

Appeal Decision

Site visit made on 1 September 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/W1905/W/16/3145676

1 Hargreaves Avenue, Cheshunt, Hertfordshire EN7 5BD

- 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 Ben Musk against the decision of Broxbourne Borough Council.
 - The application Ref: 07/15/0756/F, dated 6 August 2015, was refused by notice dated 5 October 2015.
 - The development proposed is alterations to existing house and erection of two, 2 bedroom, terraced houses adjoining with on-site parking for four cars.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on highway safety.

Reasons

Living conditions of the future occupiers

3. Policy H8 of the Borough of Broxbourne Local Plan Second Review 2005 (BLPR) seeks to ensure that new housing development meets minimum certain standards in order to provide suitable living conditions for the future occupiers. Additional, more detailed, design guidance is set out in the Borough of Broxbourne Borough Wide Supplementary Planning Guidance 2004 which was updated in 2013 (SPG). The SPG requires that for 1 and 2 bedroom houses a minimum garden area of 50m² is provided. The two new dwellings would have private amenity areas of 17.6m² and 36m² respectively which fall well short of the requirements of the SPG. This would also be inconsistent with other properties in the area which, in general, have large private rear gardens.
 4. The SPG also sets out minimum requirements for internal floorspace within new developments. The appellant suggests that the proposal meets the
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requirements of this. The SPG requires that a two person house has a minimum floor area of 60m² and a three person house a minimum of 75m². From the floor areas specified on the submitted plans, the proposed houses would meet the SPG requirement for a two person house but not for a three person house.

5. Following a Written Ministerial Statement in March 2015, the 'Technical housing standards – nationally described space standard' (the Standard) was published. From 1 October 2015 existing Development Plan and supplementary planning document policies relating to internal space were required be interpreted by reference to the new national technical standard. The Standard requires that a two storey, two bedroom, three person house has a minimum gross internal floor area of 70m². The proposed dwellings would not meet this requirement.
6. Additionally, whilst the bedrooms of the proposed houses exceed the minimum sizes specified in the SPG and the Standard, due to the height of the ridge and the pitch of the roof, the bedrooms within the roof space of the proposed dwellings would have severely restricted headroom over much of their area. As a result these bedrooms would, in my view, be excessively constrained in this respect.
7. Taken together, the shortfall in overall floorspace against the requirements in the Standard, the constrained internal accommodation, and the very small external amenity spaces would result in accommodation that does not provide sufficient practical space for the day to day living requirements of the potential number of future occupants.
8. I therefore find that the proposed development would not provide suitable living conditions for the future occupiers. It would be contrary to the relevant requirements of Policies H6, H8 and HD16 of the BLPR and the SPG which seek to ensure that new residential development meets certain minimum standards, is fit for purpose, and is consistent and compatible with surrounding developments. It would also be inconsistent with the requirements of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for future occupiers of buildings.

Character and appearance

9. The appeal site is located in a residential area of mixed architectural character. The built form is principally two storey, traditionally built, houses in terraced format, with a smaller number of detached and semi-detached houses interspersed amongst them. In general these have fairly short front gardens and longer rear garden areas. A small group of semi-detached bungalows are present to the south of the appeal site arranged around an area of public open space.
10. The roof forms are predominantly hipped, although there are a number of examples where hipped roofs have been converted to gables. Whilst many of the houses appear to have been built at around the same time, there are variations in elevational treatments and the use of materials. In general the elevations of the houses are quite simple in form with a wide range of window sizes and shapes. As a result there is no strong defining architectural character to the area.

11. The appeal site is the side garden area of the donor property, which is the end house in a terrace of four. The development would extend this terrace to add the two new dwellings, but would maintain the existing ridge line and the line of the front and rear walls. The other terraces within the surrounding area vary in length from four to seven units and, consequently, extending the terrace in the manner proposed would not be inconsistent with others nearby. The SPG also states that infill development would be expected to follow the general building line and the proposal meets this requirement.
12. Although the proposed dwellings would have narrower frontages than the other houses in the terrace and different window proportions, the use of matching materials to the remainder of the terrace and the consistent ridge and wall lines would integrate the new houses into the overall terraced form. Whilst the new houses would have a slightly different external appearance to the remainder of the terrace, I saw on my site visit that, immediately opposite the appeal site, two flats of a different design have been added to the side of an existing pair of semi-detached houses. Due to the location at the end of the street, new additions would not be seen within the context of the wider frontages elsewhere, and the contrast would be less noticeable.
13. I also saw on my site visit that, elsewhere within the estate, there are examples of rear dormers which can be seen from the public domain having been added to properties. The dormers on the rear of the proposed dwellings would be visible from a short stretch of Bury Green Road when approaching the appeal site from the east. However, because of the location of the proposed development in relation to the adjacent terrace of houses, which would largely screen the rear of the development from Bury Green Road, the views would be fleeting. As there are other rear dormers that are seen in a similar context within the estate, this aspect of the proposal would not be inconsistent with the prevailing character and appearance of the area.
14. I therefore find that the development would not cause harm to the character and appearance of the area and would comply with the relevant requirements of Policies H6, HD14 and HD16 of the BLPR, and the SPG which seek a high standard of design in new developments that has regard to its context and the surrounding development. It would also be consistent with the guidance in the Framework which also seeks a high standard of design in new developments.

Highway safety

15. The development proposes that four parking spaces would be provided for the development. The Councils Interim Policy for Residential Car Parking Standards 2011 states that the maximum standards set out in BLPR Policy T11 will be treated as guidelines rather than maximums and that planning applications will be determined on the basis of a sensible balance based on the relevant circumstances of the proposal. Neither Policy T11, nor the 2011 Car Parking Standards sets a minimum level of parking provision.
16. The Council suggest that 6.5 spaces are required to serve the proposed development and the existing house. I saw on my site visit that whilst some on the properties on the estate have driveways, many do not and are dependent on parking on the highway. There has been localised widening of the carriageway on Hargreaves Avenue and the adjoining streets by removing part of the verges to facilitate street parking and prevent obstruction of the carriageway by parked cars. At the time of my visit, the available on-street

parking was not heavily used but I am mindful that this represents just a snapshot of the parking situation and that there is likely to be a heavier demand in the evenings and weekends. Nonetheless, I consider that there would be opportunities for on-street parking that could accommodate any additional vehicles associated with the development that could not be parked on the site.

17. I also saw that there are bus stops within walking distances of the site and consequently, future residents would not necessarily be wholly dependent on the private car for their transport requirements. This would allow for reduced car parking provision in connection with the development.
18. I note that the Highway Authority did not object to the proposal subject to the imposition of conditions in respect of the timing of the provision of the parking spaces and appropriate visibility splays. I further note that whilst commenting that the 2.5 space shortfall is not ideal, the Highway Authority do not consider that an additional two vehicles parked at the roadside would have a severe impact on the free and safe flow of traffic.
19. I therefore conclude that the proposed development would not cause harm to highway safety in the area and would comply with the relevant requirements of BLPR Policies H6, T3 and T11, the SPG and the Broxbourne Interim Policy for Residential Car Parking 2011 which seek to ensure that an appropriate level of car parking is provided in connection with new developments and that new development does not adversely affect highway safety.

Other matters

20. My attention has been drawn to an extant planning permission for a single house on the site. Whilst this would represent a fallback position which would be a material consideration in determining this appeal, I have no details of the scheme and so I am not able to determine whether this fallback position is more or less desirable than the appeal proposal. However, a single dwelling would generate a lower parking demand than the two dwellings proposed and is likely to provide a better standard of living accommodation as it would be less constrained. This being the case, it would not be inherently less desirable. Therefore, I can give only very limited weight to this fallback position.
21. I have had regard to the appellant's point in respect of the proposal providing much needed new homes and making best use of the space available at the appeal site. There is no substantive evidence from either party in respect of housing supply or housing need. The provision of two dwellings would represent a only a very modest increase in housing supply in the area and this would not outweigh or justify the substandard living conditions that would result from the development, nor would the provision of a larger number of poorer quality dwellings represent the best use of the site.

Conclusion

22. I have found that the proposed development would not cause harm to the character and appearance of the area or cause harm to highway safety in the vicinity of the appeal site. However, the policies in the BRLP, the SPG and the Standard are clear that new residential development is required to meet certain minimum standards in order to be fit for purpose and I have found that the proposed development would not meet these minimum standards. This

significantly and demonstrably outweighs any lack of harm to the character of the area and to highway safety.

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

John Dowsett

INSPECTOR