



Appeal Decisions

Hearing Held on 5 February 2020

Site visit made on 5 February 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 2nd March 2020

Appeal A

Appeal Ref: APP/W1905/W/19/3225394

43 Turners Hill, Cheshunt, WALTHAM CROSS

- 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 Fastgrand against the decision of Broxbourne Borough Council.
- The application Ref 07/18/0918/F, dated 3 September 2018, was refused by notice dated 13 November 2018.
- The development proposed is described as:
 - "Change of use of listed building (No 43 Turners Hill) from an accountant's office (Class A2) to residential (Class C3) in the form of 2 x 2 bedroom flats;
 - External alterations to No 43 Turners Hill including removal of existing rear extension and creation of additional floorspace to rear,
 - Development of new 2 storey detached building adjacent to no 43 Turners Hill which will provide 2 x 1 bed flats;
 - Development of 4 x 2 bed terraced dwellings to the rear of No 43 Turners Hill, and
 - Associated works including new vehicle parking provision, hard/soft landscaping, residential amenity space, secure refuse and cycling storage."

Appeal B

Appeal Ref: APP/W1905/Y/19/3225456

43 Turners Hill, Cheshunt, WALTHAM CROSS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Fastgrand against the decision of Broxbourne Borough Council.
- The application Ref 07/18/0919/LB, dated 3 September 2018, was refused by notice dated 13 November 2018.
- The works proposed are described as:
 - "The development proposed is described as "Change of use of listed building (No 43 Turners Hill) from an accountant's office (Class A2) to residential (Class C3) in the form of 2 x 2 bedroom flats;
 - External alterations to No 43 Turners Hill including removal of existing rear extension and creation of additional floorspace to rear,
 - Development of new 2 storey detached building adjacent to no 43 Turners Hill which will provide 2 x 1 bed flats;
 - Development of 4 x 2 bed terraced dwellings to the rear of No 43 Turners Hill, and
 - Associated works including new vehicle parking provision, hard/soft landscaping, residential amenity space, secure refuse and cycling storage."

Decision

1. The appeals are dismissed.

Application for costs

2. At the Hearing an application for costs was made by Fastgrand against Broxbourne Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council have referred to a number of policies from the emerging Broxbourne Local Plan in the decision notices. I am advised that the Plan is well advanced and due to be adopted in June 2020. In line with the guidance in paragraph 48 of the National Planning Policy Framework (the Framework), I attribute moderate weight to the policies within it. At the hearing I was advised that policies HA4 and HA6 had been withdrawn from the emerging plan and replaced by policies HE1 and HE2. As these have not been referred to within the decision notice, and did not form part of the Council's submitted case, I have not taken policies HE1 and HE2 into account in reaching a decision.
4. The description of development does not refer to internal alterations. However, these are clearly shown on the floorplans and are necessary to enable the conversion of the building to use as flats. I have therefore determined the appeal on the basis of the details submitted.
5. During the site visit it became apparent that the roof window and dormer served an attic storey of 2 relatively recently converted rooms which were not shown on the survey, or the proposed floor plans. The proposed layout would preclude access to the existing upper floor. It seems unlikely that an already converted space would not be brought into use as part of the property. However, as I have determined the appeal on the basis of the scheme put before me, and as set out below, this matter is not, in the event, determinative.
6. 43 Turners Hill is a Grade II listed building. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The *National Planning Policy Framework* (the Framework) requires that the significance of heritage assets is conserved in a manner appropriate to their significance and this reflects the requirements of the Act.

Main Issues

7. Accordingly, the main issues for the appeal are:
 - Whether the proposal would preserve the special interest of the Grade II listed 43 Turners Hill, and the effects of the proposal on the character and appearance of the local area;
 - The effects of the proposal on highway safety;
 - The impact of the proposal on the living conditions of adjoining occupiers;

- Whether the proposal would provide acceptable living conditions for future occupiers of the development;

Reasons

The Effect of the Proposal on Heritage Assets and the Character and Appearance of the Area

8. 43 Turners Hill is a detached building on a large plot which sits within the built up area which makes up Cheshunt town centre. The property is Grade II listed and the listing indicates that parts of the structure, in particular the timber frame of the original building, date from the mid 18th Century. The symmetrical proportions of the front elevation provide a pleasing façade which makes a positive contribution to the streetscene. The building has been altered over time with a large outrigger and centrally placed stairwell. The roof also includes a small pitched dormer. The listing contains no details of these alterations, or of the interior of the building, although I noted during the site visit that the interior layout retained some features which appeared to be of some age and are indicative of its evolution over time. The significance of the asset therefore lies in the antiquity of parts of its fabric, as an example of how a building of its type and age has been adapted over time and in the aesthetic quality of the building particularly the front façade.
9. The proposal would comprise the conversion of the listed building into 2 flats, and the erection of a linked extension to the building which would provide a further 2 flats. A block of 4 terraced 2 bedroom houses, to the rear of the site, would provide a further 4 dwellings, bringing the total dwellings on site to 8. The existing rear extension and central stair tower to the rear of the building would be removed and replaced with a small 2 storey rear addition.
10. The proposed extension would sit along the front of the site and would be linked to No 43 by a glazed stairwell. The glazed link would be relatively narrow and the proportions of the new addition would be broadly similar to that of the original structure. The fenestration and materials seek to provide a contemporary interpretation of the original building. However, without the balanced ratio of solid to window or the attractive detailing to the windows and doors, that is evident on the original building, the new addition would fail to adequately reflect the appearance of the original. Neither would it provide a satisfactory contrast, with the proposed recessed brick panelling likely to appear unnecessarily fussy alongside the render on the original facade. The relatively narrow glazed link would also be insufficient for the addition to be perceived as a separate entity. In this regard the new structure would be read as an uncomplimentary addition, which would compare unfavourably with the balanced proportions of the original façade.
11. Whilst I note that the building would originally have been attached to another structure, I have been presented with no evidence as to the form the original structure took. I am therefore of the view that insofar as the proposal would appear as an incongruous addition, which would mar the appearance of the front façade, the proposal would not preserve the significance of the heritage asset and would harm the character and appearance of the area.

12. I have also been advised that approval has been given for redevelopment of the adjoining site¹. I agree with the appellant that this scheme is likely to alter the context in which the appeal site is viewed, particularly due to the scale of proposed development to the rear. In this regard I do not share the Council's concerns as to the scale and form of the proposed terrace to the rear. However, the proposal would not significantly alter the context in which the front façade of the appeal building is appreciated and so this matter does not alter my views above.
13. With regard to the effects of the proposal on the fabric of the building, I concur with the Council that the removal of the existing rear additions would not represent a loss of important or significant historic fabric. However, in respect of the internal alterations, the proposal fails to provide any proper assessment of the existing internal fabric, or its significance, and so it hard to see how any conclusions as to what the effects of the proposal might be on the assets significance can be drawn. Therefore, in the absence of any cogent assessment of the effects of the proposal on the interior of the building, I am not assured that the proposal would preserve the significance of the asset.
14. I take into account that there is an existing permission² for conversion of the building, and that an assessment of the building's interior does not appear to have been undertaken as part of that approval. Whatever the circumstances which led to the original scheme, even if I assume it was likely to be implemented, given my concerns in relation to side addition, this matter would not remove the harm I have identified in this case.
15. I consider the level of harm caused to the significance of the heritage assets to be less than substantial. The Revised National Planning Policy Framework (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
16. The proposal would bring the building back into viable use. As I have no compelling evidence that the scheme before me provides the only viable or appropriate reuse of the building, this limits the weight I attribute to the matter as a public benefit. The proposal would provide 8 residential units. The Council acknowledges that there is currently no 5 year supply of housing in the Borough and so the contribution the proposal would make to provision of homes in the Borough must carry significant weight.
17. Nevertheless, the Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. I therefore attribute greater weight to the harm which would arise to the significance of 43 Turners Hill as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework. It would also conflict with policy HD5 of the Borough of Broxbourne Local Plan (Local Plan), which seeks to preserve the character and appearance of Listed

¹ Ref 07/19/0771/F

² Ref 07/16/1363/F & 07/16/1364/F

Buildings and to ensure that new development does not result in the loss of features which contribute to the architectural or historic interest of the building.

Highway Safety

18. The proposal would provide 6 parking spaces to serve 8 dwellings. Both the existing local plan and the emerging local plan advocate a maximum parking standard of 1.5 spaces per dwelling for a 1 bedroom flat and 2 spaces for a 2 bedroom flat. The Council state that as the site lies close to the Old Pond District Centre and is in an accessible location, a 25% reduction in the 11-12 spaces normally required by the Council's Parking Standard would be appropriate in this case. Although this figure is not in line with the indicative requirement in either the existing or emerging plan, the appellant and Council agree that the deficit in spaces that would arise as result of the scheme would be 2-3 spaces.
19. The site lies in an urban location which the parties agreed is well served by public transport. Taking into account the size of the proposed dwellings I consider it reasonable to assume that car ownership at the properties would not be high. Given available access to services and transport it would also not be a necessity for many future residents. I therefore consider it reasonable to assume that additional pressure for on-street parking that might arise from the development would not be likely to be greater than the Council's identified deficit in spaces.
20. The application was accompanied by a parking survey which showed some limited availability of on street parking in the wider vicinity overnight. I acknowledge the Council's concerns, that the methodology used may not accurately reflect the actual distances residents would seek to park their car from their property. Nevertheless, the Council do not dispute that some limited on-street parking is available in the wider area, and the likely increase in parking pressure of 2-3 spaces is in my view also limited. I therefore have no convincing evidence that the proposal would give rise to significant effects on wider highway safety, or residential amenity, from overspill parking from the development.
21. The Council have referred to policy T11 of the Local Plan and the Interim Policy for Residential Parking Standards and policy TM5 of the emerging Local Plan. These direct that parking provision have regard to maximum parking standards taking into account factors such as the accessibility of the site, access to services and the nature of the proposal. I therefore find no conflict with these policies, or with the Framework, which has similar aims.

Living Conditions of Adjoining Occupiers

22. Properties on Gaywood Avenue lie adjacent to the rear of the development site with the side elevation and garden of No 48 sitting immediately adjacent to the rear gardens of the proposed terrace. The proposed dwellings would sit around 10 metres from the common boundary. The Council consider that the position and size of the proposed bedroom window to the end unit would cause overlooking to the garden of occupiers of both 48 Gaywood Avenue and adjoining properties.
23. I noted on site that overlooking was already likely to occur from the upstairs windows of the adjacent NFU Mutual office building, which sits at a similar

distance from the site as the proposed dwellings. Whilst this building is in a different use, it nonetheless allows an open view of the gardens on Gaywood Avenue. Taking into account the level of existing overlooking, the position of the window relative to the boundary and the proportion of the gardens likely to be affected, I am satisfied that even if the existing laurel hedge were to be removed at a future date, the development would not lead to a material increase in intrusion, or a significant loss of privacy.

24. During the hearing I was also advised of the concerns of residents regarding the effects of overspill parking. Although Gaywood Avenue sits some distance by road from the appeal site, pedestrian access to the site and the high street is available via a relatively direct route. As a result the street is attractive to commuters and others seeking on-street parking and this has led to inconvenience and disturbance for residents. However, for the reasons set out above, I do not consider that the amount of overspill parking likely to arise from the development would be significant. As such, whilst I acknowledge resident's concerns, I am not persuaded that the scheme before me would add significant additional pressure.
25. The Council have referred to policies H6 and H8 of the Borough of Broxbourne Local Plan. These policies refer to the Borough Wide Supplementary Guidance which does not contain specific guidance as to overlooking to gardens. Furthermore the reason for refusal refers to policy DSC1 of the emerging Broxbourne Local Plan, however this policy does not specifically refer to living conditions and is therefore of limited relevance to this matter. Nevertheless, the proposal would not conflict with guidance in the Framework, which seeks development which seeks a high standard of amenity for existing and future users.

The Living Conditions of Future Occupiers

26. The Council have expressed concerns that the proposed external space for the proposed flats would too small and of a poor configuration. Arrangements for waste³ and cycle storage would also need to be accommodated within the space. During the hearing I was also provided with plan ref 18-1324-10E, which shows the proposed parking along with a potential recycling storage area, a space for a "Eurobin", and indicative areas to the front of the proposed houses, for the storage of bins to each property. These arrangements would fall short of the guidance provided by the Council⁴ in relation to the dimensions of the areas proposed. The plans also show bin stores potentially located along the front of the proposed dwellings, potentially obscuring parts of the kitchen windows.
27. Whilst it is possible that an alternative waste storage arrangement could be arrived at, taking into account the very limited space available within the site, it is likely that alternative arrangements would encroach upon space otherwise proposed for amenity or vehicular circulation. Furthermore, the terrace to the rear would not have separate rear access and so cycles would need to be brought through the house to be stored. The shared rear garden to serve the flats is also relatively small, and although there is some space to the front of the building, this sits immediately beside a busy main road and is relatively narrow. In my view the rear garden is unlikely to be well used as a shared

³ plan ref 18-1324-10E shows part of the space being used for recycling storage.

⁴ Broxbourne Borough Wide Waste Supplementary Planning Guidance 2013

space, although I note the proximity of Grundy Park in this case would to some extent allow for outdoor recreation.

28. Whilst none of these factors are in themselves determinative, together they are indicative of a cramped and over-intensive form of development, which exceeds the capacity of the site to comfortably accommodate it, and the resulting accommodation would fall short of providing appropriate living conditions for all future occupiers.
29. I take into account the fact that the adjoining site has permission for a more intensive flatted form of development. Be that as it may, I have no evidence that the adjoining scheme would suffer from the deficiencies identified above and would not in any case consider such a deficiency to justify further shortcomings on this site.
30. Of the policies put to me by the Council I consider Policy HD16 to be most relevant. The proposal would fail to provide a high standard of design which ensures that built form is not unacceptably intensified. It would also conflict with guidance in the Framework which seeks to ensure development provides a high standard of amenity for existing and future users.

Conclusion

31. The proposal would harm the significance of the Grade II listed 43 Turners Hill. This matter on its own is determinative. It was also fail to provide acceptable living conditions for future occupiers of the development. The stated benefits of the scheme would be insufficient to outweigh the harm identified.
32. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tim Cropper

Phil Tilby

S Jell

Tristan Squire

Mialex Plannig

Vectos

Subnosa Architects

Architect

FOR THE LOCAL PLANNING AUTHORITY:

Terence Gardner

Maria Kitts

Broxbourne Borough Council

Essex County Council

INTERESTED PARTIES:

Halim Mamar

DOCUMENTS SUBMITTED AT THE HEARING:

1. Hearing notification list dated 16th January 2020
2. Copies of Policies HE1, HE2 and TM5 of the Broxbourne Local Plan
3. Statement on behalf of residents of Gaywood Avenue
4. Costs Application from Mialex Planning on behalf of the Appellant
5. Costs rebuttal from the Council