
Appeal Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/W1905/W/19/3224251

Bretherns Meeting Room, Salisbury Road, Hoddesdon EN11 0HU

- 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 D Cooper, Sandhill Homes Ltd against the decision of Broxbourne Borough Council.
 - The application Ref 07/18/0741/F, dated 1 August 2018, was refused by notice dated 8 January 2019.
 - The development proposed is 12 No 1 & 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to policies of the emerging Borough of Broxbourne Local Plan 2016-2031 (emerging LP). The emerging plan has not yet reached adoption, I therefore attach only limited weight to it.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of future occupiers regarding outdoor space;
 - The character and appearance of the surrounding area;
 - The living conditions of the occupiers of neighbouring properties regarding noise and privacy; and,
 - Highway safety, regarding car parking provision.

Reasons

Outdoor space

4. The appellant acknowledges that the proposed development would result in a shortfall in the provision of outdoor space for future residents against the Council's identified need for 20 square metres per flat. Outdoor space on the appeal site is limited to a narrow landscaping strip to the front and side of the property, a small area of space to the rear that separates the building from the carparking, and a roof garden on the Bosanquet Road frontage.
5. The appellant has referred to the availability of outdoor space along the river, an RSPB site nearby and a recreation ground to the north. I have not been

provided with any substantive details as to the RSPB site, but I noted the location of the Old Highway Recreation Ground (OHRG) at my site visit. The OHRG is an extensive area of open space in easy walking distance of the appeal site. As such the OHRG meets some of the need for outdoor space for future residents.

6. However, the Council identifies that the total shortfall in the provision of outdoor space is 79 square metres, this is a significant proportion of the total requirement of 240. This shortfall, in combination with layout of the outside space on the site that results in only a small area being usable, cannot be entirely mitigated by the presence of the OHRG nearby.
7. I have been directed to saved policy H11 the LP that seeks to ensure that high density development is supported where this is compatible with the area and the amenity of all occupiers is protected. The Council details that the density for the appeal site, as detailed in saved policy H11, is 60 dwellings per hectare (dph) whereas the proposed scheme is significantly higher at approximately 96dph.
8. To the north of the appeal site are substantial modern buildings accommodating residential flats, the appellant details that the density of these buildings is approximately 135 dph and nearby Marquis Court residential properties are, being approximately 96 dph, of a similar density to the proposed development.
9. I have not been provided with substantive details of the circumstances or policies that applied at the time that consent was granted for the developments referred to by the appellant, and even if I were to conclude that the density of the proposed development were to be acceptable and that the proposed development was therefore not contrary to saved policy H11 of the LP, the substantial shortfall in outdoor space would still remain.
10. Therefore, I find that the proposed development would not provide adequate living conditions for future occupiers of the proposed development regarding outdoor space and as such is contrary to saved policies H8, H11, HD13 and HD16 of the LP and draft policy DSC1 of the emerging LP in so far as they seek to protect the living conditions of future occupiers of the proposed development in respect of the provision of outdoor space.

Character and appearance

11. The proposed building is shown on the submitted plans as being a single block, albeit with the use of high-quality materials and detailing to the façade and roof, and has accommodation set over three floors, including within the mansard style roof. The plans show the development as being of a similar height to the adjacent residential properties.
12. The appeal site occupies a prominent corner position and as such is widely visible in the local area. The immediate area around the appeal site is a mixture of older industrial units and established residential houses.
13. The appellant has referred to the nearby new residential flat developments, referred to previously. However, I saw at my site visit that the appeal site, being situated on the corner of Bosanquet Road and Salisbury Road would be predominantly viewed in that context and is therefore distinctly separate from the properties referred to by the appellant.

14. I therefore find that the proposed development would, by virtue of its size, scale and prominent location, be in contrast to the immediately adjacent residential dwellings and industrial properties. As such, the proposal would create an incongruous feature harming the character and appearance of the surrounding area, contrary to saved policies H11, HD13 and HD16 of the LP and draft policy DSC1 of the emerging LP in so far as they seek to protect the character and appearance of areas around new development.

Living conditions

15. The appeal site is bound by residential properties to the side and rear. However, the submitted plans show that there are no windows on the gable elevations that face towards the residential properties. The windows to the rear elevations of the proposed building are separated from the boundary by the proposed car park and landscaping. As such I do not find that the proposed development would result in an unacceptable impact on the privacy of the occupiers of the neighbouring properties.
16. I note that the proposed development includes a roof terrace to the second floor. The roof terrace is situated near to the boundary with the adjacent residential property 9 Bosanquet Road. However, No.9 is set back from the road and as such the proposed roof garden would be slightly forwards of the building preventing overlooking or noise. resulting from the use of the roof garden, impacting on residents using private outside space to the rear of the property.
17. As such, I have no substantive evidence before me that the proposed development would result in an unacceptable impact on the living conditions of the occupiers of neighbouring properties regarding noise and privacy. The proposed development is not therefore contrary to saved policies H8, H11, HD1 and HD16 of the LP and draft policy EQ1 of the emerging LP in so far as they seek to protect the living conditions of the occupiers of existing properties near to new development.

Highway safety

18. The submitted plans show that the proposed development would provide 15 car parking spaces to serve the proposed 12 flats. The Council confirms that the adopted car parking standards would require 24 car parking spaces, which can be reduced to 18 as a result of the location of the site in relation to services and public transport links. The parking provision proposed is still below the reduced level for parking provision.
19. I note that a number of local residents have objected to the proposed development and have referred to car parking issues in the local area. At my site visit, which was carried out in the afternoon of a typical weekday, I observed that there were very few on street car parking spaces available.
20. As such, while the site is in an accessible location the short fall in the provision of on-site car parking spaces is nonetheless significant. I therefore find that the proposed development is contrary to saved policy T11 of the LP and draft policy TM5 of the emerging LP that seeks to protect highway safety.

Other Matters

21. Whether or not the Council can demonstrate a 5-year housing land supply is at dispute between the parties. However, it is not suggested that the local plan policies are not up to date as a result of any shortfall. The proposed development would create 12 flats on a previously developed site in a highly accessible location and as such would contribute positively to the overall supply of housing.
22. In support of the appeal, the appellant has submitted a signed planning obligation to contribute a total of £60,000 to meeting the needs of local community and infrastructure.
23. Paragraph 56 of the National Planning Policy Framework (the Framework) states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. That the obligation meets these tests is not at dispute between the parties and based on the evidence before me, I agree and find that the financial contributions accord with saved Policy IMP2 of the LP and the guidance set out in the Framework.
24. These are material considerations that weigh in favour of the proposed development, as such I give this some weight, but they do not outweigh the harm I have previously identified.

Conclusion

25. For the reasons detailed above the appeal is dismissed.

Mark Brooker

INSPECTOR