
Appeal Decision

Site visit made on 3 October 2016

by D. M. Young BSc (Hons), MA, MRTPI, MIHE

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

Decision date: 27th October 2016

Appeal Ref: APP/W1905/W/16/3150186

Byron Court, 48 Flamstead End Road, Cheshunt, Hertfordshire EN8 0HU.

- 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 Mensa Management Inc against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0263/F, dated 26 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is a roof extension to provide 3 no self-contained flats (1x2bed and 2x1bed), installation of glazed screens/doors to ground floor entrance along with glass canopy and formation of car parking and refuse/recycling stores to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension to provide 3 no self-contained flats (1x2bed and 2x1bed), installation of glazed screens/doors to ground floor entrance along with glass canopy and formation of car parking and refuse/recycling stores to rear at Byron Court, 48 Flamstead End Road, Cheshunt, Hertfordshire EN8 0HU in accordance with the terms of the application, Ref 07/16/0263/F dated 26 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1080/01, 1080/02 Rev B, 1080/03 Rev A, 1080/04 Rev D, 1080/05 Rev B, 1080/06 Rev A and 1080/07 Rev A.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The new car parking spaces shall be surfaced sealed and drained before first occupation of any of the flats hereby approved and shall thereafter be retained for that purpose.

Procedural Matters

2. There is no dispute between the parties that the Council cannot demonstrate a 5 year supply of housing. In such situations paragraphs 47 and 49 of the
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"*National Planning Policy Framework*" (the Framework) state that the relevant policies for the supply of housing should not be considered up to date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I have considered the appeal accordingly.

Main Issues

3. The main issues are the effect of the development on, firstly, the character and appearance of the area, secondly, the living conditions of future occupiers and, thirdly, on levels of on-street parking and highway safety.

Reasons

Character and appearance

4. The appeal site consists of a three-storey, post-war flatted development located on the eastern side of Flamstead End Road close to the roundabout junction with Brookfield Lane West. As I saw at the time of my visit, the surrounding area has a predominantly mixed commercial/residential character. There is considerable variety in the style, form and height of development in the immediate area which whilst not unattractive, is not particularly notable or sensitive in architectural or streetscape terms. With that in mind this is not a location where alterations and additions to buildings would normally be precluded.
5. The plans show that the additional storey would be set back from both the front and rear face of the building. Consequently, it would be a recessive rather than a dominant addition which would not be unduly prominent in views from the north and south. Whilst there would be an increase in the height in the building, this would be modest (approximately 2.6m) and not in a manner that could reasonably be described as harmful given the area's varied character I have set out above.
6. The Council's refusal reasoning makes reference to a significant adverse impact on the design of the building. However, the building is somewhat utilitarian in appearance and of little aesthetic merit. It is not listed nor located within a conservation area. Accordingly, I find little to support the Council's view. On the contrary, the additional storey would be a welcome addition to the street scene adding interest to a building which otherwise lacks architectural subtlety.
7. For the reasons set out above, I conclude that the development would not harm the character and appearance of the area. It would thus accord with policies H6, H8 and HD13 of the "*Local Plan Second Review 2005*" (the LP). Collectively these require extensions to be of a high quality that is compatible with their surroundings in terms of external appearance and scale.

Living conditions

8. Notwithstanding that the Council's SPG has been superseded by the "*Technical housing standards – nationally described space standard 2015*", Policy H8 of the LP states that internal space standards should be applied with a degree of flexibility in a manner that recognises their overall aims and objectives. The Council argue that one of the proposed flats would be cramped and cite a 1m²

shortfall to one of the bedrooms in Flat 2¹. The Council has failed to put forward a cogent argument to support the reason for refusal by demonstrating how the living conditions of future residents would be unacceptably harmed by such a modest shortfall. On that basis and with cognisance to the Council's own advice on these matters which stresses the importance of flexibility, I find the Council's position to be both unreasonable and unconvincing.

9. The plans show that all the bedrooms would have sufficient room to accommodate a double bed, chest of drawers, wardrobe together with adequate circulation space. Given the nature of the area and type of accommodation proposed, I consider that in all likelihood the proposed flats would be occupied by single persons or couples rather than families. As a result, the scheme would provide a level of accommodation that would be commensurate with the needs and expectations of the likely end users.
10. I therefore conclude that the proposed development would provide suitable and sufficient amount of internal living space to meet the needs of future occupiers. It would not therefore unacceptably harm the living conditions of future occupiers and would accord with Policies H6 and H8 of the LP as well as the aims of the Framework to always seek a good standard of amenity for all existing and future occupiers of land and buildings.

Highway safety

11. According to the application form and submitted plans, there are currently 7 parking spaces to the rear of the building. The appellant states that the lock-up garages are not used by residents for parking and there is no substantive evidence before me to indicate otherwise. The number of spaces would be increased to 15 as part of the development following the demolition of the garages. Thus overall the scheme would provide an additional 8 parking spaces to serve the additional 3 flats. Based on this simple mathematical exercise it is evident that more than sufficient off-street parking would be provided to mitigate the impact of the development. Moreover, the increase in parking would also benefit existing residents thus reducing the likelihood of overspill parking taking place on the public highway. Accordingly, there would be a net gain in parking/highway terms.
12. The Council's argument that there would be insufficient parking for Byron Court as whole is erroneous since it is a long established planning principle that development should mitigate its own impact rather than resolving existing deficiencies. It is also pertinent that the Highway Authority did not object to the proposals. I therefore conclude that sufficient parking would be provided and as such, there would be no conflict with Policies H6 and H8 of the LP, the Interim Policy for Residential Car Parking Standards or the Framework.

Other Matters

13. A neighbouring resident has expressed concerns relating to a loss of privacy. However, I note that these matters were carefully considered by the Council at the application stage and there is no compelling evidence before me which would lead me to conclude differently.

¹ The bedroom of Flat 2 would be 0.5m² less than the standard set out in the nationally described space standard.

14. I also acknowledge a neighbour's concern about the effect on property values and maintenance charges but these are not material planning considerations to which I can attach any significant weight.

Conditions

15. The Council have suggested ten planning conditions which I have considered against the advice in the Planning Practice Guidance. I have imposed conditions limiting the life of the planning permission and specifying the approved plans in the interests of proper planning and to provide certainty. In addition, I have imposed condition relating to the external materials to ensure the appearance of the development is acceptable.
16. The vehicle crossover is already in situ and therefore the Council's condition 3 is unnecessary. I have however, imposed a condition to ensure the new parking spaces are provided before the flats are occupied and retained thereafter. The Council's suggested condition 6 is unnecessary as these requirements are covered by my condition 4. A condition specifying the privacy screen to be 1.8m in height is unnecessary as this is shown on the approved plans and therefore captured by the plans condition.
17. It is unclear from the Council's evidence what the justification is for those conditions relating to a parking management plan and traffic management measures. Given my conclusions on the third main issue, these conditions are not necessary to make the development acceptable. A condition relating to the storage and removal of wastes from the site is unnecessary as these details are clearly shown on the approved plans and are in roughly the same location as the existing facilities. As I have found the development acceptable on the basis of the submitted drawings, additional alterations to the host building are patently unnecessary; I have omitted the Council's condition 10 accordingly.

Conclusion

18. Given my findings on the main issues, I have not found any adverse effects of granting planning permission. It therefore follows that the scheme would represent sustainable development for which there is a presumption in favour. There are no other factors which would justify withholding planning permission.
19. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector