



## Appeal Decision

Site Visit made on 21 June 2021

**by Mr Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 July 2021**

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**Appeal Ref: APP/W1905/W/21/3269935**

**9 Lilac Close, Cheshunt, Waltham Cross EN7 5BU**

- 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 Miss Katie Bennison against the decision of Broxbourne Borough Council.
  - The application Ref 07/20/0533/F, dated 3 July 2020, was refused by notice dated 16 September 2020.
  - The development proposed is Construction of a new two-bedroom dwelling on the land adjacent to the existing building.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. With respect to reason for refusal two, the Council has not specified how the living conditions of the occupiers of 8 Lilac Close (No 8) would be affected. However, in the reading of the evidence and comments raised by interested parties, it appears that the main concerns relate to the effect on outlook and smell nuisance for No 8.
3. Consequently, the main issues are;
  - the effect of the proposal on the character and appearance of the streetscene,
  - the impact of the proposed dwelling and refuse store on the living conditions of No 8 especially with respect to outlook and smell nuisance, and
  - the effect of the proposed dwelling on local area with respect to the proposed parking arrangement.

### Reasons

#### *Character and appearance*

4. Lilac Close consists of three rows of terraced houses. These address a central area consisting of communal car parking and green space. The pattern of development forms a regimented layout with a perimeter block of housing that consists of a clearly defined front building line. The corners of the rows, at the head of the estate, are separated by gaps. Despite the presence of single-storey side extensions to No 8 and No 12, the retained gaps provide a separation of buildings. This separation contributes towards a sense of spaciousness between the blocks formed by the terraced rows. The appeal site

is in the corner of two of these perpendicular rows. Due to its open and undeveloped character the site makes a positive contribution to the character and appearance of the area.

5. The proposed dwelling would connect to the side of No 9. It would be two-storey, with a hipped roof and include window form and materials that would complement adjacent housing. It would also include a pitched roof feature over a projecting single-storey element. Although not matching No 9 it would be a similar feature as seen on other dwellings within the close.
6. However, due to its siting and overall scale, the proposal would mostly enclose the existing gap to the side of the host dwelling. This would crowd both adjacent terraced rows and visually conjoin these elements together. The effect of this would be to undermine the current sense of separation and erode the sense of spaciousness of the existing pattern of development. As a result, the proposed dwelling would have a harmful impact on the character and appearance of the streetscene.
7. Accordingly, the proposal would conflict with policies DSC1 and DSC2 of the Borough of Broxbourne Local Plan 2018-2033 (2020)(LP). These require, among other matters, for development to respect the character of the existing building and its wider setting. These policies accord with the National Planning Policy Framework (The Framework) which requires development to be sympathetic to local character.

#### *Living conditions*

8. The front building line of No 8 is perpendicular to the host dwelling of the appeal site. The neighbouring dwelling would therefore be largely in front of the front building line of the proposal. However, the proposal would be around three metres directly in front of a window of No 8, beyond an existing boundary fence. Consequently, many of the front windows of No 8 would directly overlook the side and front of the proposed dwelling in close proximity. The proposal would be set-back from its side boundary. Nevertheless, it would be a strident and harmful feature within the majority of views from front windows of the neighbouring dwelling, due to its location, height and proximity. Consequently, the proposed dwelling would result in demonstrable harm to the outlook of the occupiers of the neighbouring dwelling.
9. The bin stores of both the proposed and existing dwellings would be located close to a window serving a habitable room of No 8. The Council's Environmental Services department did not object to the proposed location of the bin stores. Furthermore, due to the distance and screening behind the existing fence it would be unlikely that adjacent occupiers would suffer a significant disturbance due to odour. However, although not determinative by itself, the bin stores would be likely to result in some minor odour inconvenience. The close proximity is unnecessary, as the bin store could be accommodated elsewhere within the site. This could be secured by the imposition of a suitably worded condition, if I had been minded to allow the appeal.
10. Consequently, the proposal would be harmful to the living conditions of No 8 due to its impact on outlook. The proposal would therefore conflict with policy EQ1 of the LP. This includes the requirement for development to avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring

properties in terms of outlook. This policy is consisted with the Framework which seeks development that creates a high standard of amenity for existing and future users.

### *Parking provision*

11. Policy TM5 of the LP states that planning applications will be determined in accordance with the parking guidelines at appendix B. This requires two on-site parking spaces to be provided for a two-bedroom dwelling. In addition, this policy also states that the Council will seek a sensible balance between car and cycle parking, based on the site's context and accessibility to local services, with an overall aim to reduce reliance on the private car.
12. Lilac Close provides communal parking in front of the dwellings in a shared car park. Therefore, the local context indicates that on-street, rather than on-site, parking is a characteristic of that area. The parking area can accommodate around 32 vehicles. This primarily serves the twelve dwellings that occupy the close. In consideration of the guidelines, this would create an existing demand for around 24 vehicles. Therefore, the parking guidelines indicate that the shared area could accommodate the parking requirements of the proposal. Furthermore, the appeal site includes sufficient external space to accommodate cycle parking. Such cycle parking would be likely to reduce parking demand and could be secured by planning condition if I was to allow the appeal. As such, two further vehicles could be accommodated within the local area without detriment to highway safety. Moreover, the County Highway Engineer has raised no objection to the proposal, a further point of significant weight.
13. During my visit I observed that the parking area was around a third occupied. However, I would expect parking levels to be greater in evenings and weekends. This view is supported by photographic evidence submitted by interested parties showing the parking area within Lilac Close to be at capacity. However, it seems likely that Lilac Close is currently accommodating car parking demand from other local roads as the close itself is served by only a limited number of dwellings.
14. Accordingly, the proposal would comply with policy TM5 of the LP and the Framework that requires parking standards to take into account the type of development proposed and the accessibility of the development.

### **Other Matters**

15. Several examples of locally approved development have been drawn to my attention. Numbers 5 and 9 Greenwood Close, in corner locations, have been extended within a nearby cul-de-sac. However, these dwellings have been extended in a manner that has retained a substantial gap to their sides, thus maintaining the evident sense of spaciousness. Other examples referenced in evidence have not enclosed gaps in a similar manner as the proposal. Therefore, locally approved development is substantially different to the context of the proposed dwelling. In any event, each proposal must be considered on its own merits, as I have done in this case.
16. The proposal would accord with the general form and design of local development. It would have an internal floor area slightly below national space standards, but this minor deficiency would not in itself provide a clear reason to

resist the proposal. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

17. The appellant suggests that the proposal would deliver affordable housing in the area. However, she has not included a mechanism to deliver the dwelling as 'affordable' in accordance with the definition within the glossary of the Framework. As such this has been afforded limited weight in favour of the proposal.

### **Conclusion**

18. The Framework seeks to significantly boost the supply of housing. However, the proposal would harm the character and appearance of the area and the living conditions of No 8. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Mr Ben Plenty*

INSPECTOR