
Appeal Decision

Site visit made on 21 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 September 2017

Appeal Ref: APP/W1905/W/17/3174572

2 Churchfields, Broxbourne, Hertfordshire EN10 7JU

- 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 Mrs Ruth Herbert against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1105/F, dated 29 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is a new dwelling in replacement of an existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the surrounding area, including the Conservation Area and the adjacent listed building
 - The effects on the living conditions of future occupiers and on neighbouring residents
 - The effects of the proposal on car parking.

Reasons

The effects of the proposal on the surrounding area, including the Conservation Area and the adjacent listed building

3. The appeal relates to part of the rear garden of No 2 Churchfields. The building is said to date from the mid-19th Century, is a handsome detached residential villa and is grade II listed. The site sits within the wider Broxbourne Conservation Area. These statutory designations bring about important considerations for this appeal.
4. The appeal site currently accommodates a garage which serves No 2, and also consists of part of its rear garden. The appeal site sits on a private lane which runs between the rear of adjacent properties. On this side of the lane are a number of garages serving the frontage houses and there are a small number of more recent dwellings on the opposite side. The adjacent 'Ivy Cottage' is said to date from the mid-19th Century. The more recently constructed dwellings are of a broadly traditional appearance. I consider that

the appeal site makes a positive contribution to the setting of the listed building due to it accommodating a subdued and subservient building, some garden area and trees. It also adds to the character and appearance of the conservation area for the same reasons. I appreciate that the site is visible from a private lane but there are a number of other users of this private lane which experience the existing appeal site and who would also see the proposal.

5. The proposal would replace the existing garage with a detached 2 storey dwelling. It would have a rectangular footprint and a roof of a variety of planes, of slate with a number of triangular roof-lights of varying sizes. The windows would be in an irregular arrangement and of varying sizes and proportions; including a narrow window running from the first floor and into the roof, another cutting at an angle across the corner of the property and another with a sloping head.
6. In relation to the adjacent listed building at No 2 Churchfields, although set down to some degree, the proposal would be clearly visible from within the building and its remaining garden. Notwithstanding the intention to retain the existing fruit trees, I consider that the proposal would be quite visible and would not give the appearance of an ancillary structure, as the existing garage does. Rather it would provide a starkly contrasting 2 storey building which would fail to harmonise with its surroundings. The upper floor would not contain any windows in this facing elevation and the ground floor would have angled bay windows designed to direct outlook in a certain direction. It would also be possible to view the proposal and the listed building within the same views from the private lane, albeit from a restricted area.
7. From the lane the facing elevation would contain a gable and what I shall describe as a half-gable at one corner. The windows here follow no pattern or consistent size. Notwithstanding these matters, the accompanying Design and Access Statement (DAS), submitted by the appellant, indicates that the front elevation with its "two gable ends" softens its appearance. My view is that the main gable is a dominant feature and what I have called the half gable would result in a rising roof line at one corner of the building which, again, I see as a prominent and unusual feature. Furthermore, the DAS refers to the windows being of a pattern and scale sympathetic to the listed building; if this was the intention, then I find that the irregular arrangement, shape and form of the windows does not achieve this aim, notwithstanding that some windows may be of a similar width or height.
8. The DAS also contains statements which refer to the appearance of the building as 'clean' and 'contemporary' but also having 'complexity'. From my own assessment, I find that the variety of roof planes, the prominent rising corner and the variety of windows results in a confused and confusing design which neither takes any references from the listed building, nor the other dwellings in the area, save for the reference to timber cladding. The DAS offers photographs of other buildings which it entitles as "Precedent Images" but there is no indication of where these are; they did not appear to be in the vicinity of the appeal site, from what I saw at my visit to the area.
9. I fully appreciate that a new pastiche design can devalue original buildings and that carefully designed modern buildings can enhance historic settings.

However, in this case I find that the proposal would introduce a building that complements neither the setting of the adjacent listed building nor the conservation area. I appreciate that the proposal would result in the removal of the existing garage; but this is a much more subservient and subdued building. Therefore, in relation to this issue, I conclude that the proposal would fail to preserve the setting of the listed building and would fail to either preserve or enhance the character and appearance of the conservation area. Therefore the proposal is contrary to Policies H6, H8, HD6, HD10, HD13 and HD16 of the Borough of Broxbourne Local Plan 2005 (LP).

The effects on the living conditions of future occupiers and on neighbouring residents

10. The Council's reasons for refusal do not refer to the effects on neighbouring residents. However, representations from others raise this as a matter of concern and so I shall address it within this issue.
11. The proposal would not be capable of achieving an internal headroom of at least 2.3m according to the Council. The appellant has countered this by stating that it would be achieved but has given no indication of how. The proposed bedrooms would be at the ground floor and would have angled windows facing towards the rear gardens of No 2 Churchfields, which would be at a higher level. I consider that this would represent a very restricted outlook for the intended residents of the proposal.
12. The outdoor space would be used for car parking and the DAS refers to the need for a septic tank. No proposals are indicated which would enclose the area and it seems to me that if this were to take place, it could well have unacceptable effects on the character of the area and possibly on neighbours. As such, there seems little prospect of providing future residents with amenity space which is both usable and private.
13. In relation to the room sizes, the overall internal floorspace is considered to be acceptable but the Council consider that one of the bedrooms is too small to be considered as a double room. In my view this could be overcome by simply indicating that it is a single room and this need not stand in the way of the development in itself.
14. With regard to the effects on neighbours, the proposal would be very close to the rear garden of No 2b Churchfields and clearly visible from it. I observed at my site visit the relationship with Ivy Cottage and the main window that faces over the appeal site. In my judgement both of these neighbouring residents would be unacceptably affected by the close proximity and size of the proposal in relation to outlook and the overbearing effect that it would have. In my judgement the proposal would also appear unacceptably dominating and close to the remaining rear garden area of No 2 Churchfields.
15. As a result of these considerations, I consider that the proposal would have an unacceptable effect on the living conditions of neighbours and would fail to provide suitable living conditions for future residents. Therefore, the proposal is contrary to Policies H8, and HD13 of the LP.

Car Parking

16. The Council indicates that 2 parking spaces are required for the proposal and 2 are indicated within the proposal. The proposal would remove the availability of the garage for the occupiers of No 2 but this would just displace 2 cars onto the neighbouring street, in theory, which I do not find to be unacceptable.
17. The Council are critical of the manoeuvring space which would be available for the vehicles at the proposed dwelling. This would be restricted by the buildings, the width of the lane and the presence of adjacent trees. I accept that manoeuvring may be less than ideal however, the effects of this would not in my view involve residents wishing to park on the adjacent streets, as suggested by the Council. The public highway is some distance away and if the proposal went ahead the presence of 2 private spaces would be a considerable attraction to park on the site. I consider that this would not be negated by the need for careful manoeuvring into or out of the spaces. Therefore, in this individual case, I do not find that there would be any harm arising from the parking arrangements.

Other Matters

18. The Council has included in its statement comments relating to the collection of waste bins from the appeal site. This has not been the subject of discussion in the Officer's report nor is it covered in the reasons for refusal. There is no information before me which indicates how waste collections are carried out at the adjacent residential properties, including Ivy Cottage which is further from the public highway than the appeal site. As the appeal is to be dismissed in any event, I shall not offer a conclusion to this matter which has been raised very late in the appeal process by the Council.

Conclusions

19. The proposal would have an unacceptable effect on the setting of the listed building, the conservation area and the amenity of neighbours. In addition, it would fail to provide a suitable residential environment for future residents. I find that there are no matters which are capable of outweighing the harm that I have identified. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR