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## Appeal Decision

Site visit made on 29 March 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

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**Appeal Ref: APP/W1905/D/24/3357083**

**4 The Drive, Hoddesdon, Hertfordshire EN11 9HY**

- 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 James Boulton against the decision of the Borough of Broxbourne.
  - The application reference is 07/24/0659/HF.
  - The development proposed as described on the Application Form is a 'side extension annex and loft dormer.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development as described in the Application Form has already commenced and appears mostly completed, and therefore the development is retrospective. It is noted that the development as constructed does not accord with the plans originally submitted with the planning application.
3. Reason for Refusal No.1 as stated on the Council's Decision Notice refers to the submitted Drawing D08 being incorrect in terms of location of fenestration, scale and materials of the dormer, as well as a changed roof form of the side extension. During the appeal process, an Application Form and a new set of plans<sup>1</sup> was submitted which seeks to address this reason for refusal. The amended plans now show accurately what was constructed on site. The amended plans do not materially change the nature of the proposal and show what was actually constructed. When judging this information in accordance with the 'Wheatcroft principles<sup>2</sup>,' I see no prejudice towards either party in accepting these amended plans and will base my decision upon it. As such, Reason for Refusal No.1 has been addressed and will not be assessed any further in this appeal.
4. Reasons for Refusal No.2 and No.3 both relate to character and appearance, however deal with the dormer and the side extension separately in each reason for refusal. For the avoidance of doubt, as both extensions come under considerations regarding character and appearance, I will deal with both matters together.

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<sup>1</sup> Plans D04, D05, D06, D07, D08, D09 (No revision letter noted on plan)

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

## Main issue

5. The main issue is the effect of the dormer window and the side extension upon the existing site and the character and appearance of the locality.

## Reasons

6. The appeal property is a corner site that is located with its frontage along The Drive and side boundary along Forres Close. The dwellings which make up the appeal site and within the surrounding area appear to be a speculative development which appears to date from the mid-late twentieth century. Typical with housing developments of this era, the dwellings maintain a very similar design and layout which consists of pairs of two storey brick dwellings with pitched concrete roof fronting the street and along cul-de-sacs. Along The Drive there is a regimented positioning of dwellings which follow the line of the road and maintain good setbacks from the street with open front gardens with low boundary walls with many front gardens having a lawn with mature vegetation. There is an emphasis on spaces in and around dwellings with gaps between properties being important to the layout in that views are obtained to the tops of trees in rear gardens which are positive characteristics. Additionally, the setbacks from the road edges particularly the gaps between dwellings and boundaries assists in emphasising the spacious qualities of the area. These elements reinforce some of the positive qualities of local character and distinctiveness of the area.
7. The appeal property is part of the formally developed estate and is part of a semi-detached dwelling which was designed to have spaces to the front, side and rear of the property. The dwelling has had a hip to gable roof extension which has given an asymmetrical appearance of the semi-detached dwellings which has affected the character and appearance of the area.
8. Whilst the appeal site is within a designated settlement boundary and in principle would be an appropriate location, the Broxbourne Local Plan Part (LP) Policies DSC1 and DSC2 are design led policies that seek that development responds positively to the site and its surroundings, creates a sense of place and is visually attractive in terms of scale, height, density, and incorporates landscaping, amongst others. LP Policy H8 is mentioned in the reason for refusal and is a policy relating to the erection of residential annexes as a principle which seeks that annexes conform to the same design principles as side extensions, with the need for conditions around the restriction of such uses so that they are ancillary.
9. I note that LP Policy EQ1 is mentioned which relates to the need to ensure development does not cause negative detriment upon the living conditions of current, future and surrounding occupiers. The Reasons for Refusal on the Council's decision notice do not detail any reasons containing living conditions with the Officer Report stating that the proposal is compliant with policies relating to living conditions. As such, this policy is not relevant to the considerations of this scheme which relate to character and appearance.
10. Beginning with the single storey side extension, unlike the surrounding context, the extension takes much of the visual gap between the side of the dwelling and the side boundary, creating a large expanse of built form and removing the characteristic visual gap which would be incongruous in an area of planned spaces and dwellings. Whilst the extension has a similar front setback to the main dwelling,

the floorplan is almost as wide as the existing dwelling and could not be experienced as a subservient addition. Whilst I can appreciate that there are other flat roofed structures in the locality these are typically to the rear of the dwelling, and not as visually prominent as the side extension as constructed. There has been a significant loss of openness and green space to the side of this dwelling, which has caused detriment to the positive qualities of local character and distinctiveness.

11. The proposal would not adhere to the spacious quality of the area and would be experienced as an awkward development that intrudes into the green and undeveloped aspect along the corners of these planned streets. The appeal scheme would also be at odds with the development surrounding, and would be incongruous to its locality.
12. Turning to the rear dormer, this has been constructed as a result of an earlier hipped to gable roof extension which has caused an asymmetrical appearance to the pair of semi-detached dwellings and has given an enlarged massing and bulkier appearance to the roof form. The dormer that has been erected is quite large, and given the additional bulk caused by the change in roof form, there is a need to develop ways to minimise impacts to the character and appearance, one of which is utilising appropriate materials which enable the dormer window to blend in, rather than stand out.
13. Unfortunately the cladding that has been utilised on the existing dwelling roof does not help in reducing the perception of visual mass and bulk, but accentuates it. The materials used are not in-keeping and has an uncharacteristic and incongruous appearance when experienced against the materials of the existing dwelling and within the wider locality which has a very similar materials palette that contributes to the character and local distinctiveness of the area.
14. Given my above reasoning, the scheme as constructed erodes the positive aspects of the planned estate such as the loss of visual gaps and use of inappropriate cladding materials would cause significant adverse harm towards the character and appearance of the area. The scheme would therefore be contrary to LP Policies DSC1, DSC2 and H8 as described previously.

## **Conclusion**

15. For the reasons given above, the appeal is dismissed.

*J Somers*

INSPECTOR