticeable loss of privacy to No 27 which would be materially harmful to the living conditions of occupiers.
13. The appellant refers to an example of side facing dormers with clear glazed windows on a bungalow in a nearby street. However, I have limited context for this development which cannot, in any case, set a precedent for the appeal proposal.
14. It is concluded on the second main issue that the dormer facing No 23, owing to its proposed obscure glazing and limited opening would not materially harm the living conditions of neighbouring occupiers. Neither would the forward, west facing dormer materially harm living conditions at No 27. Nevertheless, the rearward west facing dormer, would have a materially harmful effect on the living conditions of occupiers of No 27 with respect to privacy. It would not, however, be detrimental to outlook. In consequence, the rearward west facing dormer would conflict with LP Policy EQ1 which expects, amongst other things, new development to avoid any detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties in terms of overlooking.
15. For the reasons set out above and having regard to all other matters raised, including the representations of neighbouring occupiers, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR