



Appeal Decision

Site visit made on 18 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

Appeal Ref: APP/W1905/W/23/3332499

Costcutter, Fairfield Drive, Wormley EN10 6DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Brace against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0540/F.
 - The development proposed is described as *the conversion of garage to living room*.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage into habitable room at Cost Cutter, Fairfield Drive, Wormley EN10 6DX in accordance with the terms of the application, Ref 07/23/0540/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no 20578-P004-D.
 - 3) The external materials of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for its occupants, with particular regard to outlook and privacy.

Reasons

3. The appeal site comprises a convenience store and a flat which is set over two floors. The flat is served by a garage that faces into the store courtyard. The site is adjacent to a car park.
4. The proposed living room would be served by a window that would face a new residential area which would be enclosed by a 1.8m high close boarded fence. Given the limited depth of the residential area, the outlook of this window would be compromised by the presence of the hard boundary treatments. Although the living room would be served by another window, it would offer views towards the car park and, as such, this window would have a poor outlook. However, the flat contains first floor accommodation so, overall, the levels of outlook across the unit would be adequate. On this basis, I do not find that the proposal would be harmful for its occupants in terms of outlook.
5. Reference is made by the Council to a previously approved fire risk management strategy. Although part of the existing gate serving the store

courtyard would be fixed shut, an openable gate would remain in place. As such, the proposal would be acceptable in this regard.

6. Notwithstanding the reference to harmful impacts on the privacy of the flat's occupants within the reason for refusal, the Officer Report is silent on this matter and therefore does not substantiate it. The close boarded boundary fencing around the residential area would mitigate such overlooking concerns. Although the second window serving the living room would face into the car park, this is not an uncommon relationship in urban areas. As such, the proposal would provide adequate levels of privacy for its occupants.
7. In light of the above, the proposal would accord with Policy DSC1 of the Broxbourne Local Plan 2018-2033 (LP), where this policy supports a high standard of design. Further, the proposal would be in line with the Council's Borough-Wide Supplementary Planning Guidance (adopted 2004, updated 2013) which, amongst other matters, supports development that protects residential amenity. The proposal would comply with the National Planning Policy Framework (the Framework), which seeks to create spaces with a high standard of amenity for future users.
8. The Council's reason for refusal refers to LP Policies EQ1 and RTC2. These policies concern amenity enjoyed by the occupiers of neighbouring dwellings and development within town, district, and local centres, neighbourhood centres and shopping parades. Based on the information before me I do not find these policies to be relevant in the context of this appeal.

Conditions

9. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance (PPG). I have amended these where necessary for clarity.
10. In addition to the standard time limit condition, a condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. A condition securing matching materials is also necessary, to ensure that the development is in keeping with the existing building and, where visible, with its surroundings.
11. Bearing in mind the PPG's advice that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict permitted development rights for the insertion of new openings and for the creation of a separate unit of accommodation. Therefore, I have not imposed the suggested conditions to this effect.

Conclusion

12. The proposal would comply with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be allowed.

P Terceiro INSPECTOR