



Appeal Decision

Site visit made on 4 July 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15TH July 2022

Appeal Ref: APP/W1905/W/21/3288269

105 Leven Drive, Waltham Cross EN8 8BB

- 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 Aaron Perry against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0960/F, dated 29 July 2021, was refused by notice dated 1 November 2021.
 - The development proposed is a new 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form described the proposal as a three bedroomed dwelling whilst the decision notice and the appeal form state a two bedroom dwelling. The submitted plans illustrate a two bedroom dwelling and so this seems a more accurate description of the proposal. I have therefore considered the proposal based on it being for a new two bedroom dwelling.

Main Issues

3. I consider that the main issue is the effect of the proposed dwelling on the character and appearance of the area and the living conditions of the occupiers of the existing house, its neighbours and the proposed dwelling.

Reasons

4. The appeal site is an end terraced house amongst a grouping of houses set back from the main road, off a crescent providing a semi-circular access spur around a grassed area. No 105 sits behind No 103 which is at the end of another terrace fronting the main stretch of Leven Drive. Alongside No 103 is a grass verge which is partly in front of No 105 but does not form part of the appeal site.
5. The proposed house would be set back behind No 105 and attached to it. Whilst the rear garden to No 105 is fairly wide, it narrows at the front where there is a dropped kerb in front of the house. Building works were underway at the time of my site visit and there were building materials on the drive/frontage as well as on the grass verge. These works seem to be unrelated to the proposed development. However, it is evident that access to a dwelling would be somewhat contrived with the need to pass across the front of

No 105 to access its front door. A parking space is shown in front of No 105 for the use of the new dwelling whilst occupiers of No 105 would utilise the parking bays off the semi-circular access road.

6. Local Plan¹ Policy DSC1 sets out general design principles and establishes the Council's expectation for a high standard of design that, amongst other things, enhances local character and distinctiveness, taking into account existing patterns of development. Policy DSC2 relates to extensions and alterations to existing buildings and as the proposal would add a new dwelling onto the existing one, it has some relevance in so far as the policy requires extensions and alterations to respect the character and design of that building. Policy EQ1 requires development to avoid having a detrimental impact on the amenities of the occupiers of adjoining properties in terms of daylight, sunlight, outlook and overlooking. The Council's Borough-Wide Supplementary Planning Guidance² provides further guidance for development. Good design is also a significant objective of the National Planning Policy Framework³.
7. Whilst the house would be set back from the rest of the terrace, it would have the effect of closing the space between the end of one terrace and that of another i.e. between Nos 103 and 105 Leven Drive. It would also represent a very poor arrangement in terms of its relationship to No 105 as well as to No 103. Its set back from No 105 would be such that a two storey wall along its northern boundary would appear overbearing. I am also concerned that its position in relation to No 103 could cause overlooking between the properties. Occupiers of the proposed house could also experience a poor outlook and overshadowing to the front windows due to its relationship with No 105. The unsuitability of the site is further emphasised by the access arrangement and the position of the proposed parking space for the proposed house directly in front of No 103. Overall, I do not consider that the proposed arrangement would comply with policies DSC1, DSC2 or EQ1 or the Framework.
8. The Council also refer to the lack of parking space and the pressure to park on the area of amenity grass verge in front of the house. Local Plan Policy TM5 refers to parking guidelines set out in Appendix B but the guidelines have not been submitted. However, the SPG sets out car parking standards in Appendix 2 and requires 2 spaces for a two bedroom dwelling and 2.5 spaces for a three bedroom dwelling. The resulting provision for the proposed dwelling and No 105 would clearly fall well short of this but I note that the residents living in the neighbouring houses utilise the parking bay available alongside the highway around the crescent. It is reasonable to assume that space here would also be available for future residents or those at No 105.
9. However, there could be pressure to park on the amenity grass verge in front of the house. Local Plan Policy ORC3 establishes a presumption against the loss of amenity space. However, the area of amenity space is outside the appeal site and is under separate ownership and whilst there may be a temptation to use it for parking, this is a matter that would need to be addressed by the relevant landowners. The proposal could however, put pressure on its use for

¹ Borough of Broxbourne – Local Plan 2018 – 2033 – The Broxbourne Local Plan – A Framework for the Future Development of the Borough, June 2020.

² Borough of Broxbourne Borough-Wide Supplementary Planning Guidance, Adopted – August 2004 (updated 2013) (SPG).

³ Ministry of Housing, Communities and Local Government, National Planning Policy Framework, 2021 (the Framework).

parking which would further harm the character and appearance of the area through the loss of an area of open greenspace.

10. The Council also refer to the lack of a charging point for electric vehicles and refer to Local Plan Policy TM4 which requires charging points for new housing developments. However, whilst this is included in the reasons for refusal, it could be secured by condition but at any rate is also a requirement of other legislation. Having said this, the proposed dwelling would need to have a useable parking space or space for a charging point which given the awkward arrangement proposed may not be possible.
11. I have also looked at the examples of other houses in Leven Drive which have been built as additions to the end of terraces. However, these do not assure me that the proposal would be acceptable. I have considered all other matters raised but none alter my conclusion.
12. I conclude that the proposal would have a harmful on the character and appearance of the area and on the living conditions of the occupiers of the existing house, its neighbours and the proposed dwelling. It would conflict with Local Plan policies DSC1, DSC2 and EQ1, the SPG and the Framework and therefore the appeal fails.

J D Clark

INSPECTOR