



Appeal Decision

Site visit made on 13 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/N1920/W/20/3247163

51 Stapleton Road, Borehamwood, Hertfordshire WD6 5BS

- 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 G Alpaslan against the decision of Hertsmere Borough Council.
 - The application Ref 19/1811/FUL, dated 11 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is the construction of new 2 bed house adjacent to no 51 to create an end of terrace dwelling with associated landscaping and boundary treatments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) whether the proposal would provide suitable living conditions for the occupiers of the existing and proposed dwellings with particular regard to outdoor amenity space; and
 - (iii) whether the proposal makes adequate provision for parking.

Reasons

Character and appearance

3. The appeal site is located on the edge of a built-up area with other residential development opposite the site and to the south. To the west and north of the site is undeveloped land. The site itself is an irregular shape and consists of an existing semi-detached dwelling and its garden. There is a public footpath which runs along the rear boundary and to the side.
4. The properties in the area generally consist of semi-detached or terraced two-storey dwellings, albeit there is also some flatted accommodation. In that sense I consider that the principle of a further dwelling to the side of the existing property is not objectionable.
5. However, given the shape of the appeal site, the proposed dwelling would have a garden which would be considerably shallower than other development along this part of Stapleton Road. This shallow depth is exacerbated by the siting of

the proposed dwelling further back from the existing main rear wall of No.51. Whilst this would not be particularly visible from the road, it would be readily evident from the public footpath to the side and rear of the site. The net result of this is a dwelling which would appear to be squeezed into the available space. These factors lead me to the view that the dwelling would appear as an overly cramped form of development and at odds with the general character and appearance of the area.

6. The Council have also raised concerns over the closing of the visual break which exist between semi-detached properties and the limited separation distance to the frontage. However, given that there is no development to the north of the site, and that the proposal is no further forward than the existing dwelling I find that neither of these factors weigh against the proposal.
7. For the above reasons the proposal would harm the character and appearance of the area in conflict with Policies SP1 and CS22 of the Hertsmere Local Plan Core Strategy Development Plan Document (2013) (CS); and Policies SADM3 and SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan (2016) (SADMPP) which amongst other matters seek to ensure that development is of a high quality design which is appropriate in scale to the local context and pattern of development. It would also be at odds with the overarching design aims of the National Planning Policy Framework (the Framework).

Living conditions

8. The Council have drawn my attention to the draft Hertsmere Local Plan Supplementary Planning Document – Planning and Design Guide Part D : Guidelines for High Quality Sustainable Development (SPD) which sets out for two and three bedroom properties there should be a minimum of 60 square metres of rear private garden space of a useable size and shape.
9. Whilst the SPD cannot be given full weight in my decision owing to its unadopted status, it nevertheless provides a good indication of the level of external space required to provide a suitable and useable private garden area.
10. The appeal proposal would result in the subdivision of the garden of the existing property. From the figures provided by the Council the existing dwelling would be left with around 57 square metres of garden space whilst the proposed dwelling would have around 51 square metres. However, the space for the proposed dwelling also includes the remaining land to the side of the proposed dwelling which tapers down to a width of one metre alongside the new dwelling. I am also conscious that the rear boundary of the site is at an angle and that the depth of the garden area is also somewhat limited.
11. With that in mind, the amount of useable garden space for the proposed dwelling would be significantly less than that advocated in the draft SPD.
12. Taking this into account, the garden area for the proposed dwelling would not be of an appropriate size or shape to allow the future occupiers of the property to have suitable living conditions. That is to say the space would not be of a size to allow the occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling.
13. Turning to the existing dwelling, I have noted that the remaining garden area would be slightly less than that suggested in the draft SPD. However, given the

shape and size of the garden, in this instance, I consider that the amount of garden space remaining would be sufficient for the occupiers of the existing property.

14. For the above reasons the future occupiers of the proposed dwelling would not be provided with suitable living conditions as a result of the limited rear garden area contrary to Policies SP1 and CS22 of the CS; and Policies SADM3 and SADM30 of the SADMPP which amongst other matters seek to ensure that development is of a high quality design which provides a healthy living environment for residents. It would also be at odds with the overarching design aims of the Framework.

Parking

15. The Hertsmere Parking Standards Supplementary Planning Document (PSSPD) sets out that the minimum size for a parking space should be 2.4 metres wide by 4.8 metres in length. This suggested size is also recognised nationally as the minimum size for such car parking spaces. The PSSPD also sets out that two-bedroom and three-bedroom dwellings should be provided with two off-street parking spaces each.
16. The existing property currently benefits from a raised parking area. Whilst the proposal includes some alterations in this area, by widening the existing parking space, the plans indicate that the length of one of the parking spaces would only be around 4.3 metres. To that end, this cannot be considered to be a parking space as it fails to meet an appropriate design standard. Therefore, the proposal would result in one parking space for the two dwellings.
17. Inevitably, the development would result in an increased demand for parking spaces as a result of the additional dwelling and the proposal makes no provision for this within the appeal site. Whilst I acknowledge that some on-street parking opportunities exist, I consider that this is not a substitute for off-street parking. This is particularly the case given the nature of Stapleton Road itself which is a through road to traffic.
18. Consequently, the proposal fails to provide suitable parking facilities for the development which would invariably result in further on-street parking on a main road which would not be in the best interests of highway safety.
19. In coming to the above view, I acknowledge that there is a bus service along Stapleton Road (including a bus stop almost outside of the appeal site). I also acknowledge that there is a reasonable prospect of the occupiers of the new dwelling having less of a reliance on the private motor car as a result. However, whilst this may well be the case it does not provide a sufficient justification for the level of parking provided for the existing and proposed dwellings.
20. For the above reasons the proposal fails to provide adequate off-street parking facilities contrary to Policies SP1 and CS25 of the CS; Policies SADM3 and SADM40 of the SADMPP and the PSSPD which amongst other matters seek to ensure that development is of a high quality design which seeks to minimise the impact on local infrastructure, including an appropriate level of parking provision. It would also be at odds with the overarching transportation aims of the Framework.

Other matters

21. I have also had regard to the Appellants view that the proposal will provide a new dwellinghouse and release the potential of the land to supply an affordable house. I also acknowledge that the site of the proposed dwelling would exceed the minimum space standard for a two-bedroom, two-storey dwelling together with the provision of modern day insulation and energy efficient heating. Whilst all of these matters weigh in favour of the proposal, none of them provide a compelling reason to grant planning permission for an otherwise unacceptable development.

Conclusion

22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR