



Appeal Decision

Site visit made on 7 January 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/W1905/W/24/3344862

39 Rye Road, Hoddesdon, Hertfordshire EN11 0JE

- 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 J Delaney against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0075/F.
 - The development proposed is the demolition of existing double garage/lean-to structure and erection of two bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have deleted the word 'resubmission' which was stated on the application form from the banner heading above as this is not an act of development.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area, and
 - 2) the effect of the development on the living conditions of the occupants of 39 Rye Road.

Reasons

Character and appearance

5. The appeal site comprises the rear garden to 39 Rye Road. This property is a detached two storey house addressing Rye Road whereas the appeal site's road frontage would be to Ivy Terrace. The area in the locality is distinctly mixed in terms of house types and vernacular, ranging from late 19th/early 20th century detached, semi-detached and terraced homes to mid to late 20th century properties. The use of materials, detailing and roof forms are also varied. However, there is uniformity in that the majority of homes address the street with gardens to the rear. Whilst some gardens do feature outbuildings to the gardens, there is still the impression of homes with well-proportioned rear gardens overall.

6. This proposal would almost completely remove the rear garden to 39 Rye Road and replace this with the proposed detached dwelling. This dwelling would be formed of a chalet bungalow style home with steeply pitched roof and dormer windows. It would fill the majority of the width of its plot addressing Ivy Terrace and form an almost continuous line of buildings formed between 39 Rye Road and the row of homes on Ivy Terrace.
7. The design of the dwelling would be dominant in its plot and the loss of rear garden would present as an imposing form of development that would be detrimental to the character and appearance of the area. The proposal therefore fails to comply with policy DSC1 of the Broxbourne Local Plan 2020 (BLP) and provisions of the Broxbourne Borough-wide Supplementary Planning Guidance 2004/2013 (BSPG) insofar as it would not enhance local character and distinctiveness.

Living conditions

8. The proposed dwelling would be located close to the rear facing windows of 39 Rye Road including rear facing living areas. The side wall and steeply sloping roof of the proposed dwelling would be readily visible and in proximity to these rear facing windows. This would result in a significant loss of outlook for the occupants of the property and would appear overbearing to the detriment of their living conditions.
9. A concurrent appeal¹, for the extension and conversion of the dwelling to two flats, indicates that the rear facing living areas to the present dwelling to be changed to a bedroom. As this also represents living accommodation, the reasoning remains the same in terms of a loss of outlook for the occupants.
10. The proposal therefore fails to comply with policy EQ1 of the Broxbourne Local Plan 2020 (BLP) and provisions of the Broxbourne Borough-wide Supplementary Planning Guidance 2004/2013 (BSPG) insofar as it would result in detriment to the amenity of the occupants of a neighbouring property due to a loss of outlook.

Conclusion

11. In reaching my conclusions here, I have had regard to the benefits of a net increase of one new dwelling to the housing land supply and that the site is located within an established built-up area. However, this does not alter my overall conclusions that the proposal would be detrimental to the character and appearance of the area and would be detrimental to the living conditions of the occupants of a neighbouring home. It therefore conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

N Bowden

INSPECTOR

¹ APP/W1905/W/24/3344859