

Appeal Decision

Site visit made on 15 May 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/W1905/W/18/3217809

24 Darcy Close, Cheshunt, Waltham Cross, EN8 8UQ

- 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 Serhiy Filimonov against the decision of Broxbourne Borough Council.
 - The application Ref 07/18/0971/HF, dated 27 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is a vehicle crossover and dropped kerb for off-street parking.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicle crossover and dropped kerb for off-street parking at 24 Darcy Close, Cheshunt, Waltham Cross, EN8 8UQ in accordance with the terms of the application Ref 07/18/0971/HF, dated 27 September 2018, subject to the conditions set out in the attached Schedule to this decision.

Preliminary matter

2. In the interests of accuracy I have adopted the description of the proposed development used in the Council's decision notice rather than that used in the application form.

Main issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the surrounding area, and (b) highway and pedestrian safety.

Reasons

Character & appearance

4. The appeal property is a mid-terrace dwelling set on the southern frontage of a residential cul-de-sac. The houses in the terrace were designed with open plan front gardens, most of which remain grassed. The exceptions are the appeal property itself, which has a hard surfaced single parking bay at the front, and its immediate neighbour, No 22, which has a double width parking bay with a dropped kerb. The appellant wishes to extend his existing car parking bay so as to form another because he has two cars and, as I saw, the demand for on-street parking is high, even during the day.
5. The Council says that the increased width of hard surfacing required to form an additional car park would take up more than 40% of the front garden, thus

resulting in the loss of soft landscaping harmful to local visual amenities. It maintains that double driveways, as proposed, are not characteristic features of the locality. Indeed, the only one seen in front of the terrace is that next door, which was granted planning permission by the Council on 19 May 2016 (Ref 07/16/0432/HF).

6. The officer report on that application says that the proposal met the requirements of policy H6 of the Broxbourne Borough Local Plan Second Review (LP). In this case, however, the Council takes a contrary view on a similar development. I also note that the document the Council refers to as the 'Russells Ride Supplementary Guidance'¹ had been published when planning permission was granted next door.
7. The Council has not, to my mind, provided an adequate explanation for its inconsistent approach to the application of LP policy H6 on two adjoining properties. Although the additional car parking space would result in the loss of some greenery, this to my mind should be balanced against the presence of other greenery in the cul-de-sac. This includes the large open green area in the Radburn style residential layout on the opposite frontage, and the sizeable open communal landscaped areas evident on the approach to and within the cul-de-sac. In this wider context, the loss of a small area of lawn, in my opinion, would prove visually inconsequential.
8. I therefore conclude that the proposal would sit acceptably in its visual context without harming the character and appearance of its surroundings. I therefore find no conflict with those provisions of LP policy H6 directed to protecting residential and visual amenity.

Highway and Pedestrian Safety

9. The Council's stance on this aspect is influenced by the observations of the County Council, as Highway Authority. It considers that the presence of a street lamp column, standing at the back of the footway next to the proposed car space, represents a collision risk, thus putting highway users and pedestrians at risk.
10. However, the column closely adjoins the existing car parking space. There is no evidence of which I have been made aware that the presence of the column has endangered the public as the result of the use of the existing car space. To my mind, were drivers to employ the normally required degree of care when manoeuvring, the additional car space could be safely used without endangering public safety. It seems to me therefore that the Council has overstated the degree of risk inherent in the use of the additional car parking space.
11. I conclude that the use of the additional car space would not harm highway or pedestrian safety. Accordingly I find no conflict with those provisions of LP Policy T3 or draft Policy TM6 of the emerging Borough of Broxbourne Local Plan directing to promoting acceptable accesses and highway safety.

¹ The Council refers to this document as Supplementary Guidance, but it is described in the document itself as an illustrative note intended to provide guidance to future owners of properties on the occasion of the transfer of ownership of front gardens in Russell Ride from a Housing Association to home owners. It contains no reference to a development plan policy and gives no indication that the document has been subject to public consultation. Its status as a planning document is therefore doubtful, but it appears to me to be an informal advisory note, thus carrying very limited weight as a material consideration in the determination of this appeal.

Conditions

12. The Council has suggested the imposition of several conditions, most of which are considered necessary, albeit that the wording of the conditions shall be modified.
13. It is necessary in the interests of certainty that the proposal is built in accordance with the approved plan. However, in the absence of any provided thus far, additional information is required on issues relating to materials and drainage. A condition to this effect is thus imposed in the interests of visual amenity and sustainable drainage.
14. In the interests of visual amenity a condition regulating the use of the additional car parking space is imposed.
15. Given my conclusions on the second main issue, I do not consider the suggested condition requiring the removal and relocation of the lamppost to be necessary.
16. I have considered all other matters raised in the representations, including the Council's references to the Framework², but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.
17. For the reasons set out above the appeal is allowed subject to the conditions set out in the schedule.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: the unreferenced site plan.
3. The additional car parking space, hereby permitted, shall not be used for the parking of commercial vehicles, caravans, trailers or boats and nor shall it be used for any other purpose other than for the parking of cars.
4. Before any building works commence, details of the materials to be used in the surfacing of the car parking space and its drainage shall be submitted to the Council approval, which shall be obtained in writing. The development shall be carried out in accordance with the approved details.

² National Planning Policy Framework