
Appeal Decision

Site visit made on 4 October 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October 2016

Appeal Ref: APP/W1905/W/16/3148345

18 Cedar Avenue, Waltham Cross, Hertfordshire EN8 8AU

- 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 David Manton against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0019/F, dated 5 January 2016, was refused by notice dated 22 February 2016.
 - The development proposed is described on the application forms as a new build 3 bed next to 18 Cedar Avenue.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the future occupiers of the proposed dwelling with particular regard to outlook and the new housing standards.

Reasons

Character and appearance

3. Cedar Avenue is a cul-de-sac which has three blocks of two storey terraced properties set around the highway. The appeal site is an end terrace property at the head of the cul-de-sac, which has an irregular shaped garden. The side boundary to No 19 (also referred to as No 13) is at an angle to the main dwelling with the property having a narrow plot frontage which widens towards the rear of the site.
 4. The appeal proposal would result in a detached dwelling being located to the side of No 18 which would be set back approximately 1 metre from the front building line of the terrace, and would be approximately 1 metre from the side wall of No 18.
 5. Given the relationship between the existing properties on Cedar Avenue, the insertion of a detached dwelling in this location proposed would infill the majority of the width of the plot towards the front of the new dwelling, giving the impression of a development squeezed into a small place. This is further highlighted by the siting of the dwelling, set back from the front
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building line of the adjoining terrace, and the narrow pavement frontage which would access both the existing and proposed dwellings.

6. In addition to the above, both Hedworth Avenue and Cedar Avenue are dominated by terraced properties, with only two pairs of semi-detached dwellings and a more recent detached property adjacent to the A121 dual carriageway on Hedworth Avenue. The insertion of a detached dwelling, in such a location would also be out of character with the prevailing development in the area.
7. Furthermore, the plans indicate a 'kinked' boundary with No 19 whilst the fence line on site appears straight. Should the fence line be the actual site boundary, this would further compound the cramped feeling of the development.
8. For the above reasons, the development would give rise to significant harm to the character and appearance of the area contrary to Policies HD13 and HD16 of the Broxbourne Local Plan Second Review (2005) (LP) which amongst other things seek to protect the character and appearance of the area. This would also be at odds with the National Planning Policy Framework (the Framework) which seeks to secure good design.

Living conditions

9. The habitable room (bay) windows to the front of the proposed dwelling relate to an open plan living/dining kitchen area (which also has large bi-folding doors to the rear) and a first floor bedroom.
10. The side wall (and the side of the projecting bay windows) at No 19 would be partially in front of these habitable room windows on the proposed dwelling. However, given the width of these windows, they would enable views along Cedar Avenue and across the front gardens of the properties on the northern side of the road. To my mind, whilst there would be some outlook blockage when looking from these rooms, I consider that the extent of such blockage would not be so significant that it would result in an unacceptable living environment for the future occupiers of the dwelling.
11. Turning to the new housing standards and the size of the proposed dwelling, it is understood that the dwelling would have approximately 76 square metres of floorspace. It is common ground between the main parties that the bedroom sizes would be below the requirements of the Council's Borough Wide Supplementary Planning Guidance (BWSPG), based upon the two double and one single bedroom (as shown on the submitted plans). It follows that, to accord with the BWSPG, the dwelling should be a minimum of 100 square metres. Having regard to the Technical Housing Standards – nationally described space standard (THS), a two-storey 3 bed 5 person dwelling should have a minimum floorspace of 93 square metres.
12. The appellant has indicated that the dwelling could be amended to a two bedroom dwelling, although no plans have been submitted to that effect. It has been suggested that this could be dealt with by means of a planning condition.
13. However, even if that was possible, the space standard in the BWSPG for a two bedroom dwelling would be 85 square metres, and the THS would be 79 square metres, both of which are in excess of the size of the proposed dwelling.

14. Given the above, the proposed dwelling would not provide a suitable size of accommodation to ensure that adequate living conditions for the future occupiers of the dwelling is provided contrary to Policy H8 of the LP, the BWSPG and the THS which amongst other matters seek to ensure that new development provides for adequate living conditions for the future occupiers of new developments. It would also be contrary to the design aims of the Framework.

Other matters

15. I have also had regard to the comments made in the representations, and in particular matters relating to parking and potential overlooking of garden areas. I saw on my site visit that there were several cars parked along Cedar Avenue, and on Hedworth Avenue. However, the development would provide some off street parking for both the existing and proposed dwelling. I have also had regard to the comments of the County Council, as Highway Authority, and I consider that given the location of the site the development would not give rise to an unacceptable highway safety issue.
16. In respect of potential overlooking and subsequent loss of privacy, the windows to the dwelling would either face the street (including the front gardens to the properties on the north side of Cedar Avenue) or face the proposed rear garden of the property. Given the relationship between the proposed dwelling and the neighbouring properties, including their gardens, I consider that there would not be any significant overlooking or loss of privacy which would result.
17. The appellant has also referred to the Framework and the presumption in favour of sustainable development. For decision taking, this means that approving development proposals that accord with the development plan without delay. However, in this case, I have found conflict with the development plan and therefore the presumption does not apply.

Conclusion

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

Chris Forrett

INSPECTOR