



Appeal Decision

Site Visit made on 15 June 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/N1920/W/20/3261780

24 St Francis Close, Potters Bar EN6 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Joseph Teitelbaum against the decision of Hertsmere Borough Council.
 - The application Ref: 20/0676/FUL, dated July 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described as ground floor and first-floor extension, and splitting the house to create 3 self-contained units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area;
 - The living conditions of future occupants, with particular regard to the provision and effect of private outdoor amenity space;
 - Whether adequate refuse and cycle storage facilities would be provided; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site comprises a single storey residential building and its garden space. It is located towards the head of a stretch of St Francis Close, within a mainly residential area. Properties in the locality are typically two storey, pitched roof buildings of red or buff brick and tile, with garages and gardens with off-street car parking to the front.
4. Views down the relatively straight stretch of street towards the property give it a particular prominence. It houses a detached dwelling within a locality that is characterised mainly by terraced dwellings. Also, the existing building is on a relatively compact plot and almost adjoins the pavement, with little garden space to the front and rear. This compares with the prevailing type of local

- property which has deeper rear and front garden space, some of which includes soft landscaping.
5. The appeal site is also close to a substantial line of conifers at the end of a row of neighbouring gardens, which adjoins the southern boundary of the site. As well as screening the neighbouring gardens, this line of evergreen trees provides a backdrop to the appeal site. The above combination of factors gives the site a somewhat individualistic character within the neighbourhood.
 6. The enlarged two storey, pitched roof building form would assimilate within the context of terraced rows of two storey pitched roof houses. Also, the appeal site would continue to have a somewhat individualistic character, given the spatial and contextual factors described above.
 7. However, the proposed five off-street parking spaces at the western end of the site would result in an over dominant, visually jumbled mass of vehicles that would appear awkwardly 'shoehorned' onto the plot. Furthermore, the layout would not provide for soft landscaping to visually soften the parking area. Within the prominent terminating vista at the head of a stretch of St Francis Close, this would appear visually jarring in the suburban residential streetscene. This would undermine the objective of achieving high quality design in the borough.
 8. The appellant states that the proposed parking space has been approved in an earlier application. However, it is not clearly demonstrated that the proposed parking layout constitutes a 'fallback' position.
 9. Furthermore, the appellant suggests¹ a sliding electronic gate to screen the proposed parking area. Given the irregular shape of the latter's front boundary, including a stretch of curved perimeter that would entail vehicle access across it, it is questionable whether a sliding gate around the parking area's perimeter would be practicable. Such a gate is not illustrated on the proposal drawings, and a detailed design to demonstrate its viability and visual acceptability is not presented. Even if it were practicable in design terms, there is no guarantee that the gate would be closed. Therefore, this suggestion would not remedy the adverse impact.
 10. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policy CS22 of the Hertsmere Core Strategy (2013) (CS) and Policies SADM3 and SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan (2016) (DMP). Together the policies seek to ensure, among other things, that development contributes positively to a high quality environment and complements local character.

Living conditions of future occupants

11. The proposal would provide an approximately 30.2sq.m private garden space for Flat 1 that would be directly accessible from the flat. Flat 3 would have an approximately 20.5sq.m private garden space that would be accessible via a short walk along the front pavement. The proposed size of these gardens would meet the size requirement of at least 20sq.m for one bedroom units, as specified in the guidance in the Hertsmere Supplementary Planning Document, Planning and Design Guide Part D Draft (2016) (SPD). Though shaded by the

¹ In Appellant Statement paragraph 9.3.

neighbouring conifer line and the proposed building for much of the day, these gardens would provide usable garden space.

12. However, the approximately 21.4sq.m garden for Flat 2 would be an L-shaped space which, due to shading and enclosure by the adjoining garages, conifer line and proposed two storey dwelling would feel cramped, gloomy and uninviting. Also, the proximity of Flat 2's garden to Flat 1's bathroom window poses risk in terms of disturbance to, and security of Flat 1. In these respects, the proposal would not provide suitable garden provision or constitute high quality design which ensures the creation of attractive and usable places. This would conflict with the SPD's requirement for usable garden space. It would also further undermine the objective of high quality design in the borough.
13. I therefore conclude that the proposal would harm the living conditions of future occupants of Flat 2 in terms of private outdoor amenity space. It would also harm the living conditions of future occupants of Flat 1 in terms of security and disturbance, arising from Flat 2's proposed outdoor amenity space. As such, it would conflict with Policy CS22 of the CS and Policies SADM3 and SADM30 of the DMP which together require the above design qualities.

Refuse and cycle storage

14. The proposal is not for a conversion to a house of multiple occupation, or major development. As such, there is not an explicitly stated requirement for refuse and cycle storage for the type of development proposed, in Policies SADM3 and SADM30 of the DMP. Nor are such details specified in Policy CS22 of the CS. That said, refuse and cycle storage contributes to high quality dwelling design, which is sought by these policies. In this case, adequate storage of this type could be secured by planning condition.
15. Therefore, in this respect the proposal would not conflict with Policy CS22 of the CS and Policies SADM3 and SADM30 of the DMP.

Highway safety

16. The site is located towards the end of a residential cul-de-sac road. This is likely to have a limiting effect on traffic volume and speed. During my site visit, albeit a snapshot in time, there was little traffic on the street. There is no substantive evidence before me of a significant road accident record in the vicinity of the appeal site. Furthermore, relatively clear sight lines towards the site exist down the relatively straight preceding stretch of street to the north.
17. The proposal would entail parked cars crossing over the pavement from the appeal site to a turning head on the road. The Highway Authority considers that there was not sufficient information provided with the application to demonstrate that this would be safe.
18. However, within the relatively quiet residential cul-de-sac context, the factors identified above together indicate that it is likely the additional vehicle movements would be safely achievable in relation to pedestrians and other drivers.
19. In conclusion, the proposal would not harm highway safety. As such, it would not conflict with Policy CS25 of the CS and Policy SADM40 of the DMP, which together seek to ensure that development safeguards highway safety.

Other Matters

20. The absence of harm in respect of refuse and cycle storage, and highway safety is a neutral factor which does not weigh in favour of the proposed development.
21. The proposal would contribute to local housing supply in the form of two additional one bedroom flats, and enlargement of the two bedroom accommodation on the ground floor. Given the modest scale of benefit, it carries limited weight which does not outweigh the totality of harm identified.
22. Some local residents have expressed concern regarding the proposal's effect on tree roots, drainage, neighbours' privacy and noise, which go beyond the scope of reasons for refusal. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

Conclusion

23. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR