



Appeal Decision

Site visit made on 9 November 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 24 February 2021

Appeal Ref: APP/W1905/W/20/3245930

16 Belle View, Gews Corner, Cheshunt EN8 9BX

- 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 L Baker against the decision of Broxbourne Borough Council.
 - The application Ref: 07/19/0762/F, dated 2 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is the erection of a detached two bedroom dwelling with 2 parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted a revised plan, drawing number 13258-P200D. This plan indicates a widened access together with a row of granite setts and planting set back behind a new fence line. It also provides a revised layout of the first-floor plan. This drawing did not form part of the original application and therefore, interested people's views have not been sought upon it. I therefore cannot be satisfied that no party's case within the appeal would not be prejudiced by my consideration of the revised drawing. I have determined the appeal on the basis of the scheme and the plans which were before the local planning authority when it made its decision, namely, drawing numbers 13258-S002-1st and 13258-P200-A.
3. The results of the 2020 Housing Delivery Test (HDT) were published on the 19 January 2021. The results show that Broxbourne delivered 74% of its housing requirement over the preceding 3 years. The main parties have been afforded the opportunity to comment on the implications of these results for this appeal and I have had regard to their comments in my decision.
4. The Council's decision notice refers to the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005)(BLP) and the emerging draft local plan 2018-2033 (eLP). However, since the appeal was submitted the BLP is now superseded and has been replaced by policies within the adopted Broxbourne Local Plan (June 2020)(LP). I have therefore considered this scheme against the policies of the LP.

Main Issues

5. The main issues are whether the proposed development would:-
 - i) preserve or enhance Belle View, a Grade II listed building and its effect on the character and appearance of the surrounding area;

- ii) make adequate provision for parking and manoeuvring space; and
- iii) provide adequate living conditions for the future occupants of the proposed dwelling, having particular regard to outlook.

Reasons

Listed building

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA), requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The National Planning Policy Framework (the Framework) advises that 'significance derives not only from the asset's physical presence but also from its setting'. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
7. Belle View lies within a roughly triangular plot of land at the junction of Gews Corner and Turners Hill. It is a Grade II listed building with origins from the 18th century. It is a substantial double pile house constructed of yellow stock brick and slate roof. An attached wing to the south does not appear to be included within its listed description. The garden is walled and therefore well-defined. It is substantial in size and reflects the buildings' high social status, as well as providing a setting for the building which is of significant architectural quality. The garden is largely undeveloped and thus makes a positive contribution to and assists in revealing the significance of the heritage asset. Based on the evidence before me, including the appellant's design and access statement, the significance of Belle View as a heritage asset is largely derived from its age and architectural features.
8. By reason of the walled boundary the appeal site is largely screened from public view. However, the proposed dwelling would be a substantial detached two-storey structure measuring some 6.5 metres in height to the ridge line, taking the Council's measurements which have not been disputed by the appellant. It would be positioned close to the listed building and appear substantially taller than its southern wing. It would challenge the listed building in terms of its height and footprint. As a result, it would be unduly dominant and appear prominent in views from the south along Turners Hill where it would conceal most of the listed building. This would have the consequence of demoting the importance and appreciation of the listed building.
9. It would present a gable end towards the highway at almost a right angle to the listed building. This awkward relationship would contrast markedly with the established pattern of built form. Given its prominent position adjacent to the boundary and located towards the highway junction it would be clearly visible in views from the public domain and from neighbouring dwellings and properties, from where it would be read as an incongruous addition to the streetscene and an undesirable intrusion into the setting of the listed building.
10. There is dispute between the parties concerning the ownership of an area of land proposed for soft landscaping. However, even if I were minded to accept that the proposed landscaping was feasible, it would take time to become

established and, in any event, is not permanent. Moreover, screening harmful development in this manner does not make it justifiable.

11. For the reasons set out above, the proposal would have a negative impact on the setting and significance of the listed building and materially adversely affect the character and appearance of the surrounding area. The Council's reason for refusal cite a conflict with eLP Policy HA6, however, I understand that this policy was deleted from the local plan due to its duplicitous nature with the Framework. Nonetheless, the proposal would conflict with the aims of the Framework insofar as it is desirable of sustaining and enhancing the significance of heritage assets and requires new development to make a positive contribution to local character and distinctiveness.
12. I consider that the harm would be "less than substantial" and accordingly paragraph 196 of the Framework provides for a balancing exercise to be undertaken between "less than substantial harm" to the designated heritage asset and the public benefits of the proposal.
13. The supply of one dwelling may be considered to be a public benefit. However, such a contribution is very modest and therefore carries limited weight. Consequently, the limited public benefits are significantly and demonstrably outweighed by the harm caused to the setting of the listed building. The overarching statutory duty for me to consider the desirability of preserving the setting of listed buildings is a matter of considerable importance and weight. It leads me to conclude that the proposed development would fail to comply with national policy as outlined in section 16 of the Framework.

Parking

14. The provided plans demonstrate that the scheme would have two on-site parking spaces. This would accord with the provisions of the Council's parking standards which requires two car parking spaces for a two bedroom dwelling. However, access to those spaces would be via the existing driveway adjoining Gews Corner that presently serves the occupants of the host dwelling and provides space for informal parking and manoeuvring of vehicles. The Council have also granted planning permission for the conversion of an outbuilding into a two bedroom annex¹ which, if implemented, would generate additional vehicles parking and manoeuvring within the wider site.
15. Given the position of the angled access and the constrained width of the driveway it seems likely that vehicles accessing the appeal site would need to utilise the existing manoeuvring space of Belle View. Although there was no formal objection to the scheme by the Highway Authority, nonetheless, by reason of the constrained size of the space available, it is not clear on the basis of the evidence before me, that there would be adequate space for vehicles of the host and proposed dwelling to park and manoeuvre safely. It is likely that in the absence of adequate space, there would be pressure to park in other areas, both on-site and on-street.
16. The appeal site is located opposite a school where on-street parking is restricted. The majority of dwellings along Gews Corner are without any off-street parking and as a result demand for on-street parking was high at the time of my site visit. This is made worse as Gews Corner is a narrow road with

¹ Planning Ref: 7/18/0843/HF

an absence of footways in some areas. I appreciate that my site visit provided only a snapshot of conditions, however, I saw nothing to suggest that my observations were untypical.

17. Whilst I have not been provided with any detailed surveys of on-street car parking stress, it would appear that an additional dwelling within the street has the potential to lead to some additional on-street car parking pressure. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking space or park illegally which would be detrimental to the living conditions of neighbouring residents. There is no evidence before me to suggest that such circumstances could be avoided by the appeal proposal.
18. Furthermore, an absence of adequate space would inevitably lead to pressure to park and manoeuvre within other parts of the curtilage of Belle View. To my mind this would further erode the openness of the curtilage of the listed building and would worsen the detrimental impact on its setting.
19. By reason of the appeal site's location in proximity to services, facilities and transport links the appellant suggests that a reduced level of parking is justified. I note that LP Policy TM5 seeks to reduce private car use based upon, among other things, the accessibility of shops, services and sustainable transport infrastructure. Nevertheless, the scheme and plans before me propose two car parking spaces to meet the Council's parking standards and the appeal process should not be used to evolve a scheme. In circumstances where the appellant considers that amending their application proposal would overcome a reason for refusal then a fresh planning application would be appropriate.
20. For the above reasons, I am unable to conclude that on-site car parking provision and manoeuvring space would be acceptable. Thus, the proposal would conflict with the parking guidelines of LP Policy TM5 insofar as it seeks a sensible balance of car parking spaces.
21. The Council's reasons for refusal also cite a conflict with eLP Policy HA7, however, I note that this policy has been removed. The Council state that it has been replaced with LP Policy HE2, however, the policy aims of eLP Policy HA7 concern the demolition of listed buildings and are not directly comparable to the aims of LP Policy HE2.

Living conditions

22. There is a discrepancy within the provided plans regarding window size. In any event, setting this issue aside for a moment, the proposed dwelling would be positioned in close proximity to the southern wing of Belle View. At a distance of some 10.6 metres, it would conflict with the requirements of the Council's Supplementary Planning Guidance (2004, updated 2013) which requires a minimum distance of 12 metres to be provided. At around two storeys high, the imposing gable end of the southern wing would present as a dominant and oppressive feature when viewed from the proposed master bedroom. It would have an overbearing effect upon the outlook of future occupants and materially compromise their living conditions.
23. The Council's concerns also relate to the outlook from the proposed lounge window. Although I accept that it would face towards a substantial boundary

fence and a number of bin stores, it would not provide the only outlook from that room given the inclusion of a further window. As such, I do not find that this would result in a poor outlook for future occupiers of the proposed dwelling.

24. Nevertheless, given my findings regarding the outlook from the proposed master bedroom, I conclude that the proposed development would result in a significantly unacceptable standard of living conditions for future occupiers. Thus, it would conflict with LP Policy DSC1 insofar as it requires development to have regard to the Council's Supplementary Planning Guidance in relation to design. It would also be contrary to the aims of the Framework which seeks to achieve well-designed places with a high standard of amenity for future users.

Other Matters

25. The contribution of an additional dwelling to housing supply would be limited and it does not outweigh the harm I have identified above.
26. I have had regard to the planning history and a previous appeal decision² at the appeal site. I note that outline planning permission was granted for a one-bedroom bungalow within the garden curtilage of the host dwelling³. However, the appeal proposal is for a two-storey substantial dwelling which I find is considerably different to the consented scheme. I have therefore determined the appeal before me on its individual planning merits.
27. The proposed dwelling would meet the minimum internal and external space standards. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

Planning Balance

28. Whilst the Council indicates that it is presently able to demonstrate a five-year housing land supply, the recent publication of the Government's 2020 HDT results shows the Council's housing delivery over the last three years amounts to 74% of its requirement. This is less than the 75% benchmark used to define substantial under delivery in the Framework. Paragraph 11 of the Framework advises that where policies which are the most important for determining the application are out-of-date, permission should be granted, unless, amongst other criteria, the application of policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
29. In this instance, I have found that there would be less than substantial harm to the heritage asset that is not outweighed by the public benefits of the scheme including the provision of an additional dwelling. Policies within the Framework for conserving and enhancing the historic environment therefore provide a clear reason for refusing the development proposed.

Conclusion

30. Accordingly, for the reasons given above, the appeal is dismissed.

E Brownless – INSPECTOR

² APP/W1905/A/08/2063428

³ Ref: 7/0099/07/O/WOL