



Appeal Decision

Site visit made on 11 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/N1920/W/20/3249469

51 Elmfield Road, Potters Bar, Hertfordshire EN6 2JJ

- 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 Ms Costello against the decision of Hertsmere Borough Council.
 - The application Ref 19/1950/FUL, dated 30 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is described as 'proposed garden development of a single bungalow dwelling house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. However, the description entered on the appeal form refers to 'demolition of existing rear garage and construction of single storey detached dwelling to include bin storage and parking' which essentially reflects that stated on the Council's decision notice. As I consider this to be a more accurate description of the proposal, I have considered the appeal on this basis.
3. Notwithstanding the planning application reference entered on the appeal form, it is clear from the supporting evidence that the appeal relates to application reference 19/1950/FUL, and I have determined the appeal accordingly.

Main Issues

4. The main issues in this appeal are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) whether or not living conditions for occupiers of the proposed dwelling would be acceptable with particular regard to outlook and light.

Reasons

Character and Appearance

5. Near to the appeal site, Elmfield Road is generally characterised by a mixture of detached bungalows and two-storey semi-detached dwellings. These vary in their styles, designs and external materials, and in many cases include extensions or alterations. Nevertheless, dwellings are arranged on strong building lines set back from the street, with gardens or areas of parking to their frontages. This regularity provides for a feeling of harmony within the street

scene, and there is an overall sense of spaciousness which is enhanced by backdrops of the typically generous rear gardens which are apparent in the spaces between buildings.

6. The appeal site is located at the junction of Elmfield Road with Elmfield Close. There are no dwellings fronting Elmfield Close, but it connects via a footpath to The Shrublands, and provides access to an outbuilding to the rear of 53 Elmfield Road, as well as a detached garage and area of hardstanding to the rear of the detached bungalow on the appeal site. The appeal proposes to replace the garage with a single-storey dwelling accessed from Elmfield Close.
7. The main parties refer to an earlier proposal for a dwelling on the site that was dismissed at appeal¹. I have not been provided with full details of that proposal, but it is clear from the available information that the development before me differs notably, including as a result of the size and single-storey height of the dwelling now proposed. While I acknowledge the outcome of the previous decision, I have considered the appeal scheme on its own merits.
8. The scale and single-storey form of the dwelling itself would not be out of keeping with other buildings in the vicinity, and with regard to the mix of buildings nearby, the proposed external materials and appearance of the dwelling would also be sympathetic.
9. However, the depth and overall size of the plot to serve the dwelling would be far smaller than is typical within this area, and the building would be positioned very close to the boundaries with Elmfield Close and 56 The Shrublands in particular, as well as to the boundary with 49 Elmfield Road at the rear of the dwelling. Notwithstanding the separation to neighbouring buildings, the limited spacing around the dwelling to its boundaries would be at odds with the more generous plots and spacing afforded to other dwellings nearby, and would deprive it of a proper setting. The shallow rear garden would also contrast strikingly with the established pattern of long gardens which are apparent in the vicinity around the appeal site. As a consequence, the development would be wholly unrelated to the characteristic traditional built form, layout and spacious quality which define the area, and I find that the dwelling would appear cramped on its plot, eroding the area's spaciousness.
10. Direct access to the dwelling from Elmfield Close means that it would not in my view comprise 'tandem development' in the terms of the draft Planning and Design Guide part D 2016 (draft PDG). However, its incongruous nature would be exacerbated by the lack of any immediate neighbours fronting Elmfield Close. There is a building to the rear of 53 Elmfield Road which is accessed from Elmfield Close, but it appears outwardly to be within the rear garden and associated with this neighbour, rather than an independent dwelling and there is no firm evidence before me to indicate otherwise. As a result, the dwelling would appear as an isolated feature to the rear of those fronting Elmfield Road, and would stand out conspicuously against their long rear gardens.
11. I note the condition of the existing garage on the site which is not of particular architectural merit. Nevertheless, it sits comfortably to the rear of 51 Elmfield Road as an ancillary outbuilding, and given its fairly small scale and set back from Elmfield Close is an unobtrusive feature in the street scene. While the dwelling would be single storey, its presence as well as the constrained size of

¹ Application reference 18/0652/FUL

the plot would be appreciable as an incongruous and jarring addition in views from Elmfield Close as well as from Elmfield Road at the junction. In this context, the replacement of the garage would not offer an improvement.

12. I agree with the appellant that the potential for similar development to be carried out to the rear of nearby dwellings is likely to be limited in most cases by the lack of direct street access. However, this does not alter the harm that would be caused by the proposal to the character and appearance of the area.
13. I have considered the examples of other developments which the appellant has referred to in support of the appeal. I accept that there are some dwellings which differ in orientation from neighbours, but these are on corner plots following the pattern of development around junctions and are seen together with neighbours on both street scenes. Dwellings around Drayton Avenue which are specifically highlighted by the appellant did not appear to me to have significantly smaller gardens than is typical on Elmfield Road. I did note some variation in plot sizes within the wider area at my visit, but I nonetheless saw more spacing between dwellings and their boundaries than is proposed on the appeal site, and I was not directed to any examples of plots similar in size to the appeal proposal. I do not know the circumstances that led to the development at Archers Close, but while it comprises dwellings set to the rear of 120 Dugdale Hill Lane, these are set on larger plots maintaining a greater degree of spaciousness. These examples are not therefore directly comparable to the appeal before me. Given also that they do not form part of the immediate street scene around the appeal site, they do not offer significant support for development that would harm the character and appearance here.
14. I therefore conclude on this main issue that the proposal would fail to integrate sympathetically with its surroundings and it would cause unacceptable harm to the character and appearance of the area. As a consequence, it would conflict with Policies SP1 and CS22 of the Core Strategy 2013 (CS) and Policies SADM3 and SADM30 of the Site Allocations Development Management Policies Plan 2016 (SADM). Amongst other things, these policies seek high quality design and require development that recognises and complements the character and quality of an area, including with regard to matters of scale and design which respect the local pattern of development. For the same reasons, it would also conflict with requirements within the National Planning Policy Framework (the Framework) seeking high quality design and development that is sympathetic to local character.
15. The proposal would also be contrary to guidance within the draft PDG which outlines a general presumption against forms of garden land development resulting in detrimental change to the character of an area. The draft PDG has been the subject of consultation, but it is not adopted. While this does not mean it is of no weight or incapable of forming a material consideration, the weight that I give to this guidance is therefore limited.

Living Conditions

16. The Council suggests that the external amenity space for the dwelling would be around 58.7sqm which would not meet the standard within the draft PDG for external amenity space provision of 60sqm to serve a two-bedroom property. The appellant disagrees, and advises that it would have an area of 61.2sqm. From the information before me, I am unable to draw any firm conclusions on the actual area of the amenity space. However, the guidance within the draft

PDG is just that, and is not an absolute requirement. Moreover, even if I were to accept the Council's assessment, the shortfall would be very modest.

17. Be that as it may, the size of the space is not the only relevant factor. It would be of unusual shape wrapping around the rear of the dwelling. Even at its widest, the section between the side of the dwelling and the boundary with 56 The Shrublands would be very narrow, and the depth of the larger part of the space to the rear of the dwelling would also be limited. Irrespective of whether or not the dwelling is likely to be occupied by families with children, the dimensions and layout would limit the functionality of the space, and would be likely to restrict light levels causing it to feel confined and hemmed in between the building and boundary treatment. Although the crowns of the trees to the rear are fairly high, they are of significant scale and would be likely to have some further impact on the light reaching the amenity space. Although not protected, these trees are not within the appeal site and I have no reason to consider that the appellant would have any control over them. I can therefore have little confidence in the suggestion that adverse impacts could be addressed by works to reduce or remove them.
18. While the quantum of provision in itself may not be determinative, overall, I find that these factors would severely constrain the attractiveness and usability of the intended amenity space such that its value to occupiers of the dwelling would be limited, harmfully diminishing their quality of life.
19. In addition, outlook from and light to the glazing serving the dwelling's kitchen/living/dining room would be severely compromised by the close proximity to the boundary with 49 Elmfield Road and the vegetation beyond. The effect on the window serving the single bedroom would be less extreme given the greater separation, but this window would also be set close to the deeper part of the dwelling and the boundary with 56 the Shrublands which narrows towards the rear of the building. This would give rise to a significant sense of enclosure and would adversely affect outlook for occupiers.
20. For these reasons, I conclude on this main issue that the proposal would fail to provide acceptable living conditions for occupiers of the dwelling. Given this, the development would conflict with Policy SP1 of the CS which includes requirements for development of high quality and which ensures a safe, accessible and healthy living environment for residents. It would also be contrary to the Framework which outlines that development should provide a high standard of amenity for existing and future users.

Other Considerations

21. The appeal site is within an existing built-up area where CS Policies SP1 and CS2 indicate general support for development to meet local housing and other needs. However, CS Policy CS27 refers to town centre and retail development, and is of less relevance. The proposal would make effective use of the site to provide a new dwelling, and as a windfall would contribute to the mix of available homes, the supply of housing and to meeting targets. There would also be some economic benefits associated with both the construction and occupation of the development. These objectives are strongly supported by the Framework. However, the proposal's contributions in these regards would be qualified by the modest scale of the development for a single dwelling.

22. Despite the appellant's assertion that the proposal would meet affordable housing criteria, there is no firm evidence that it would meet the definition of affordable housing as set out within national or local planning policy. Nor is there any mechanism before me which would secure the development as self-build housing which the Framework supports.
23. I note the suggestion that the dwelling would be low carbon and meet high environmental standards, but the absence of further details demonstrating the environmental credentials and energy use limits the weight that I afford to this factor. It is also not clear from the submitted information how the proposal would deliver enhancement to the standard of the existing dwelling on the site.
24. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. As a smaller, single-storey dwelling built to meet current building regulation requirements, I have no doubt that the development could, in principle, offer a dwelling suitable to meet the needs of a range of occupiers, including older or disabled people. Age and disability are protected characteristics. I further note that the appellant advises at appeal stage that the dwelling would meet the needs of a family member with mobility difficulties seeking suitable accommodation, and I have not been provided with substantive evidence of alternative adapted housing which would be available in the area.
25. However, I have found that the development would not provide acceptable living conditions for future occupiers. Moreover, the development would be permanent, and would remain indefinitely regardless of the occupiers of the dwelling. As a result, I do not find that these considerations would outweigh the harmful effect of the development on the character and appearance of the area or the failure to provide acceptable living conditions.
26. The appellant has alluded to crime and anti-social behaviour associated with the existing garage on the site. I acknowledge that the proposed replacement of the garage could alleviate the appellant's concerns in these regards, and that additional surveillance to Elmfield Close could offer a further benefit to security. This would accord with objectives within CS Policy CS22 and the Framework which highlight the need to integrate principles of crime prevention and safety as part of development and to create safe and secure environments. However, there is no firm evidence demonstrating that the appeal proposal would be the only solution to secure these benefits which limits the weight that I give to this factor. That the development would meet building regulation requirements, and that no harm to the living conditions of neighbouring occupiers is identified are neutral considerations which weigh neither for nor against the proposal.
27. Bringing matters together, I acknowledge the presumption in favour of sustainable development within the Framework and recognise that the proposal would comply with many aspects of policies within both the development plan and the Framework. However, I find that even taken together, the benefits of the proposal are insufficient to outweigh the harm that I have identified to the character and appearance of the area, to the living conditions of future occupiers, and the resulting conflict with the development plan in these regards.

Conclusion

28. The proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR