



Appeal Decision

Site visit made on 29 November 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/W1905/W/21/3276571

17 Elgin Road, Cheshunt, EN8 8QL

- 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 Mrs Sultan Sal against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/0943/F, dated 15 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is erection of a 2 storey dwelling to the side land of the existing 3 bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The submitted Proposed Elevations¹ contain an inconsistency. A hipped roof form is depicted on the front and rear elevations, whilst a gabled flank would appear to be illustrated on the side elevation. In the interests of clarity and consistency, I shall proceed to determine the appeal based on an intended hipped roof form (as indicated to the front/principal elevation).

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of existing and future on-site occupiers, having particular regard to the availability of private garden space;
 - Whether or not acceptable living conditions would be provided for future on-site occupiers, having particular regard to bin storage; and
 - The effect upon highway safety and travel choices, having particular regard to the intended parking arrangements.

Reasons

Character and appearance

4. The appeal site contains No 17, a semi-detached house, and comprises a corner plot where Elgin Road meets Tyfield Close (the Close). It is in an area where similarly designed two-storey semi-detached houses are commonplace.

¹ Ref: ER20-03

That said, some detached and terraced house types exist nearby. Properties tend to be stepped back from the highway and set upon plots of often generous size. Thus, despite numerous and varied examples of extensions having been constructed, a somewhat formal and spacious residential character and appearance continues to be identifiable local to the site.

5. The footprint coverage, height and general appearance of the proposed dwelling would satisfactorily reflect the typical makeup of other houses nearby. Furthermore, the intended front and rear building lines would respect those followed by other houses located within the same row. Nevertheless, the proposal involves the introduction of considerable built development to the side of a currently well-balanced pair of semi-detached houses at a prominent corner location. The new dwelling would abut the Close and be sited upon a sub-divided plot of cramped proportions. As such, the scheme would fail to suitably respect the somewhat formal and spacious residential character and appearance that I have identified locally.
6. I acknowledge the existence of built additions to the side of No 19 Elgin Road (No 19), which is situated to the opposite side of the Close relative to the site. However, the immediate relationship to the highway exhibited by No 19 is not often repeated elsewhere in the neighbourhood and the additions can be read and experienced as extensions to the host dwelling as opposed to as part of any site sub-division (which is proposed as part of the appeal scheme).
7. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies DSC1 and DSC2 of the Broxbourne Local Plan (June 2020) (the Local Plan) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies require proposals to enhance local character and distinctiveness.

Living conditions – availability of garden space

8. The Borough-wide Supplementary Planning Guidance (adopted August 2004, updated 2013) (the SPG) indicates that minimum garden sizes of 50 and 65 square metres should respectively serve two and three bedroomed houses, and that, whilst there will be exceptional circumstances when such standards cannot be met, the aim will always be to meet the standards unless physically impossible to do so.
9. In this instance, the aforementioned minimum standards would not be met with respect to either the existing or proposed dwelling. Indeed, external private areas of constrained size would materialise. Whilst not intended to be rigorously applied to all sites and in all individual circumstances, the SPG's standards represent a relevant and useful starting point for assessment. Indeed, even though regularly laid out and genuinely useable external spaces are proposed, not insignificant shortfalls in provision (when assessed against the SPG) would result which have not, to my mind, been fully justified. This is even when noting the relative closeness of the River Lee Country Park and the potential walkability of other local parks.
10. For the above reasons, the proposal would cause some harm, albeit limited in extent, to the living conditions of existing and future on-site occupiers, having particular regard to the availability of private garden space. The scheme conflicts with the Framework and the SPG in so far as these policies and guidance promote a high standard of amenity for existing and future users and

require that all new residential development is provided with suitable outside amenity space.

Living conditions – bin storage arrangements

11. The Waste Supplementary Planning Guidance (August 2019) (the Waste SPG) sets out that, amongst other provisions, bin storage areas must be located as far as practical from windows and ventilators to habitable rooms. In this instance bin storage is depicted upon the submitted plans adjacent to a habitable room window serving the proposed dwelling.
12. Whilst the present intended positioning would likely raise amenity concerns, potential alternative locations within the site's curtilage set away from window openings would avail. Although I am conscious that the Waste SPG also indicates that bins must be stored such that they cannot be seen from public vantage points, I am suitably satisfied that discreet solutions could be found at this site (even if to be set in proximity to Elgin Road). It is thus the case that, notwithstanding the submitted plans, a planning condition could be imposed to secure full details of waste storage provisions should the appeal be successful.
13. For the above reasons, having particular regard to bin storage, acceptable living conditions would be provided for future on-site occupiers. The proposal satisfactorily accords with Policy EQ1 of the Local Plan and the Waste SPG in so far as this policy and guidance require that all development proposals must include provision for the storage of refuse and recycling facilities and access to them suitable for waste management vehicles.

Highway safety – parking

14. The site is currently served by a single-space driveway to the rear (to be retained), in addition to a dilapidated garage (to be removed) that appeared upon inspection not to comply to modern standards and to not currently be in a condition capable of accommodating a parked vehicle.
15. The scheme also involves the creation of one additional space to the site's frontage, which would serve the existing dwelling. Whilst a new driveway of modest depth would be achievable, it was apparent upon inspection that other similarly laid out properties close by are already served by dropped kerbs and parking areas to their frontages. I am thus content that a parking space and associated new crossover could be satisfactorily accommodated to the front of the site, as illustrated upon the submitted plans.
16. Policy TM5 of the Local Plan sets out that proposals will be determined whilst having regard to the Council's Car Parking Guidelines (the Guidelines) and that a sensible balance of car and cycle parking spaces shall be sought based on (amongst other factors) the nature of the proposal and the site's context, with the overall aim being to reduce private car use. The guidelines for two and three bedroomed dwellings are two and two and a half spaces respectively.
17. In this instance, the relevant two and a half space standard for the existing dwelling would not be met. However, if to factor in the non-functioning state of the existing garage, no net loss of on-site parking would result for existing occupiers at the site. Merely one on-site space would serve the newly proposed dwelling. However, the site occupies an accessible central location. Furthermore, although full details have not been provided, the appellant has referred to parking survey work carried out in April 2021 where available on-

street parking near to the site was identified during a range of different survey times. Having inspected the local area myself, I have no reason to question the broad conclusions of this survey work. Indeed, the on-site parking provision intended at this site would be at a sensible level for this scheme.

18. For the above reasons, having particular regard to the intended parking arrangements, the proposal would have an acceptable effect upon highway safety and travel choices. The scheme satisfactorily accords with Policy TM5 (Parking Guidelines) of the Local Plan.

Planning Balance

19. The latest Housing Delivery Test results (published 19 January 2021) indicate that recent levels of housing delivery in the Borough have been substantially below the corresponding number of homes required. As such, the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
20. I have identified conflict with Policies DSC1 and DSC2 of the Local Plan. Both are consistent with the Framework in so far as they seek development to be sympathetic to local character. I apportion significant weight to the conflict I have identified with Policies DSC1 and DSC2 and to the associated harm that would be caused in a character and appearance sense. I also attribute some weight (albeit limited) to the harm that would be caused to the living conditions of existing and future on-site occupiers due to the limited availability of private garden space.
21. As regards the scheme's benefits, an additional unit of housing would be delivered in an urban location and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. Nevertheless, even when acknowledging recent levels of delivery across the Borough, a single additional unit would make a limited contribution.
22. The scheme would also create jobs during the construction phase and would provide support to the local economy/community facilities during the construction and occupation phases of development. Nevertheless, these benefits attract limited weight due to the scale of new development under consideration.
23. Having considered the benefits and adverse impacts of the scheme that is before me, I conclude that the harms and policy conflicts that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply, therefore. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

24. Whilst I have found that the proposal would have an acceptable effect upon the living conditions of future on-site occupiers (having particular regard to bin storage) and upon highway safety and travel choices (having particular regard to the intended parking arrangements), I have identified that significant harm

would be caused to the character and appearance of the area, which would be supplemented by some limited harm being caused to the living conditions of existing and future on-site occupiers (having particular regard to the availability of private garden space). These harms are the overriding considerations in this case.

25. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR