
Appeal Decision

Site visit made on 7 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 January 2026

Appeal Ref: APP/W1905/W/25/3367507

Borne House, 221 Turners Hill, Cheshunt, Waltham Cross EN8 9DG

- 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 Craig Gray of Klara Homes against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0940/F.
 - The development proposed is single storey roof extension to create additional residential units.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Klara Homes against Broxbourne Borough Council. This application is the subject of a separate decision.

Background and Main Issues

3. The appeal property comprises a three-storey building with retail units at the ground floor and flats above. The appeal proposal seeks to construct a roof extension to the appeal property to provide four additional flats. A similar previous scheme¹ was refused on the grounds of character and appearance, the living conditions of future occupiers and neighbouring residents, refuse and recycling storage and car parking. An amended scheme, which is the subject of this appeal, was submitted to try to address the Council's concerns, and the matters of character and appearance and the living conditions of future occupiers have not been included in the reasons for refusal.
4. Therefore, the main issues are:
 - The effect of the proposal on the living conditions of neighbouring residents, with particular regard to daylight and outlook;
 - The effect of the proposal on car parking provision in the area;
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to external amenity space; and
 - Whether the proposal would provide satisfactory refuse and recycling storage facilities.

¹ Planning application ref. 07/23/1055/F

Reasons

Living conditions of neighbouring residents

5. The appeal property is a large three-storey building which projects a considerable distance beyond the rear elevation of the first and second floor flats at 223 and 225 Turners Hill (Nos 223 and 225). The proposed roof extension would be constructed up to the boundary with Nos 223 and 225 and would project almost the whole length of the building beyond the rear elevation of the adjacent flats. Given the height of the extension and the extent of its projection beyond Nos 223 and 225, the roof extension would be highly visible from the rear windows of the flats at Nos 223 and 225.
6. Even if the Daylight and Sunlight Report (Neighbouring Properties) dated 7 October 2024 demonstrates that the appeal proposal would have a low impact on the light receivable by neighbouring properties, the roof extension would severely restrict the outlook from the rear windows of the flats at Nos 223 and 225, in particular the second-floor window nearest to the appeal property (window 23 in the Daylight and Sunlight Report) as a result of its bulk, massing and projection. The restricted outlook would be so enclosed as to feel oppressive.
7. For these reasons, the proposal would cause harm to the living conditions of neighbouring residents through a loss of outlook. The proposal would therefore conflict with Policies EQ1 and DSC2 of the Broxbourne Local Plan 2018-2033 (LP), insofar as they require development to avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties in terms of outlook, and for extensions and alterations to existing development to not unduly impact upon the wider setting.

Car parking

8. No additional car parking spaces would be provided as part of the proposal, and no parking permits would be issued to the future occupiers of the new flats. Although the appeal site is within walking distance of key amenities and public transport links and would be marketed without access to parking, this does not guarantee that occupiers of the new flats would not have a car.
9. The appellant's Transport Note dated November 2024 confirms that there are on-street parking restrictions on Clarendon Parade, Clarendon Road, Blindmans Lane and Turners Hill immediately outside the appeal property. These restrictions are in force between 08:00-18:30 Monday-Saturday. Whilst occupiers of the flats could park in these roads outside of those hours, it would be inconvenient and unpractical to have to move a vehicle prior to the restricted times. Furthermore, the parking stress survey shows that, at the time of the survey, there were very few unrestricted parking spaces available on these roads as well as Forest Road, and my observations during my site visit were consistent with these findings. As such there is no guarantee that an occupier of the flats would be able to find an unrestricted on-street parking space.
10. The Highway Authority (HA) has not objected on highways grounds, and they state that parking provision is the remit of the Council, who set parking policy. The HA does however express their concerns with the surveys carried out in the Transport Note.

11. My attention has been drawn to an appeal at 53-57 Turners Hill which allowed an upwards extension to provide additional flats². The only main issue of that appeal was the effect of the proposal on the character and appearance of the host building and wider street scene. Full details of the scheme at 53-57 Turners Hill have not been provided and, furthermore, the Inspector noted that the Council did not object on the grounds of parking provision, unlike in this case. I am therefore unable to make any meaningful comparison between the allowed appeal and the proposal before me. In any event, this appeal has been determined on its own merits.
12. The proposal would therefore add to the existing high levels of on-street parking stress in the area and would fail to provide appropriate car parking provision for the appeal proposal. The proposal would therefore conflict with LP Policy TM5, which requires development to provide a sensible balance of car and cycle parking spaces based on the nature of the proposal, site context and the wider surrounding area.

Living conditions of future occupiers

13. The proposed flats would have balconies to provide external amenity space. There is no external amenity space for the existing flats, and it is not clear where such space could be provided given the constraints of the site. As such, the balconies would provide external amenity space for the future occupiers of the new flats.
14. Consequently, the proposal would provide adequate living conditions for future occupiers. The proposal would therefore accord with LP Policy EQ1, which seeks to protect residential quality.

Refuse and recycling storage

15. The current bin storage area to the rear of the building is very close to habitable room windows in Flats 1 and 3. The proposed bin storage area would be adjacent to a ground floor storage area behind the retail units and would be close to habitable room windows at Flats 2, 5 and 6, albeit a slightly further distance from the windows than the existing situation. The proposed bin storage area would not excessively reduce the width of the access lane.
16. Whilst it may be possible to locate the bin storage area further from the building, however this would result in the loss of car parking spaces. Given the constraints of the site, the proposed bin storage area is as far as practical from the windows to Flats 2, 5 and 6 and would cause no greater harm than the existing situation.
17. For these reasons, the proposal would provide adequate refuse and recycling storage facilities. The proposal would therefore comply with LP Policy EQ1, insofar as it requires development proposals to include provision for the storage or refuse and recycling facilities.

Other Matters

18. In their officer's report, the Council does not consider the painting of the existing uPVC window frames on the exterior to be a durable nor robust solution and causes concern regarding appearance of the building over time and cites a conflict with LP Policy DSC5. However, the Council has not included this as a reason for

² Appeal ref. APP/W1905/W/23/3314064

refusal and, furthermore, concludes in the officer report that the proposal accords with LP Policies DSC1 and DSC2 in terms of design and appearance. This matter is also not referred to in the Council's appeal statement of case. As the appeal is dismissed on other grounds, this matter is not determinative in this case.

Planning Balance and Conclusion

19. The appellant asserts that the Council's current five-year housing land supply is a 4.5-year supply of deliverable housing sites. The Council has not disputed this position. This is below the minimum level required and with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is needed.
20. The proposal would cause harm to the living conditions of neighbouring residents and would fail to provide appropriate car parking. It would, therefore, conflict with LP policies EQ1, DSC2 and TM5 in these regards.
21. The provision of four additional units would make a modest contribution to the existing supply. Economic advantages would also arise from the construction and occupation of the new flats, although these would be limited by the scale of the scheme. The proposal would include private amenity space for the new flats, landscaping and additional cycle parking. The appellant states that the proposal would provide starter homes for first time buyers, although 'market housing' has been selected on the application form and, furthermore, there is no mechanism before me to secure the flats as starter homes. For these reasons and given the scale of the proposal, these benefits would be modest.
22. I have considered the policies in the development plan referenced by the parties. The proposal would conflict with LP policies EQ1, DSC2 and TM5. I am satisfied that these conflicts mean that the proposal would conflict with the development plan as a whole. These policies are generally consistent with the Framework and so these conflicts carry substantial weight.
23. The proposal would not conflict with the Framework's policies that protect areas or assets of particular importance and therefore paragraph 11d)i) of the Framework does not apply in this case.
24. However, 11d)ii) should be applied. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land including through the use of previously-developed land, securing well-designed places and providing affordable homes, individually or in combination.
25. The proposed development would be supported by parts of the Framework, including policies to increase housing supply. The proposal would also support economic growth. However, there would also be conflict with parts of the Framework, including policies to achieve well-designed places and to make effective use of land.
26. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

27. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

D Ellis

INSPECTOR