



Appeal Decision

Site visit made on 28 February 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 APRIL 2022

Appeal Ref: APP/W1905/D/21/3286669

11 Abbey Road, Waltham Cross EN8 7LJ

- 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 S Aksoy against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0798/F, dated 24 June 2021, was refused by notice dated 22 September 2021.
 - The development proposed is use of outbuilding as self-contained living space that is still used as part of the same house within the same ownership. Installation of rear PVC window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would provide adequate amenity space for occupiers; and (ii) the effect of the proposal on living conditions of neighbouring occupiers.

Reasons

Provision of amenity

3. The outbuilding is a converted garage and some works to the building have already taken place. The building has a kitchen, bathroom, and three additional rooms (two of which are detailed as bedrooms on the plans) on the ground floor, and as such could be occupied by a number of people. The main entrance is currently via a door leading to the rear garden of Number 11 Abbey Road, and it shares the rear garden space with Number 11. The use of the outbuilding, in addition to the residential use of Number 11, would be a significant intensification in the use of the overall site. Whilst the works have not reduced the outdoor space for No 11, the occupation of the outbuilding would substantially increase demand for the space. Taking account that the space is already limited due to the presence of the outbuilding, I consider that the intensification in the use of the site would be demonstrably detrimental to living conditions of current and future occupiers.
4. The outbuilding is accessed via the rear garden of No 11, however it can also be accessed via a track adjacent to the rear of the properties along this side of Abbey Road. Having regard to the advanced level of facilities within the

outbuilding it would be possible with some minor alterations for the building to be occupied entirely independently from No 11.

5. The proposed use of the outbuilding would result in a significant intensification in the use of the site that would be detrimental to the living conditions of occupiers. Whilst I appreciate that the appellant's intention is to use the space to look after family members, the evidence does not confirm that this is required or that there is not sufficient space within the main dwelling to provide accommodation.
6. I find that the proposal would fail to provide adequate amenity space for occupiers. This would conflict Policies H8 (d), DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033, which amongst other things seek to ensure residential annexes function as an integral element of the main property.

Living conditions

7. The first floor of the outbuilding is accessed via a steep staircase and currently provides a storage area. Due to a severely reduced roof height in the upper floor, it is not possible to stand up in the storage area. Whilst there is a window in the elevation facing the residential properties, access is severely constrained due to the physical layout of the building.
8. Accordingly, I find that the window is not in a location such to be utilised for residential purposes. It is not harmful to the living conditions of neighbouring occupiers having particular regard to privacy. It therefore complies with Policies DSC1 and H8 of the Broxbourne Local Plan 2018-2033 in this regard.

Conclusion

9. I have found that the use of the outbuilding as proposed would fail to provide adequate levels of outdoor space for occupiers and would therefore conflict with the development plan. Whilst it would not be harmful to living conditions of neighbouring occupiers, I do not consider this to outweigh the conflict with the development plan identified.
10. Accordingly, for the reasons above and having regard to all other matters raised I conclude that the appeal is dismissed.

J Ayres

INSPECTOR