

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/23/3322431

50 Franklin Avenue, Cheshunt, Hertfordshire, EN7 5DZ

- 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 Ali Komur against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/1096/HF, dated 17 November 2022, was refused by notice dated 3 April 2023.
 - The development proposed is erection of rear conservatory and loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed loft conversion and rear dormer on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed conservatory on the living conditions of occupiers of 52 Franklin Avenue with respect to light and outlook.

Procedural matter

3. The loft conversion and rear dormer have been constructed. Submitted plans include two which show "existing elevations" with one of these, ref. ALI-06-PL02, indicating the dwelling prior to the loft conversion and one, also ref. ALI-06-PL02, showing the dwelling with the loft conversion as built. Both are dated 30 January 2023. There is a third plan, ref. ALI-11-PL05, dated 15 November 2022 which shows a different loft conversion from the one that has been built, with a hip to gable conversion, the eaves retained and the dormer set up and set in from these. This is titled "Proposed Elevations Proposed Section A-A". However, it is clear from the other evidence submitted by both the appellant and the Council that this plan has been superceded and the scheme being applied for, and that which was considered by the Council, is the loft conversion as built. I have therefore determined the appeal based on the loft conversion as built.

Reasons

4. The appeal dwelling is a two storey end of terrace property set in a street of similar dwellings. To the rear the property has a shallow, single storey, flat roofed extension which occupies the full width of the plot. The boundary on either side of the garden is marked by close boarded fences some 2m high.
5. A loft extension has been constructed which extends up from the original rear elevation of the dwelling to the original ridge height and out to the original side elevation, removing both the eaves to the rear and the original hipped roof and side eaves. The result is a bland, boxy extension which, owing to its bulk and poor design, draws the eye and materially harms the character and appearance of the dwelling, altering it from a two storey dwelling with a conventional roof to a three storey dwelling with an incongruous flat roof. From the street, the lack of a defined gable end is apparent, harming the appearance of the dwelling within and detracting from the street scene. The patio-style doors and Juliet balcony at second floor level, which are noticeably larger than the first floor window, only serve to exacerbate the overall harm.
6. The appellant points out that a similar loft conversion has been carried out at the non-adjointing neighbouring dwelling. However, this is set in from a side gable and has a two storey rear extension with a pitched hipped roof behind about half the width of the loft extension. Both these features reduce the visual harm resulting from the loft extension by retaining a distinct gable to the side elevation and noticeably reducing the visible bulk and lack of rear eaves. From the street this loft extension does not appear out of place and although the poor design is visible from the rear gardens it is softened by the two storey extension. It is therefore not readily comparable with the appeal proposal. Moreover, I have no details regarding the planning status of this extension.
7. It is concluded on the first main issue that the proposed loft conversion as built would, if allowed to remain, have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Franklin Avenue. In consequence, it would conflict with Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033 (LP), 2020. Taken together these expect extensions to be of a high standard of design, such that they respect the character and design of the host building and enhance character and distinctiveness, taking into account, amongst other things, typology and roof form.
8. Turning to the effect on living conditions of the proposed single storey rear extension, this would be some 4m deep, situated behind the existing single storey extension and set about 0.7m from the shared boundary with No 52. It would be about 2.36m high at the eaves with a pyramid roof which would have a maximum height of some 3.4m. No 52 appears to have a door in the rear elevation closest to the appeal dwelling with a window beyond. The door appears to be partly glazed. The rear elevations of both the appeal dwelling and No 52 face almost due north.
9. Although the proposed single storey extension would breach the 60° line from the glazed door, which is the standard adopted in the Council's Supplementary Planning Guidance (SPD), "House Extensions, Conversions and Driveways", 2020, its limited height above the shared boundary fence at the eaves and low

pyramid roof, coupled with the set back from the shared boundary, north facing orientation and the presence of the existing single storey extension which abuts the shared boundary would ensure that it had a limited effect on outlook from No 52 and a negligible effect on the amount of light reaching that property. Notwithstanding the Council's SPD guidance, I therefore consider that the effect would be acceptable.

10. It is concluded on the second main issue that the proposed single storey rear extension would have no materially harmful effect on the living conditions of occupiers of No 52 with respect to outlook and light. In consequence it would comply 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 outlook, daylight and sunlight.
11. Notwithstanding my findings with respect to the single storey rear extension, this would not alter or outweigh my conclusion that the effect of the proposed loft conversion as built would materially harm the character and appearance of the host dwelling and the street scene of Franklin Avenue. In consequence, the appeal must fail.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR