
Appeal Decision

Site visit made on 24 January 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 2 February 2017

Appeal Ref: APP/W1905/W/16/3157392

38 Station Road, Broxbourne, Hertfordshire EN10 7AH

- 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 Michael Schillaci against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0618/F, dated 25 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is "Demolition of existing single garage. Replace with a double garage and car port with an office above. The office will be a private family office".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 40 Station Road with particular regard to outlook; and
 - Whether the proposal would provide an excessive level of on-site parking and whether this would conflict with the Council's aims to promote sustainable methods of transport.

Reasons

Character and appearance

3. The appeal property is a modern, 2 storey detached dwelling located on the corner of Station Road and McKenzie Road. It has a rear garden of a generous size and length which contains a single storey garage structure of modest proportions towards its rear boundary. An access road, which also forms part of the appeal site, separates this garage structure from a block of 2 storey, semi-detached dwellings along McKenzie Road to the north. The dwellings to the east of the appeal property, including 40-46 Station Road, similarly have gardens of a generous length and also contain single storey garage/outbuilding structures of modest proportions towards their rear boundaries.
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4. The size of these rear gardens and the low height and modest proportions of these garage/outbuilding structures provides a strong sense of space and openness in the area which is particularly noticeable in views from along McKenzie Road, including from its junction with Station Road. The spatial qualities of the appeal site and neighbouring plots therefore contribute positively to the character and appearance of the area.
5. The proposal would demolish the existing garage structure and would introduce a building which would contain a double garage and car port at ground level with office space in the roof. Two dormer windows would be incorporated into the front roofslope. Though not clear from the submitted plans, the evidence suggests that part of the building would extend onto the access way.
6. I acknowledge that the intention is to construct the building using high quality materials. I also recognise that a reasonable level of garden space would be maintained. Nevertheless, the building would be of considerably greater proportions than the existing garage building, in terms of footprint and height. This would appear at odds with the modest proportions of other garage/outbuilding structures in the rear gardens of neighbouring dwellings to the east. The half-hipped roof form and overhang to the front elevation would also appear at odds with the roof form of other buildings in the area, which typically display full hipped roofs or pitched roofs from eaves level.
7. The proposal would therefore result in an overly prominent and dominant form of development out of keeping with the prevailing pattern of development along this side of Station Road and McKenzie Road. It would also considerably erode the spatial qualities of the appeal site and area. Consequently, the proposal would result in significant harm to the character and appearance of the area.
8. The appellant points out that a bungalow along McKenzie Road opposite the appeal site, known as Park View, has been constructed on rear garden land previously associated with 36 Station Road. However, planning permission was granted for this dwelling in 1989 and this development was therefore considered under a different and now outdated planning policy context. Furthermore, given its location on the opposite side of the road, in the context of other bungalows, it does not share the same context as the appeal site. I do not therefore consider that this example justifies a planning consent for the building I am to consider under this appeal.
9. The appellant makes reference on the appeal form to other appeals¹ in the area which have not yet been decided. However, it is unclear what type of development these appeals relate to and no further information has been provided in respect of these appeals to allow any informed comparisons between them and the proposal I am to consider. Moreover, they do not appear to relate to land in the vicinity of the appeal site and therefore would not share the same context as it.
10. I therefore conclude that the proposal would result in significant harm to the character and appearance of the area. This would be contrary to saved Policies HD13- Design Principles and HD16- Prevention of Town Cramming, of the Borough of Broxbourne Local Plan Second Review 2005 (Local Plan). These

¹ Cited as: 33 Lordship Lane, Cheshunt, Herts, ref. 3156793; and 36 Stanstead Road, Hoddesdon, Herts, ref. 3154756

policies require, amongst other things, development to respect the relationship between buildings, to respect the scale, massing, height and character of nearby buildings, to achieve a high standard of design and to relate to the layout of neighbouring buildings and the local area. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) which seek to secure high quality design and to take account of the different roles and character of different areas.

11. The proposal would also conflict with draft Policy DSC1, of the emerging Broxbourne Local Plan (EBLP), which requires, amongst other things, development to enhance local character and distinctiveness.
12. The Council also cites conflict with saved Policies H6- Protecting the Amenity of Existing Residential Areas and H8- Design Quality of Development, of the Local Plan. However, these policies appear to relate to new residential development and extensions to existing dwellings. As such, they are not relevant to this appeal. The design advice within the Council's Borough-Wide Supplementary Planning Guidance 2004 (updated 2013) (SPG) is also not relevant to the type of development proposed.

Living conditions

13. The low height of the existing garage structure is likely to provide a good sense of space and openness for the occupiers of the adjacent dwelling, 40 Station Road, when using their rear garden. The considerable increase in the height and amount of built form in close proximity to the boundary of this property would increase the sense of enclosure to this garden and would appear overbearing and visually intrusive in the context of the modest height and size of other outbuilding/garage structures in the area. This is notwithstanding that the building would incorporate a half-hipped roof element which would assist with reducing some of its overall bulk. Consequently, the building would have a detrimental effect on outlook of the occupiers of 40 Station Road which would considerably reduce their enjoyment of their rear garden.
14. The appellant suggests that additional landscaping would be undertaken to mitigate this harm. However, no details of what form this might take have been provided to allow me to consider this matter further.
15. The proposal would therefore be contrary to saved Policy HD16, of the Local Plan, which requires, amongst other things, development not to harm the amenities of existing residents. This policy is consistent with the broad aims and objectives of the Framework which seek to secure a good standard of amenity for all existing occupiers of land and buildings.

Parking provision

16. The proposal would provide 6 on-site parking spaces; 3 within the building and 3 to the front of the building. Saved Policy T11- Car Parking, of the Local Plan, states that car parking requirements for development will be assessed in relation to the Council's maximum parking standards as set out within the Local Plan and Supplementary Planning Guidance. These standards require a maximum of 3 spaces for a 4 or more bedroom dwelling. The appeal property fits into this category.
17. However, the Council has subsequently adopted its Interim Policy for Residential Car Parking Standards 2011 document (Interim Policy) which

advises that as a result of Government guidance, these standards should be now be treated as guidelines rather than maximums. Furthermore, that planning applications will be determined on the basis of a sensible balance of residential car parking spaces based on the relevant circumstances of the proposal, its context and its wider surroundings. This is with the aim of reducing private car use in favour of alternative modes of transport. Draft Policy TM4- Parking Standards, of the EBLP reflects the requirements of the Interim Policy.

18. The Council sets out that the appeal property is located within the designated Zone 2 Accessibility Corridor as identified within its SPG. This is based on an area within 200 metres (m) of frequent bus routes and 400m of rail stations. As such, I accept that the location of the appeal property would reduce the need for the provision of parking on the appeal site. I also acknowledge the Council's concerns that 6 parking spaces would be excessive to serve a single dwelling and would not comply with the aims and objectives of Local Plan policies and the Framework which promote sustainable transport use.
19. Nevertheless, I note that Paragraph 12.2 of the SPG advises that car parking requirements exclude garages and car ports. In addition, Paragraph 5.5 of the SPG requires new garages or car ports which give access to a public highway, which would be the case here, have a 6m drive in order that a vehicle may be parked clear of the highway with sufficient space retained to open a garage door. As such, this would inevitably lead to the opportunity to utilise this space for additional parking in any event. Moreover, even if the proposal were to increase car ownership associated with the appeal property, it would not inevitably mean that the occupiers of this property would not utilise alternative methods of transport in the area.
20. On this basis, it would seem to me that the provision of on-site parking in this instance would not be excessive and would not conflict with the abovementioned policies and guidance where these relate to parking provision and the promotion of sustainable methods of transport.

Other matters

21. I note that the appeal property lies within close proximity to the Broxbourne Conservation Area, the boundary of which runs along the opposite side of Station Road. Paragraph 132 of the Framework requires that, when considering the impact of proposed development on the significance of a designated heritage asset, including development within its setting, great weight should be given to the asset's conservation. The Council raises no particular concerns in respect of the effects of the proposal on the setting of the BCA. Given that the proposal would occupy a location in the rear garden of the appeal property, I am also satisfied that there would be no harmful effects on the setting of the BCA. As such, the proposal would not affect the significance of the BCA designated heritage asset.
22. I acknowledge the concerns of a number of interested parties including in respect of loss privacy, loss of light and the potential use of the building as a residential annexe to the appeal property. Nevertheless, the Council has not raised any concerns in respect of these matters and on the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view.

23. I have had regard to the concerns of a number of interested parties in respect of an alleged 'right of way' to the rear of their properties between McKenzie Road and The Paddock. However, as this is a land ownership issue rather than a planning matter, it is not a material consideration to which I afford any significant weight in the determination of this appeal. I also note that the Council considers that the proposal would require a separate change of use application in respect of this land. The appellant claims that this land is within their ownership and has been used for parking over many years. However, given that my decision is to dismiss the appeal for other reasons, I do not consider it necessary to consider this matter further.

Conclusion

24. I have not found that the proposal would provide an excessive level of on-site parking. As such, it would not conflict with the Council's aims to promote sustainable methods of transport. However, I have found harm to the character and appearance of the area and to the living conditions of the occupiers of 40 Station Road. Such harm would be significant. I have not been provided with any compelling evidence of any benefits that would outweigh such harm. Thus, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR