
Appeal Decision

Site visit made on 18 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/W1905/W/19/3228688

182 Churchgate Road, Cheshunt EN8 9EL

- 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 Bruno Moretto against the decision of Broxbourne Borough Council.
 - The application Ref 07/18/1040/F, dated 25 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is 4 no 2 bedroom flats contained in a 2 storey building located across the rear of the two gardens of No 180 & 182 including alterations to existing houses to allow for new access way serving car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An emerging plan, the Broxbourne Local Plan 2018-2033, was submitted to the Secretary of State on 15th March 2018 and is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with the National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring residents.

Reasons

Character and appearance

4. The appeal site is located in a built-up residential area where properties are of varied design. The pattern of development is generally linear with dwellings having reasonably-sized rear gardens. While there are some modest outbuildings in nearby rear gardens, the overall space within the rear gardens creates a pleasant sense of openness and verdancy away from the ribbon of built form along the highway. The large rear garden of the host property, partially paved with a lawn area, vegetable plots and modest outbuildings, contributes to the characterising sense of openness and verdancy.

5. While the appeal proposal would otherwise be of a suitable density of development under the Council's policies, the backland development would largely fill the host property's existing rear garden with a block of flats which would almost span its width, together with a significantly-sized parking court and access road. This significant amount of built-form and hard surfacing would considerably harm the sense of openness and verdancy to the rear of the properties fronting Churchgate Road and Birchfield Road and accordingly its introduction in this context would appear as 'cramming'.
6. Flatted developments to the north of the appeal site are materially different to the backland development of the appeal proposal since they front the street. The flats at 192-202 Churchgate Road contribute to the prevailing character through their rear segregated gardens which create space and verdancy which is not significantly diminished by the row of single -storey garages to their rear.
7. The appellant refers to a residential development at Edenvale to the west of the appeal site involving the development of semi-detached homes within the gardens of former dwellings. However, as the new rear dwellings sit alongside dwellings to the north accessed off Westmeade Close, they are sited sympathetically within existing development without harming the character and appearance of the area. The appeal scheme would not achieve a comparable arrangement in that it would introduce a standalone 2-storey built form that would be incongruous within the local context of surrounding gardens.
8. Reference is made by the appellant to planning permission granted for a development at 184 Churchgate Road (No 184) in 2008¹. That proposal was for two new 1-bed flats at the front of the site onto Churchgate Road and a single unit to the rear comprising a 3-bed bungalow. Accordingly, the proposal incorporated one single-storey dwelling that constituted backland development. This appeal proposal is for four dwellings at the rear of the site at two storey level. I therefore give the permission granted at No 184 limited weight in the determination of this appeal.
9. For all of the above reasons, the proposed development would significantly harm the character and appearance of the area. As such it is in conflict with Saved Policies H8, H11 and HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (2005) (LP), supported by Borough-Wide Supplementary Planning Guidance (SPG), which together seek to protect the character and appearance of places.

Living conditions

10. Notwithstanding that the proposal meets minimum separation distances set out within the SPG, the 9-vehicle space parking court would be close to the rear elevations of properties on Churchgate Road. The vehicular activity would be significantly more intense than that associated with the rear garages and vehicle access of individual homes nearby, and would cause material adverse harm through noise and light pollution to nearby residential occupiers that would not be adequately diminished by proposed boundary treatments and landscaping.
11. The parking court would be particularly close to the rear elevations of Nos 180 and 182 Churchgate Road, and to No 178 Churchgate Road with its

¹ 7/1117/07/O/WOL

rear elevation facing the parking court at close range at a fairly direct angle. These distances are significantly smaller than those between the garages serving the flatted development at Nos 192-202 Churchgate Road and its nearest dwellings.

12. For the above reasons, the proposed development would cause significant harm to the living conditions of neighbouring residents. As such it is in conflict with Saved Policy HD16 of the LP, which amongst other aims seeks to protect the amenity of residents.

Other Matters

13. The appeal scheme would create 4 new homes in a sustainable location outside of the Green Belt. These would be benefits of the appeal scheme taking into account the Framework's aims of increasing housing supply and making effective use of land. However, when taken together they do not outweigh the harm I have identified.

Conclusion

14. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Andrew Walker

INSPECTOR