



Appeal Decision

Site visit made on 30 April 2025 by E Nutman BA (Hons)

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Appeal Ref: APP/W1905/D/25/3362766

82 Teresa Gardens, Waltham Cross, Hertfordshire EN8 8EG

- 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 Emmanuel Makota against the decision of Broxbourne Borough Council.
 - The application Ref is 07/25/0010/HF.
 - The development proposed is described as 'Retrospective application for a single-storey, 6m-deep rear extension. The maximum height of the extension is 2.94m, and the height to the eaves is 2.64m'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The development has already been carried out. Therefore, I have considered the proposal on the basis that planning permission is sought retrospectively.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupiers of 83 Teresa Gardens (No 83) with particular regard to outlook.

Reasons for the Recommendation

Living Conditions

5. 82 Teresa Gardens is a two storey, semi-detached dwelling. It is attached to No 83. To the rear, the two properties gardens are separated from one another by a closed timber board fence. No 83 has a clear glazed ground floor window to its rear elevation and a patio area, both of which are situated alongside the shared boundary.
6. The height of the rear extension's side elevation along the boundary with No 83 is accentuated by the parapet. In combination with its elongated projection, this forms a high wall of considerable mass. Consequently, from the nearest ground floor window and the patio area at No 83, the development has an overbearing and unduly enclosing effect, contrary to the Council's Borough-Wide Supplementary Planning Guidance (updated 2013) (SPG).

7. In addition, the extension clearly contravenes the SPG's 60 degree guideline when taken from the mid-point of the nearest ground floor main window at No 83. This is not justified by the development's single storey scale as the 60 degree guideline specifically relates to single storey extensions. I acknowledge that the SPG does not place a presumption against proposals for extensions which exceed four metres regardless of context. However, the mass of the extension and site specific relationship with No 83 in this instance does not indicate a situation where a relaxation of the 60 degree guideline should be applied.
8. Whilst occupiers of No 83 would maintain views down their own rear garden, the garden is somewhat narrow. Therefore, this does not mitigate the dominance of the extension within the more immediate aspect of the nearest window and patio area at No 83. Furthermore, the top of the boundary fence on the shared boundary sits some way below the top of the side elevation of the development and does not negate its effects.
9. I conclude, the development has a harmful effect on the living conditions of occupiers of No. 83 with particular regard to outlook. In that regard, it conflicts with Policy EQ1 of The Broxbourne Local Plan (2020) (LP) which requires that development avoids impacts on the amenities enjoyed by the occupiers of neighbouring properties including in terms of outlook.
10. The Council's decision also refers to Policy DSC1 of the LP. However, this policy principally relates to design and not to living conditions. While I have not identified specific conflict with this policy, this does not overcome the conflict with Policy EQ1.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR