
Appeal Decision

Site visit made on 15 December 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/W1905/W/20/3254459

21 St Cuthberts Road, Hoddesdon EN11 0NH

- 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 Eamon Condon against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/0180, dated 26 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is described as the erection of a two storey, 2 bedroom, 4 person dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Broxbourne Local Plan 2018-2033 was adopted in June 2020 (LP). This replaces the Borough of Broxbourne Local Plan Second Review 2001-2011 and its policies as referred to in the Council's refusal notice. The Council has confirmed that the relevant LP policies in respect of the determination of this appeal are now EQ1 (Residential and Environmental Quality) and TM5 (Parking Guidelines) including Appendix B (Car Parking Guidelines).

Main Issues

3. The main issues are (i) the effect of the development on the living conditions of the occupiers of Nos 19 and 19A St Cuthberts Road in respect of outlook and the occupiers of No 17 St Cuthberts Road in respect of privacy; (ii) whether adequate outside amenity space would be provided for the host and proposed dwellings, and (iii) whether adequate on-site car parking provision would be provided for the host and proposed dwellings and, if not, the effect of the proposal on on-street car parking demand.

Reasons

Living Conditions

4. The proposal relates to the erection of a first floor extension over an existing single storey side extension belonging to No 21 St Cuthberts Road which is a semi-detached dwellinghouse. The result would be the creation of a separate two bedroom dwellinghouse.

5. The resultant two storey gable elevation of the proposed dwelling would be within very close distance of the rear windows of No 19A St Cuthberts Road and at an oblique angle from the rear windows of No 19 St Cuthberts Road. I accept that there is some evergreen vegetation along these neighbouring boundaries, but there can be no guarantee that such vegetation would endure forever. Furthermore, as part of my site visit, I was able to see that there were large gaps in the boundary vegetation and what existed appeared to have been cut back.
6. In the event that the existing vegetation died, was removed or trimmed to a lower height, the effect would be a long mass of high walling which would have a significantly enclosing and dominant impact on the occupiers of No 19A St Cuthberts Road when viewed from the rear windows and garden area. Given the separation distance involved, and the position of the proposed development, this impact would not be as severe when viewed from the rear garden and windows of No 19 St Cuthberts Road. Nonetheless, there would be some harm caused in respect of the effect of the development on the outlook afforded to the occupiers of No 19 St Cuthberts Road.
7. Given the above, the proposal would not accord with section 3.2.1 of the Borough Wide Supplementary Planning Guidance 2004 (updated 2013) (SPG) which states that *"in order to ensure a reasonable outlook from the main windows of a habitable room where a window faces a blank wall of an adjoining property the minimum distance will be 12 metres"*. I consider that if planning permission were to be approved, it would then be necessary to always have very tall and evergreen vegetation along the boundary with the aforementioned neighbouring dwellings, as a means of ensuring that the harmful effect of the two storey development was mitigated. I do not consider that this is the sort of situation which is either reasonable or represents good design.
8. The proposal would include first floor rear windows serving a bedroom and a bathroom. There is already some angled overlooking from the first floor windows of the host property towards the bottom/tapered part of the garden of No 17 St Cuthberts Road. Whilst I do not doubt that the proposed bathroom window could be fitted with opaque glass, thereby addressing privacy concerns, the proposed bedroom window would lead to close and significant overlooking of a large part of the main part of the rear garden of No 17 St Cuthberts Road.
9. The aforementioned harm would be unacceptable, particularly in the context that there is already some overlooking of the neighbouring garden from the first floor windows of the host property. I therefore find that the proposal would have the effect of unacceptably diminishing levels of privacy for the occupiers of No 17 St Cuthberts Road. In this case, the use of an obscure glazed bedroom window would not be a satisfactory solution to my privacy concern as that would result in a very oppressive environment for occupiers of the bedroom.
10. For the above reasons, I conclude that the proposal would have an adverse impact on the living conditions of the occupiers of No 19 and 19A St Cuthberts Road in respect of outlook. Furthermore, the proposal would have a significantly adverse effect on the occupiers of No 17 St Cuthberts Road in respect of overlooking of the rear garden and hence an unacceptable loss of privacy. Consequently, the proposal would not accord with the amenity

requirements of policy EQ1 of the LP; paragraph 127(f) of the National Planning Policy Framework 2020 (the Framework) and the SPG.

Outside Amenity Space

11. There is no dispute between the main parties that the proposal would result in a rear garden measuring about 62 square metres for the three bedroom host dwelling and approximately 45 square metres for the proposed two bedroom dwelling. There would be conflict with the SPG which requires a '*minimum*' of 65 square metres for a three bedroom dwelling and 50 square metres for a two bedroom dwelling. In addition, the garden areas would be irregular in shape and would not meet the minimum SPG 10 metre depth.
12. I do accept that some of the surrounding gardens in the area, such as No 19A St Cuthberts Road, do not achieve a 10 metre depth or indeed the SPG overall minimum size requirements. However, in this case the proposal would be deficient in terms of achieving minimum overall size and depth requirements. Whilst I note the appellant's comment that he considers that the Council has not been entirely consistent in terms of applying the garden sizes in the SPG, I conclude that in respect of this proposal the outside amenity space to be afforded to the occupiers of particularly the appeal dwelling would be cramped/small for normal day to day requirements.
13. I therefore conclude that when the proposal is considered as a whole, it would not be acceptable in terms of outside amenity space provision and hence it would not accord with the living conditions requirements of policy EQ1 of the LP; paragraph 127(f) of the Framework and the SPG.

Car Parking

14. The proposal would include one on-site car parking space for the host property and one car parking space for the new dwelling. The reasoned explanation to policy T5 of the LP states that a consideration of a site's Public Transport Accessibility Level (PTAL) rating should inform the application of the parking guidelines and that "*areas with medium to high PTAL ratings have reduced parking requirements*". The standards require two car parking spaces for a two bedroom dwelling and 2.5 spaces for a three bedroom dwelling. In this respect, there would be an overall shortfall in the number of car parking spaces for the two dwellings. Whilst there might be scope to reduce car parking provision in respect of policy T5 of the LP, this is on the basis of an identified PTAL rating. The parties have not provided me with a PTAL rating for the site and to that extent I am unable to conclude whether a reduction in on-site car parking spaces is justified.
15. In considering the above, it is of note that a representation has been made by one resident in the local area about on-street car parking stress. In addition, the Council state that a site visit revealed that two cars were parked to the front drive of No 21 and two cars in front of the site, and that adjacent to the site a further four cars were parked "*along the strip on St Cuthberts Road*". I do not know when the Council visited the site, but in the absence of detailed on-street car parking surveys from either the Council or the appellant, I cannot reach a certain conclusion about whether there is existing on-street car parking stress in the area. I would add, however, that an additional dwelling in this street has the potential to lead to some additional on-street car parking pressure and hence certainty about the above matters is needed in order to be

satisfied that the proposal would not cause unacceptable harm to the living conditions of existing residents.

16. For the above reasons, I am unable to conclude that on-site car parking provision would be acceptable and that the proposal would not have a detrimental impact on the living conditions of the occupiers of surrounding residents. To this extent, I am unable to find that the proposal would fully accord with the car parking and sustainable travel requirements of Policy T5 of the LP.

Other Matters

17. The appellant comments that in approving planning permission for No 19A St Cuthberts Road, the Council should have taken into account the potential or otherwise to build other development within surrounding residential plots including on the appeal site. I have determined this appeal on its individual planning merits and based on the circumstances and site conditions that exist now.
18. I note the various examples of other developments in the area, including the extension at No 23 St Cuthberts Road. The site conditions are not directly analogous, but, in any event, I have determined this appeal on its merits and have exercised my own planning judgement.
19. I recognise that the proposal would make efficient use of land in accordance with paragraph 122 of the Framework. However, making efficient use of land does not obviate the need to secure well designed developments that are acceptable in living conditions terms.
20. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

21. For the reasons outlined above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR