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## Appeal Decision

Site visit made on 8 October 2019 by Emma Worby BSc (Hons)

**by Andrew Owen BA (Hons) MA MRTPI**

**appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> November 2019**

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**Appeal Ref: APP/W1905/W/19/3234135**

**39 Shortmead Drive, Waltham Cross, Cheshunt, Hertfordshire EN8 8TY**

- 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 Ajay Patel against the decision of Broxbourne Borough Council.
  - The application Ref 07/19/0203/F, dated 4 March 2019, was refused by notice dated 7 May 2019.
  - The development is a change of use to a parking drive and hardstanding.
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use to a parking drive and hardstanding at 39 Shortmead Drive, Waltham Cross, Cheshunt, Hertfordshire, EN8 8TY in accordance with the terms of the application, Ref 07/19/0203/F, dated 4 March 2019, and the land registry plan, the location plan and the plan showing the driveway measuring 6400mm x 7100mm.

### Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. At the time of my site visit the hardstanding was already in place, and indeed the Council considered the application retrospectively. I have considered the appeal on this basis also.

### Main Issue

4. The main issue in the appeal is the effect of the development on the character and appearance of the area.

### Reasons for the Recommendation

5. The appeal site is occupied by a two-storey terraced dwelling which has a large block-paved driveway that covers the entire area between the front elevation of the dwelling and the footway. This is the driveway subject of the appeal.
6. It was noted during the site visit that there are a number of existing driveways on Shortmead Drive with some only partially covering the front garden and some fully covering the front garden, similar to the development which is the

subject of this appeal. Therefore, as driveways are a common feature to the front of residential dwellings nearby, it is not considered that the proposed driveway appears out of keeping within its surroundings. The Council have highlighted that these other driveways may have been constructed without planning permission or before the guidance for construction of new driveways at Russells Ride estate was adopted. Nevertheless, the existing driveways on other neighbouring sites still form part of the character and appearance of the area and therefore should be given weight. It is understood that the Council are looking to prevent excessive hardstanding to the front of properties within this particular estate. However, it is not considered that the appeal development alone has a harmful impact upon the streetscene and the addition of this development to the cumulative impact of all hardstanding frontages within the area is minimal.

7. I note that the development does not strictly accord with the guidelines set out within the 'Guidance for construction of new driveways at Russells Ride estate' (March 2015), which is referred to in the Council's reason for refusal, as the driveway covers more than 40% of the front garden. Nonetheless, whilst useful, this guidance is just that and, in this instance, the particular circumstances of this case outweigh the guidance within this document.
8. For the reason above, I do not consider that the development harms the character and appearance of the area. As such I find no conflict with Policies H6, H8, HD13 and HD16 of the Borough of Broxbourne Local Plan (2005) or Policies DSC1 and DSC3 of the Draft Local Plan (2017) which, amongst other things, require all development to protect amenity and be good quality with a high standard of design, and the design objectives of the National Planning Policy Framework.

### **Conditions**

9. The Council suggest two conditions. The first is to ensure that the development is maintained in accordance with the approved plans, and I have incorporated these plans into the formal decision. The second condition proposed by the Council is to ensure that the land cannot be used for any purpose other than the parking and turning of vehicles. However, this condition has not been included as it is not considered necessary. Were this space not used for parking of cars, the cars would simply park on the road as they did before.

### **Conclusions and Recommendation**

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

*Emma Worby*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR