



Appeal Decision

Site visit made on 19 August 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 SEPTEMBER 2025

Appeal Ref: APP/W1905/W/25/3367349

9 Lilac Close, Cheshunt, Hertfordshire EN7 5BU

- 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 Onur Altun against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0914/F.
 - The development proposed is the subdivision of the site and erection of a new 1no. 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Onur Altun against Broxbourne Borough Council. This is subject to a separate decision.

Main Issues

3. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area, and
 - 2) whether the proposed development provides mandatory Biodiversity Net Gain (BNG).

Reasons

Character and appearance

4. The appeal site is set within a suburban area formed of a mix of semi-detached and terraced homes. Along Lilac Close and onto Greenwood Avenue these are set out in a long rectangle with buildings being placed in a symmetrical arrangement around the cul-de-sac and small area of green space. Whilst this theme has been somewhat eroded by more modern domestic extensions, the overall impression of this symmetry remains with the simple form, consistent use of materials and layout.
5. The proposal comprises the construction of a two storey side extension in order to form a new dwelling. The form and features of the extension broadly align with the host dwelling. It would respect its overall scale and proportions and would integrate with it satisfactorily. The presence of the proposed extension would slightly unbalance the symmetrical relationship within the cul-de-sac. However, this would not be to an extent that would be harmful to the character and appearance

of the area. This is because the overall symmetry is most notable here due to the definition of the space, as opposed to the vernacular and design of individual buildings that form it.

6. There would be a loss of some spaciousness between numbers 8 and 9 Lilac Close. However, as the site is set in a fairly secluded corner, this would not disrupt the street scene. Accordingly, I find that the proposal would have an acceptable impact on the character and appearance of the area and would therefore comply with policies DSC1 and DSC2 of the Broxbourne Local Plan 2020 (BLP) and the National Planning Policy Framework (the Framework). This is insofar as it would take into account existing patterns of development and urban form.
7. In reaching my conclusions here I have been mindful of two recent refusals of planning permission from the Council which pertained to extensions to the property. Of these, one was 5 metres wide and was dismissed at appeal¹ and the other 4 metres wide and allowed at appeal². I note that I have only been provided with limited details of both and the Inspectors decision letter for the former was not provided. However, as far as I can establish from the evidence before me, this current proposal is, in essence, a compromise between the two, as it is 4.5 metres wide. I have weighed these previous decisions in my reasoning here but, ultimately, must conclude that the width of 4.5 metres is acceptable.

Provision of BNG

8. The proposal has been put forward as Self Build and Custom Housebuilding (SBCH) under the Self-Build and Custom Housebuilding Act 2015 together with the Self-build and Custom Housebuilding Regulations 2016. However, no mechanism has been put forward by the appellant to secure the development as such. Although the appellant has proposed this can be secured through the use of a planning condition, I am not satisfied that this would meet the tests at paragraph 56 of the Framework or as detailed in the Planning Practice Guidance and a planning obligation would be required. This is because a planning condition would not provide sufficient certainty that the development would be delivered as SBCH. Even so, as I have found the effect of the development to be acceptable, having regard to its effects on the character and appearance of the area, this would not necessarily lead me to find against the proposal.
9. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act) (inserted by the Environment Act 2021 (the Environment Act)). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the BNG objective is met. A prerequisite for achieving BNG is to provide the BNG metric at the point of validation of the application and the proposal was not submitted with this. However, this is because the appellant has nominated that the scheme as being exempt from BNG as it is a form of SBCH. Given the size of the site and single dwelling proposed, this is a legitimate exemption.
10. However, as there is no mechanism to secure the proposal as SBCH this exemption cannot apply. There is no BNG metric provided as a baseline and

¹ Council ref: 07/20/0533/F

² Council ref: 07/24/0914/F, Inspectorate ref: APP/W1905/D/24/3344436

therefore, in the absence of any BNG, the proposal does not meet the requirements of Schedule 7A of the Act or the Environment Act.

Planning Balance and Conclusion

11. Neither party has provided advice as to whether the Council can demonstrate a five year supply of deliverable housing land. Equally, no evidence has been provided as to whether the Council is making sufficient provision for SBCH. As such, I am unable to weigh these factors into my consideration here.
12. Whilst I have found that the proposal would not be detrimental to the character and appearance of the area and in accordance with the provisions of policies DSC1 and DSC2 of the BLP, the proposal does not offer mandatory BNG. Without a mechanism to secure it as an exempt form of development the proposal conflicts with the provisions of the Act and Environment Act and development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal must, therefore, be dismissed.

N Bowden

INSPECTOR