



Appeal Decision

Site visit made on 4 December 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 22nd December 2017

Appeal Ref: APP/W1905/W/17/3179740
46 Cuffley Hill, Goffs Oak EN7 5EU

- 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 Weili Cai against the decision of Broxbourne Borough Council.
 - The application Ref 07/17/0031/F, dated 11 January 2017, was refused by notice dated 6 March 2017.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the area;
 - Whether the development would provide adequate living conditions for future occupants, with particular regard to the amount of floorspace;
 - Whether the proposal would provide adequate waste storage facilities;
 - The effect of the development on the living conditions of the occupants of the neighbouring residential properties, with particular regard to privacy; and,
 - The effect of the development on highway safety.

Reasons

Character and Appearance

3. Cuffley Hill is a predominantly residential road that generally comprises two-storey, semi-detached dwellings that have open frontages with the road and follow uniform building lines. Properties along this stretch of the road have long gardens that have rear access from an unmade service track that runs along the rear of these gardens and the rear gardens of properties fronting The Drive. There are various buildings that line either side of the service track; however, these are single-storey garages that are subordinate to their host dwellings that front Cuffley Hill and The Drive. The large rear gardens make a positive contribution to the openness of the area.

4. The appeal site currently forms part of the rear garden area of No.46 Cuffley Hill. The site is triangular in shape and has a public footpath running along its western boundary. The proposed dwelling would be to the rear of the site and would have vehicular access of the access track. A pedestrian access would be provided off Cuffley Hill.
5. Due to the tapered shape of the plot, the front boundary with Cuffley Hill would be very narrow, and as a result the dwelling would not be readily visible from the road. This would be in marked contrast with the surrounding properties, which have a strong visual presence within the streetscene. Furthermore, the setback position of the dwelling to the rear of the site would fail to respect the existing, well-established building line. The introduction of a residential property to this back land position would fail to reflect the existing pattern of development and erode the openness of the area.
6. In addition, the design of the property would fail to reflect the surrounding full-height two-storey dwellings. The use of different dormer window shapes and sizes on the front and rear of the dwelling would appear unbalanced and would exacerbate the incongruity of the dwelling in this location.
7. I find therefore that the dwelling would significantly harm the character and appearance of the area, contrary to saved Policies HD13, HD14 and HD16 of the Borough of Broxbourne Local Plan Second Review (LP1) 2005, which, amongst other things, seek to ensure that development incorporates a high quality of design; reflects and relates to local characteristics and the context of the surrounding area; and, relate the layout and the access to neighbouring buildings and the local area. It would also fail to comply with Policy DCS1 of the emerging Borough of Broxbourne Local Plan (LP2), which seeks to ensure that development enhances local character and distinctiveness and provides coherent and logical layouts with active street frontages. In addition, it would fail to comply with the Borough of Broxbourne Supplementary Planning Guidance (SPG) 2004 which provides guidance on residential development. Furthermore, it would fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Living Conditions of Future Occupants

8. The proposed dwelling would have an overall internal floor space of approximately 79sqm, which would be in accordance with the Technical Housing Standards (THS) 2015. However, the standards state that the minimum floor to ceiling height must be 2.3m for at least 75% of the gross internal floor area. The Council contends that the two bedrooms in the roof space would not achieve this minimum height and only 8.7m of floor space would be above 1.5m. The appellant has not presented me with any evidence to the contrary. I find therefore that it would fail to accord with the requirements of the THS.
9. As a result, the dwelling would have an inadequate amount of floor space, in particular regarding the first floor bedrooms, which would represent an oppressively confined form of residential accommodation that would be significantly harmful to the living conditions of its future occupants. As such, it would be contrary to Policy H8 of the LP1 and the design objectives of the Framework.

Waste Facilities

10. The Council raise concern regarding how waste and recycling bins would be presented to the kerbside for collection, not necessarily where it would be stored on site. The pedestrian access to the south of the site does not lead directly to the road as it leads to the front driveway of No.46. Therefore there could be difficulties if there are cars parked on the driveway obstructing access for the bins to be presented to the kerbside.
11. I acknowledge the appellant's argument that such matters could be dealt with by condition. However, no such condition has been presented to me to consider. Based on the evidence before me it has not been demonstrated that waste and recycling bins could be suitably presented to the highway. As such, it would fail to accord with the Borough of Broxbourne Borough-Wide Waste Supplementary Planning Guidance 2013.

Living Conditions of Neighbouring Occupants

12. The dormer windows in the west elevation of the dwelling would be within close proximity of the rear garden of No.50 Cuffley Hill. I note that there are conifer trees that would prevent views into the garden. Were these to be removed at some point in the future then the windows would allow clear, uninterrupted views if the rear garden of No.50, to the detriment of the privacy enjoyed by its occupants.
13. Similarly, the dormer windows in the east elevation would be within proximity of the boundary with No.46 Cuffley Hill. As a result, they would allow clear views of a large proportion of the remaining private rear garden for No.46.
14. I note the appellant's argument that there is some degree of overlooking between existing properties. Whilst no specific properties have been referred to, rear windows in properties do have views overlooking neighbouring rear gardens. However, this overlooking is only achievable through oblique angles out of first floor windows. The first floor windows in the proposed dwelling would be directly facing neighbouring gardens.
15. I find therefore that the dwelling would significantly harm the living conditions of the occupants of the neighbouring properties, with regard to privacy. As such, it would be contrary to saved Policies H6 and HD16 of the LP1 and the SPG, which seek to protect existing neighbouring residential amenity.

Highway Safety

16. The proposal includes for one car parking space for the proposed dwelling and a total of five spaces for the existing dwelling, three on the existing driveway and two accessed off the rear service track.
17. The Council raise concerns that the service track is not in the appellant's ownership and therefore it may not be possible to gain vehicular access to the proposed dwelling. I note the appellant's argument that ownership is not a planning matter. However, the provision of adequate parking spaces is. If the appellant cannot gain access to cross the service track then the proposed single parking space serving the dwelling would be unusable. Consequently, this would likely lead to on-street parking. The nearest road is Cuffley Hill, which I noted during my site visit is a busy road. Furthermore, the pedestrian

access to the site is close to a junction. Therefore, any on-street parking in the vicinity of the site could lead to a severe risk to highway safety.

18. Therefore, in the absence of any evidence that there is a reasonable likelihood that the proposed car parking space could be utilised, I find that the proposal would represent an unacceptable risk to highway safety.
19. The Council also raise concern regarding the proposed level of parking provision for the existing dwelling. The proposed five spaces would far exceed the maximum standards of three spaces per four or more bedroom dwelling as set out in the LP1 and the LP2. Such an over provision would conflict with Policy TM4 of the LP2 and the Council's Interim Policy for Residential Car Parking Standards, which seek to reduce private car use and increase alternative modes of transport. Such an excessive provision of parking spaces would encourage car use, which in turn would increase the number of cars on the road, resulting in an increase to the risk to highway safety.
20. Overall, I find that the proposal would be contrary to saved Policy T11 of the LP1 and Policy TM4 of the LP2, which seek to ensure that suitable parking provision is provided for new development. Furthermore, it would fail to comply with the Council's Interim Policy for Residential Car Parking Standards and the objectives of the Framework.

Conclusion

21. I note that the proposal would provide a new dwelling, which would make a positive contribution to the supply of housing in the borough. Furthermore, it would bring economic benefits, albeit only limited, by way of construction jobs and the use of local shops and services. However, these benefits do not outweigh the harm I have identified above.
22. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR