



Appeal Decision

Site visit made on 14 February 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/W1905/D/23/3333298

45 Barrow Lane, Cheshunt, Waltham Cross, EN7 5LT

- 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 Jermaine Smart against the decision of Broxbourne Borough Council.
 - The application Ref 07/23/0694/HF, dated 7 August 2023, was refused by notice dated 27 October 2023.
 - The development proposed is a front porch, new boundary wall, and single-storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed front porch and, boundary wall. The appeal is allowed insofar as it relates to the single-storey rear extension and planning permission is granted for a single-storey rear extension at 45 Barrow Lane, Cheshunt, Waltham Cross, EN7 5LT in accordance with the terms of the application, Ref 07/23/0694/HF, dated 7 August 2023, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted (the single-storey rear extension) shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted (the single-storey rear extension) shall be carried out in accordance with the following approved plans: Drawing Number – 002 dated 4 July 2023.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted (the single-storey rear extension) shall match those used on the existing rear and side wall of the property.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is an end-of terrace two storey dwelling, which is situated in a residential area. House types in the wider locality vary in terms of their scale and appearance, but the appeal property is part of a group of terraced dwellings that face each other with mainly open/unenclosed grassed front gardens that are divided by a central footpath. Although some of the detailing on the properties differs, they form a cohesive and identifiable group. The use

- of a mixed palette of pale and light brown coloured bricks also contributes to their unified appearance and character.
4. The proposal comprises separate elements. A brick wall is proposed around the front garden, a porch is to be constructed around the front door and a flat roofed single-storey extension is to be built at the rear of the property.
 5. The description of the development in the Council's decision notice also includes the application of red stain/paint on the external brickwork of the front elevation of the dwelling. However, external painting would normally be permitted development under the provisions of Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 6. At my site visit, I noted that the wall and porch have been partly constructed and the front elevation has been painted.
 7. My attention has been drawn to two earlier appeal decisions (APP/W1905/C/22/3291642 and APP/W1905/D/22/3291643) in connection with an enforcement notice that was served by the Council in respect of the proposed porch and boundary wall and a refused planning application for the front porch. Regarding the planning merits of the proposals, the Inspector concluded that the developments would be harmful to the character and appearance of the area, because of the size and scale of both the wall and the porch. Whilst each proposal must be considered on its merits, it is incumbent upon me to give significant weight to these recent appeal decisions.
 8. Policy DSC1 of the adopted Broxbourne Local Plan 2018 – 2033 (which is the most relevant policy) seeks to ensure that the design of new development is of high standard and enhances local character. This accords with paragraph 135 of the National Planning Policy Framework 2023, which contains similar provisions.
 9. The Council contends that the current proposals for the porch and boundary wall are not significantly different to that previously dismissed and they remain unacceptable. No mention is made regarding the merits of the proposed rear extension in either the Council's decision notice or in the officer's report.
 10. The rear extension would be a relatively wide structure that would stretch across the full width of the dwelling and across the rear/side pathway up to the boundary with the neighbouring dwelling at number 47 Barrow Lane. However, it would not be highly visible from the front and an adequate amount of rear garden space would be retained. Consequently, I consider this element of the appeal proposal to be acceptable.
 11. Turning to the porch and boundary wall, the appellant states that minor changes to both elements would mean that they would be permitted development. Whilst that may be the case and it is a material consideration, I am still required to determine the appeal on its planning merits, particularly given the comments of the previous Inspector.
 12. The proposed porch appears as an overly large, bulky structure that is out of scale with the existing dwelling. The use of red brickwork is also at odds with the predominant materials in the area, irrespective of the fact that the front elevation has been painted red. Likewise, the red brick wall appears overly intrusive and out of scale with its immediate surroundings, due to its height and bulky form. Again, the use of red brickwork does not reflect the local

character and appearance of the area. Accordingly, I conclude that the proposed porch and boundary wall conflict with Policy DSC1 and with the provisions of The Framework, as referred to above.

13. In reaching my decision, I have considered the appellant's desire to provide a boundary to provide security and prevent trespass across his front garden. However, this could be achieved in other ways. At my site visit, I also observed other porches and boundary walls and fences along Barrow Lane. However, in my opinion, their location and characteristics of their surroundings do not compare to the appeal site. Consequently, they are given little weight in my assessment.

Conditions

14. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the period in which to commence the development and the listing of the approved plan, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory appearance.

Conclusion

15. For the reasons given above, it is concluded that the appeal be allowed in relation to the single-storey rear extension. Regarding the front porch and boundary wall, the appeal is dismissed.

Ian McHugh

INSPECTOR