
Appeal Decision

Site visit made on 11 January 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2022

Appeal Ref: APP/W1905/W/91/3273691

161 Churchgate Road, Chestnut, Hertfordshire EM8 9EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nick Antoniou against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/1200/O, dated 17 December 2020, was refused by notice dated 17 February 2021.
 - The development proposed is the demolition of the existing house and the erection of a building to provide five self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with access, layout and scale to be considered at this stage and all other matters reserved for future consideration. In respect of landscaping and appearance, details shown on the submitted site layout and elevation/floor plans have been treated as indicative.
3. An elevation/floor plan shows an undercroft within the new building which would allow vehicular access through it, at ground floor level, to the rear. There would be a parking courtyard behind the building. A further elevational/floor plan has been submitted at appeal. This shows the incorporation of a pedestrian entrance and roller shutter door across the front of the undercroft. The external treatment of the undercroft has been treated as indicative as appearance is a reserved matter.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area, (b) the living conditions of the occupiers of neighbouring properties, having regard to noise and disturbance, and (c) whether or not, a ground floor pedestrian entrance for the flats would comply with designing out crime planning policy, having regard to surrounding surveillance and lighting.

Reasons

Character and appearance

5. The appeal site comprises a detached two storey dwelling but with accommodation above within the roof. The dwelling has single second floor

windows within the front and rear gable elevations. There is also a single storey side extension that projects behind the dwelling. The site is surrounded by dwellings that are varied in size and design. Most dwellings are two storey and many of these, have accommodation within their roofs by reason of conversions, alterations and additions. There are also flatted developments on both Churchgate Road and nearby Goffs Lane. On Churchgate Road, most residential buildings are located on large linear plots, with extensive rear landscaped gardens, whilst on Goffs Lane, dwellings are located on smaller plots, with smaller rear gardens. Whilst the appeal plot lies on Churchgate Road, it's flank lies behind the rear gardens of dwellings on Goffs Lane.

6. The replacement building's footprint would remain largely within that of the existing building and previous permitted extensions. The building's ridge and eaves height would also reflect that of the existing dwelling on the site, However, the new building would stretch across almost the full frontage width of the plot and has a flat crowned gable that clearly results in a three storey building. It would also extend significantly down the sides of the plot at two storey level, with pitched roof above. Within the context of the area, the combination of the width, depth and height of the building would give rise to a significant bulk and mass which would result in a particularly dominant and intrusive development.
7. Planning permission has been granted for extensions to the existing dwelling and this includes a first floor side extension. If this permission could be implemented, it would result in a two storey dwelling virtually across the whole frontage width of the site. However, in comparison with the appeal proposal, the narrower gable frontage of the existing dwelling would be retained and the first floor extension, with associated roof above, would be stepped back from this. Consequently, there are significant differences between the schemes and the permitted scheme would not justify that before me at appeal.
8. A small number of dwellings in Churchgate Road have flat crown roofs but they have pitched roofs enclosing and sloping down from them on all sides. At 193 and 194 Churchgate Road, such roof design largely hides the second floor. In contrast, the proposal would result in an exposed frontage gable with a broad flat crown at its apex, with sloping pitched roof elements either side. Such a feature would be visually awkward and unsympathetic due to the juxtaposition of the pitched and flat roofs. At 197 Churchgate Road, the crown flat roof is enclosed by pitched roof elements but nevertheless, this feature sits prominently forward on the building. It demonstrates to me that the bulk and massing harm that would arise from the crown roof design of the appeal building. In any case, every proposal has to be considered on its individual planning merits, as has been undertaken here.
9. There would be no building development within the rear garden of the appeal property but there would be an extensive hard surfacing for seven vehicles and associated access and turning. Even along Goffs Lane with its smaller plots, the predominant quality of the area is of landscaped and open rear gardens. The introduction of such a large hard surfaced area and number of vehicles would be inconsistent with this quality and would be visually oppressive detrimental to the character and appearance of the area.
10. The new building's undercroft is shown illustratively as open or enclosed, with a pedestrian entrance and roller shutter door. The wide openness of an

understorey would be awkward and inappropriate within the suburban context of the site. However, appearance is a reserved matter and the alternative elevation/floor plan with a shutter door shows a satisfactory design solution. Therefore, this issue would not be a fundamental reason to object to the proposal and this could be considered in more detail at the reserved matter stage. Nevertheless, the harm arising from the extensive rear parking and turning courtyard behind remains.

11. For all these reasons, the development would not result in a high standard of design and would harm the character and appearance of the area. Accordingly, the proposal would be contrary to Policy DSC1 of the Broxbourne Local Plan 2018-2033 (LP) (2020).

Living conditions

12. A hard surfaced area would be to the rear of the new building. It would comprise vehicle parking spaces, turning and access alongside the gardens of properties in Goffs Lane and Churchgate Road.
13. The appellant's Acoustic Report (AR) shows predicted vehicle noise levels arising from the proposed development and compared this with the measured ambient noise level. From this, the significance of the worst-case noise impact for nearby dwellings was assessed in accordance with professional guidance, British Standard¹ and best practice, and found not to be harmful to the occupiers. Additionally, acoustic fencing would be erected, and planting would be undertaken to lessen any noise impact. On this basis, there would not be any adverse impact on the occupiers of the nearby residents using rooms within their dwellings.
14. However, the AR does not detail the impact of noise on residents using their gardens. Vehicles would use an extensive hard surfaced area where currently, there is no vehicular activity. Noise impact could be especially pronounced for residents of the Goffs Lane properties due to the restricted garden depths of their properties. In the absence of any evidence to address this, it has therefore not been demonstrated that the living conditions of residents would not be adversely affected. Similarly, the effect of vehicle fumes on residents' use of their gardens on Goffs Lane has not been addressed.
15. Turning to light glare from vehicle headlights, proposed planting would take time to become established. Nevertheless, 2 metres high acoustic fencing would be erected and they would be solid visual barriers block out harmful glare effects. Planning permission has been granted for a backland located residential development on Flamstead End Road where no noise and disturbance objections were raised by the Council. However, the scheme involved a lesser number of vehicle parking spaces and residential units, and every application has to be considered on its individual merits.
16. For all these reasons, the living conditions of the neighbouring residents in Golf's Lane would be harmed due to noise and pollution, and the proposal would conflict with Policies DSC1 and EQ1 of the LP.

¹ British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

Designing out crime

17. LP Policy DSC6 states that applicants must demonstrate that opportunities for natural and passive surveillance and public facing frontages have been maximised through the arrangement of buildings.
18. An elevation/floor plan shows an access door to the undercroft of the flatted building. There would be no other openings overlooking it for surveillance and a lack of natural light due to its position within the undercroft. However, another elevation/floor plan shows a pedestrian entrance, along with a roller shutter door, on the frontage. Such an arrangement would avoid a dark space open to non-residents. Therefore, there are no fundamental reasons to object to the appeal proposal and it has been demonstrated that the appeal proposal would comply with Policies DSC1 and DSC6 of the LP (in respect of designing out crime).

Other matters

19. The proposal would result in a net addition of four dwellings to housing supply and would make efficient use of land. Residents would have good access to services and facilities, including public transport connections, through walking and cycling. Vehicle parking spaces would have electric charging points. Such considerations would weigh in favour of the proposal.
20. The Council's Officers report refers to the substandard provision of outdoor space to serve the flats. The space would be split between two areas but nevertheless each area would be significant in size and their combined size would comply with standards set out in the Council's relevant Supplementary Planning Guidance, and therefore, the provision of outdoor space would be acceptable.

Conclusion

21. There would be housing, brownfield land and sustainable transportation benefits but the harm to the character and appearance of the area, and living conditions would be significant and overriding. Consequently, the conflict with the design policy of the LP would be determinative and there would be conflict with the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR