



Appeal Decision

Site visit made on 12 October 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/W1905/W/19/3243391

34 Dudley Avenue, Waltham Cross, Herts EN8 8RR

- 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 Edward Brien against the decision of Broxbourne Borough Council.
 - The application Ref 07/19/0804/F, dated 17 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is demolition of garage and construction of two bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties have referred to the Council's emerging Local Plan. I do not have any information about how close the emerging Plan is to adoption, and therefore I have given its policies limited weight in determining this appeal.

Main Issues

3. The main issues are:
 - Whether the development proposed would provide acceptable living conditions for future occupiers,
 - The effect of the development proposed on the living conditions of neighbouring occupiers with particular regard to the outlook from No 36 Dudley Avenue,
 - The effect of the development proposed on the character and appearance of the site and surrounding area; and,
 - Whether the development proposed would make sufficient provision for off-street parking for the existing and proposed dwellings.

Reasons

Living conditions of future occupiers

4. The appeal proposal is for a two-bedroom house. The Council, through its Borough-wide Supplementary Planning Guidance 2013 (the SPG), seeks a minimum floor area of 75 square metres for such development. The proposed

house would have a floor area of about 63 square metres. While the standards set out in the SPG are guidance, and assessment of underachievement will be made flexibly, the shortfall in this instance would be significant. The resulting house would offer a cramped and compromised form of accommodation, with the downstairs toilet opening directly into the living area and the stairwell restricting the available floorspace in the larger bedroom.

5. The proposed house would extend significantly deeper into the plot than the existing, and as a result would have a shallower rear garden. This garden would measure about 41 square metres in area, less than the 50 square metres sought in the SPG. The proposed house would have space at the front for a single car with no garden space shown on the submitted plan. The rear garden would be the only amenity space available to future occupiers with no public open space identified in the immediate vicinity of the site and would also need to accommodate refuse storage due to the lack of space at the front of the house. It would be a small space of limited value to occupiers.
6. The development proposed would therefore fail to make acceptable provision for the living conditions of future occupiers. It would conflict with policies H8 and HD16 of the Broxbourne Local Plan 2005 (the LP), which amongst other things seek to ensure a good quality of residential development.

Living conditions of neighbours

7. The appeal site is near a bend in Dudley Avenue, and the flank wall of the existing house faces the rear wall of No 36. The appeal proposal would significantly reduce the space between these facing elevations, and extend 3 metres beyond the rear wall of the existing house at both ground and first floor level. Due to this closer proximity and greater depth it would be a dominant and overbearing feature when seen from the rear windows and garden to No 36. This would be contrary to Policy HD16 of the LP, the criteria of which include an expectation that development not materially harm the amenities of existing residents.

Character and appearance

8. The proposed development would result in the creation of a terrace comprising Nos 32, 34 and the new house. There are no other similar terraces in Dudley Avenue. The proposed house would substantially reduce the space between the flank wall of the house and the shared boundary with No 36. This separation between neighbouring properties is typical of the Dudley Avenue street scene, particularly above ground floor level where few properties have extended up to the shared boundary. The development proposed would appear cramped in the street scene as a result of the reduction of this space.
9. While the bungalows in the immediate vicinity of the appeal site contribute variety to the street scene, the creation of a terrace of two-storey dwellings would nonetheless be incongruous and out of keeping. It would therefore be harmful to the character and appearance of the surrounding area, contrary to Policies H8 and HD16 of the LP which seek to ensure a good quality of residential development.

Parking

10. Parking on Dudley Avenue is restricted with yellow lines along both sides of the street. Off-street parking must therefore be provided for both the existing and

proposed houses. One parking space is proposed on the forecourt for each of the houses. The proposed house would be built further forward on the plot than the existing garage at the side of the house, reducing the depth of the forecourt.

11. Based on the submitted evidence it is not clear that the retained forecourt would be deep enough to accommodate a parked car without it either overhanging the pavement or obstructing the front door of the proposed house. This would result in an unacceptable situation for the future occupiers or pedestrians passing the site. In the absence of clear evidence to show that the parking layout would be acceptable it is not possible to say whether the development proposed would make sufficient provision for off-street parking for both houses.

Other Matters

12. The Council has referred to Policy H6 of the LP in its first and third reasons for refusal. From the evidence submitted this Policy seeks to prevent harm to communal amenity areas and harm from the extension of existing dwellings. This policy is not therefore directly relevant as the appeal proposal is for a new house.

Planning Balance

13. The Council cannot demonstrate the provision of a 5-year supply of land for housing, measured against their housing requirements. As the appeal proposal relates to the provision of housing, the presumption in favour of sustainable development as set out in Paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged.
14. The most important policies for the determination of this appeal are H8 and HD16 of the LP. These policies seek, amongst other criteria, to ensure a good standard of design and to protect the living conditions of neighbouring residents. I do not consider that these policies are out-of-date as these are principles that are fundamental to achieving sustainable development and so the policies are consistent with the Framework.
15. Conflict with Policy T11 of the LP was identified in the Council's second reason for refusal. This policy refers to maximum car parking standards. It is therefore out-of-date having regard to paragraph 106 of the Framework, which discourages their use other than in certain specific circumstances which have not been identified in this case. However, I have found that insufficient evidence was submitted with the appeal to clearly show that parking for both houses could be provided on-site. The status of Policy T11 is not therefore determinative in this case.
16. I have found that there would be harm from the poor quality of accommodation that would be provided in the new house and from the small garden area, as well as harm to the living conditions of the occupiers of No 36 due to the size and proximity of the proposed house. In addition to this the appeal proposal would be harmful to the character and appearance of the surrounding area. Given the extent of harm that would result I attach substantial weight to the conflict with the most important policies. Furthermore, insufficient evidence has been submitted to show that the development proposed would provide sufficient off-street parking, and this would amount to limited additional harm.

17. Set against this harm would be the benefits of delivering additional housing, and as of the 2018 Housing Delivery Test the Council had only delivered 67% of its target number of dwellings in the preceding 3 years. There is therefore a significant need for housing in the borough, but the appeal proposal is only for a single house and the benefits associated with it would be modest.
18. I therefore conclude that the adverse impacts of granting planning permission would, in this instance, significantly and demonstrably outweigh the benefits of the proposed development, when weighed against the policies of the Framework as a whole.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR