



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/19/3243274

133 High Street, Waltham Cross EN8 7AP

- 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 Gokmen Kerey of GIB Property Invested Limited against the decision of Broxbourne Borough Council.
 - The application Ref 07/19/0675/F, dated 2 August 2019, was refused by notice dated 23 September 2019.
 - The development proposed is described as "conversion of A1 storage to C3, in order to create 1no. one bedroom flat and 1no. studio flat".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties have commented on the Council's emerging Local Plan. The emerging Plan is at a relatively advanced stage with the hearings having been completed. Accordingly, the policies in the emerging Plan attract significant weight.

Main Issues

3. The main issues are:
 - Whether the development proposed would provide acceptable living conditions for future occupiers,
 - Whether it would be piecemeal development; and,
 - Whether it would make adequate provision for the storage of refuse, including the effect on the character and appearance of the area.

Reasons

Living conditions

4. Internal illumination of the proposed studio flat would be provided by two windows in the north elevation of the building. Due to their orientation these windows would provide limited natural light to the occupiers, and the kitchen area would be dependent on borrowed light. This would result in the interior of the studio flat being underlit and gloomy, dependent on artificial illumination and offering a poor standard of accommodation to future occupiers.

5. For both flats the sole or principal outlook would be across the yard to the rear of the terrace and the neighbouring car park. In an urban area this is a not uncommon outlook, particularly for accommodation above commercial properties. While not an attractive outlook, these would be lengthy and largely unobstructed views that would include trees in the distance. Given these considerations, the standard of outlook from the flats would be acceptable.
6. The development proposed would therefore not provide acceptable living conditions for future occupiers due to the lack of natural light to the studio flat. It would conflict with policies H8 and HD16 of the Broxbourne Local Plan 2005 (the LP). These policies seek, amongst other things, to ensure good quality of residential development.

Whether piecemeal development

7. The appeal site falls within an area of Waltham Cross identified in the emerging Local Plan (the ELP) for future mixed-use development to promote the vitality of the northern High Street. Policies WC1 and WC2 of the ELP set out the intentions for the area, and ELP Policy DSC7 states that the Council will resist piecemeal development that does not accord with agreed master plans.
8. The National Planning Policy Framework advises that refusal of a planning permission in such circumstances is unlikely to be justified unless the development proposed is so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.
9. The appeal site is an existing mixed-use property comprising retail on the ground floor and two approved flats in the front half of the first floor. The development proposed would relate only to this single property, and no substantial building works are proposed to the building to deliver the appeal proposal. No evidence has been submitted to show that there is an agreed master plan for the area. The appeal development would not therefore be piecemeal development nor so substantial that to grant permission would undermine the plan-making process.

Storage of refuse

10. Both parties consider that details of an acceptable size and siting for the refuse bin store could be secured by an appropriately worded condition, if permission were to be granted. The appellant owns the yard to the rear of Nos 133-137, and there is no reason to think that an appropriate location could not be found within the yard to accommodate the store if I were minded to allow this appeal.

Other Matters

11. Outdoor amenity space would be provided at the rear of the building. This would be sited beyond the parking area and next to the car park on the neighbouring site. As shown on the submitted plans there would be no screening for users of the green space. Because of the lack of privacy and proximity to moving vehicles this space would offer little amenity value to occupiers of the flats.
12. The development would provide two new units of market housing and deliver short-term economic benefits from their construction and ongoing economic

and social benefits from their occupation. The appeal site is in a built-up area with access to services and facilities as well as public transport. These benefits are acknowledged, but they do not outweigh the harm that would result from the creation of accommodation of poor quality.

Conclusion

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

M Chalk

INSPECTOR