



Appeal Decision

Site Visit made on 14 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2021

Appeal Ref: APP/W1905/W/20/3257714

22 Benford Road, Hoddesdon, Hertfordshire, EN11 8LW

- 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 Reece Moody against the decision of Broxbourne Borough Council.
 - The application Ref 07/19/1058/F, dated 6 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is described as “demolition of existing double garage attached to 22 Benford Road. Erection of a new three bedroom detached dwelling with associated landscape and parking works.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Borough of Broxbourne Local Plan 2018-2033 after the planning application the subject of this appeal was refused. The relevant policies in the LP have been identified, and the appeal has been determined in accordance with them.
3. The Government issued a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers,
 - The effect on the character and appearance of the area; and,
 - Whether it provides acceptable car parking.

Reasons

Living conditions

5. The rear garden to the proposed house would be relatively shallow at less than 4 metres, significantly less than the 10 metres depth sought in the Council’s Supplementary Planning Guidance (the SPG). No 24 Benford Road is immediately to the south of the site and presents a largely blank two-storey elevation to the site, with the separation distance also significantly less than

the 12 metres where a window faces a blank wall of an adjoining property sought in the SPG.

6. While the minimum garden depth and separation distance sought in the SPG are guidance and therefore some flexibility may be applied, the shortfall in this case would be substantial. The existing house at No 24 would be a significant constraint on outlook from the rear windows of the house due to its height and proximity to the proposed house and would cause overshadowing of the rear garden area. No 24 would be an overbearing presence when viewed from the rear garden due to its height and proximity.
7. There would be a significant area of garden to the side of the house that would be less affected by the presence of No 24, and the total garden area would exceed that sought in the SPG. In addition, the bedroom that would have its principal window facing No 24 would also have a smaller window to a side wall providing a more open outlook. However, the lower ground floor living area would also have a restricted outlook given the relatively shallow width of the side garden area and the proposed landscaping and solid boundary treatment along this frontage of the site.
8. Overall, the development would therefore fail to provide acceptable living conditions for future occupiers, contrary to Policy DSC1 of the Borough of Broxbourne Local Plan 2018-2033 (the LP) which requires amongst other criteria that developments have regard to the SPG in relation to design.

Character and appearance

9. The appeal site falls within a predominantly residential area, and the immediate street scene comprises two-storey houses of a similar scale to the proposed. However, the plot sizes for those houses are typically larger than the appeal site, providing more spacious plots for the houses. The proposed house would be similar in scale and materials to neighbouring houses, but due to the smaller plot size it would amount to overdevelopment out of keeping in the street scene.
10. The proposed development would therefore be harmful to the character and appearance of the area, contrary to Policy DSC1 of the LP the criteria of which include that development enhance local character and distinctiveness.

Parking

11. The development would provide two car parking spaces at the front of the house, in line with the Council's Car Parking Guidelines for a three bedroom house. The spaces would be close to the front of the house, but there is no evidence that use of both spaces would significantly inhibit pedestrian access.
12. The development would therefore provide acceptable car parking in accordance with Policy TM5 of the LP, which states that applications will be determined with regard to the Car Parking Guidelines.

Planning Balance

13. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. The scale and appearance of the dwelling, in itself, would be acceptable.

14. However, the development would result in a poor standard of accommodation for future occupiers due to the size of the plot and the proximity of the neighbouring house, No 24. The size of the plot would also result in the proposal being an overdevelopment of the site, harmful to the character and appearance of the area.
15. The benefits arising from the proposed development are acknowledged. However, in this instance they would not outweigh the harm that would result from it. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

Conclusion

16. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR