



Appeal Decision

Site visit made on 22 July 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2020

Appeal Ref: APP/W1905/D/20/3251062

3 Rye Road, Hoddesdon EN11 0JB

- 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 Greg Gamez against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/0073/F, dated 27 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is erection of a single storey front extension and a detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the determination of the appeal I was made aware that the Broxbourne Borough Council Local Plan 2020 ('the LP') was adopted on 23 June 2020 and I have subsequently been provided with the relevant policies of the LP. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision. In the interests of natural justice both parties were given a further opportunity to comment on the implications of its adoption for the appeal and I have therefore determined the appeal on the basis of the LP, having regard to any comments received in this decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of existing and future occupiers, with particular regard to outlook.
 - Whether the proposed parking arrangements would be acceptable.

Reasons

Character and appearance

4. Rye Road is a predominantly residential street with diversity in its building type, form, and appearance, including long terraced rows of 2 storey dwellings opposite the appeal site and sited close to the footway, contemporary flatted

blocks further east and individual detached and semi-detached, 2 and single storey buildings. The host property is a detached 2 storey dwelling, set much lower than the carriageway and with a much greater setback from it. In this part of the street and in combination with similar layouts and arrangements on neighbouring properties, this allows for some visual and spatial relief that positively contributes to the appearance of the Rye Road streetscene. I observed that a neighbouring property had benefitted from a raised driveway but there were no outbuildings or other significant development within the front curtilages of these or surrounding properties.

5. There are no objections to the single storey extension in character and appearance terms, I agree. I also acknowledge that from the western approach there are views of the existing and much larger blank flank wall of No. 1 Rye Road, its extraction flue, and a mature conifer in the garden of No. 5. However, the removal of the boundary planting and siting of a garage of the height and size proposed would, in such proximity to the front boundary, appear harmfully out of place and unduly prominent in a street where it is the articulated and active front elevations and open gardens of properties that address the street, not such outbuildings.
6. Despite the setback and use of sympathetic materials, in both approaches past the appeal site the eye would be unacceptably drawn to a blank flank elevation and pitched roof, exacerbated in some views by the stark contrast between painted render¹ and the large expanse of red/brown brickwork that forms the flank elevation of No.1. It would also substantially diminish views of the front elevation of the host property and in such a location it would be a visually intrusive and incongruous addition. Such incongruity would also be widely apparent from residential properties opposite and in this context, it would not be the high standard of design required by local and national planning policy.
7. I have considered whether planning conditions could address these concerns, for example by securing replacement landscaping in the planting bed proposed. However, the small size of that area would result in limited opportunities for additional and meaningful landscaping which would also take a substantial amount of time to mature to have any effect. It would also be dependent on a number of factors to be successful and I am not persuaded that it would fully mitigate the visual harm.
8. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy DSC1 of the LP which, amongst other things and when taken as a whole requires a high standard of design for all development that enhances local character considering, patterns of development, urban form, height, building lines and other setbacks. There would also be some conflict with the design quality and character objectives of the National Planning Policy Framework ('the Framework').

Living conditions

9. Views up the drive would still be possible from the ground floor of the host property, but these are already restricted by the presence of the large flank wall of No.1 Rye Road and the topography of the site. The single storey extension would bring the window of that ground floor accommodation much closer to the retaining and flank wall of the garage and would be at a

¹ Paragraph 3.4 of appellant's statement – 'A soft white colour'.

significantly lower level. The plans also appear to show that this would remain the only window serving that habitable room.

10. The siting and overall scale and height of the garage, in such proximity to this accommodation would be visually overbearing and oppressive to the outlook from it. The fact that the existing owner of the property seeks permission for this development is not determinative as I must consider the amenity of both existing and future occupiers. Accordingly, the proposal would cause harm to the living conditions of the occupiers of No. 3 Rye Road in terms of outlook and would therefore conflict with Policies DSC1 and EQ1 of the LP insofar as they require development to avoid detrimental impacts on amenities and be of a high standard of design.

Parking

11. The depth of the driveway falls short of the Council's guidance at the time of their decision by 400mm and no swept path diagram was provided, which is not unusual for a Householder development and is not entirely determinative. Whilst the size may not meet the Council's expectations and I accept that it is likely that users could find it challenging to manoeuvre in and out of the space, with care and caution it would not be impossible.
12. Vehicles associated with the host property would be manoeuvring in and out of the spaces at a very low speed and I do not consider that this would result in any danger to pedestrians or other users of the highway. No objections were received from Herts Highways as highway authority and there would be sufficient space to accommodate the required number of vehicles on the hardstanding and in the garage. Even if I were to be wrong on this issue, the appeal site is in an accessible location, a range of alternative transport modes are accessible along with other services and facilities.
13. Taking everything together, the proposed parking arrangements would be acceptable and there would be no conflict with Policy TM5 of the LP insofar as it requires a sensible and balanced approach to parking spaces based on the nature of the proposal, site context, accessibility of shops and services. There would also be no conflict with the corresponding highway safety and parking objectives of national planning policy in the Framework.

Conclusion

14. Although I have found that the parking arrangements would be acceptable, I have found the proposal would cause harm to the character and appearance of the area and the living conditions of existing and future occupiers, in terms of outlook. In my view these are the prevailing considerations and the proposal would conflict with a recently adopted and up to date development plan, when read as a whole. As such it would not be the sustainable development for which paragraph 11 of the Framework indicates a presumption in favour.
15. Material considerations, including the Framework do not indicate a decision should be made other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR