



Appeal Decision

Site Visit made on 14 December 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2022

Appeal Ref: APP/W1905/W/21/3279397

Bridge Court, High Street, Waltham Cross, EN8 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr D Stein (Pryce Properties Limited) against Broxbourne Borough Council.
 - The application Ref 07/21/0546/F is dated 26 April 2021.
 - The development proposed is two additional storeys to the existing building creating a 6 storey building with an additional 6No. flats, cycle storage and a new binstore area.
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Decision

1. The appeal is dismissed and planning permission for two additional storeys to the existing building creating a 6 storey building with an additional 6No. flats, cycle storage and a new binstore area is refused.

Preliminary Matters

2. The appellant lodged an appeal against non-determination as the Council did not issue a decision on their application within the statutory period. The Council has subsequently stated that it would have refused planning permission on grounds of character and appearance, the living conditions of future occupiers and the provision of refuse and recycling storage.
3. The appellant provided an updated plan with the appeal addressing the Council's third reason for refusal around refuse and recycling storage. The Council were given the opportunity to comment on this additional information. In accordance with the *Wheatcroft* principles I am satisfied that interested parties would not be prejudiced by my considering this plan in my determination of this appeal. Consequently, I have used the description of development given on the appeal form that includes reference to the refuse and recycling storage area.

Main Issues

4. The main issues are therefore:
 - The effect of the proposed development on the character and appearance of the area,
 - Whether it would provide acceptable living conditions for future occupiers; and,
 - Whether it would provide appropriate facilities for the storage of refuse and recycling.

Reasons

Character and appearance

5. Properties in the High Street around the appeal site are of varying heights and appearance with a mix of commercial and residential properties, with most buildings being two or three storeys in height. The existing building is four storeys in height, with the upper two storeys set back from the frontage of a lengthy terrace that is predominantly two storeys in height, although the immediately neighbouring building has been extended upwards to three storeys. The neighbouring public house is two storeys in height.
6. Within this context the addition of two storeys to the appeal property would appear incongruous in the street scene. The building opposite the appeal site is five storeys in height, but this is set back significantly from the main road with the uppermost storey contained within the roof, limiting its presence within the street scene. The proposed uppermost storey of the appeal property would be set in to either end and finished in contrasting materials to the existing building. The additional storeys would also follow the pattern of fenestration of the existing upper storeys of the building. However, these details of the appeal proposal would not be sufficient to prevent the resulting building appearing uncharacteristically tall and dominant in the street scene.
7. The appellant contends that the Council had previously expressed support for the appearance of the proposed development. However, that view was expressed in the context of a prior approval application and is not binding on my determination of this appeal, which I have assessed on its merits. While the appearance of the building itself would not be harmed by the development, its impact on the wider street scene because of its height and prominence would be significant for the reasons set out above.
8. The proposed development would therefore be harmful to the character and appearance of the area. It would conflict with Policies DSC1, DSC2, DSC3 and RTC2 of the Broxbourne Local Plan 2018-2033 (the LP). These policies require, amongst other considerations, that development enhance local character and distinctiveness, and that extensions to existing dwellings not unduly impact upon the wider setting.

Living conditions

9. Paragraph 130 of the National Planning Policy Framework (the Framework) seeks to ensure, among other considerations, that developments create places with a high standard of amenity for future users. For flatted developments the Council's Borough-Wide Supplementary Planning Guidance (the SPG) seeks a provision of 20 square metres of garden space per flat to create a pleasant living environment. While the SPG is only guidance, no external space is proposed for any of the six flats, including the two-bedroom unit that could be used by a family. The appeal site is within walking distance of parks and open spaces. However, the complete absence of any on-site provision would result in poor quality living conditions for future occupiers without any private or communal external space or landscaping.
10. The appellant has drawn my attention to a previous decision by the Council to grant permission in 2015 for flats in this building with no on-site provision of amenity space. However, that application was approved several years ago, and

assessed against different development plan policies and a previous version of the Framework. It therefore carries limited weight in my determination of this appeal.

11. The development would therefore conflict with the requirements of the Framework and guidance in the SPG as set out above. It would also conflict with Policies DSC1 and NEB4 of the LP which, taken together, seek a high standard of design for all development with new landscaping that is well planned taking into consideration the amenity of future residents.

Storage for refuse and recycling

12. The revised plan 5208-12-F submitted with the appeal shows updated storage details for refuse and recycling bins. There is no evidence before me to suggest that the number and capacity of bins would be insufficient to meet the needs of occupiers.
13. The bins would be stored in the undercroft area, with a collection area forward of the building adjacent to the neighbouring public house. This would be in an accessible location for collection. Details of how the bins would be transferred to the collection point, and confirmation of management of trade refuse to ensure that this would be acceptable when taken with these proposed arrangements, could be secured by an appropriately worded condition if I were otherwise minded to allow this appeal.
14. The development would therefore provide appropriate facilities for the storage of refuse and recycling. It would accord with Policy EQ1 of the LP, which requires that development proposals include provision for the storage of refuse and recycling facilities, and access to them suitable for waste management vehicles.

Planning Balance

15. The Council has delivered 74 percent of its housing target in the last three years. The presumption in favour of sustainable development therefore applies.
16. The development would result in the creation of six generously sized flats, supporting the Government's objective of significantly boosting the supply of homes. The site is in a sustainable location close to public transport with shops and other services available along the High Street. There would be economic benefits arising from expenditure by occupants of the new flats. The development would include the provision of electric vehicle charging points. Collectively these benefits attract considerable weight in favour of the proposal, given the shortfall in housing delivery.
17. The development would result in harm to the character and appearance of the area. This attracts great weight given the height and prominence of the proposed development as it would be located on a predominantly two-storey terrace and generally amongst much smaller buildings. There would also be harm to the living conditions of future occupiers from the lack of external amenity space. However, given that there are public open spaces nearby to the site this harm attracts limited additional weight.
18. Taken together, the cumulative harm that would arise from the proposed development would significantly and demonstrably outweigh its resulting benefits. There are therefore no material considerations in this instance to

indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR