



Appeal Decision

Site visit made on 28 June 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/W1905/W/21/3287407

Ronmarsh Place, Lambton Avenue, Waltham Cross EN8 8AS

- 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 G Marsh against the decision of Broxbourne Borough Council.
 - The application Ref 07/20/0962/F, dated 16 October 2020, was refused by notice dated 22 June 2021.
 - The development proposed is construction of additional storey on existing residential block in order to create an enlarged 2nd floor flat and a new 3rd floor studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - Character and appearance of the area; and
 - Living conditions of residents with regards to floorspace.

Reasons

Character and Appearance

3. The appeal site is a block of flats located at the head of the residential cul-de-sac of Lambton Avenue. The cul-de-sac is characterised by 2-storey dwellings, whereas the appeal building extends to three floors in height. However, the massing of the host building steps down towards Lambton Avenue. Due to that design, the appeal site responds successfully to the suburban scale of Lambton Avenue, even allowing for the differing use of materials and the arrangement of the building.
4. The appeal proposal would increase the height of the part of the building closest to Lambton Avenue, and the increase in the scale and massing of the host building would contrast uncomfortably with the relatively uniform suburban scale of dwellings in the cul-de-sac. Although the appeal site is located to one side of the head of the cul-de-sac, the incongruous increase in the scale of the building would still be apparent.
5. The appellant refers to the proposed increase in ridge height compared to the building as a whole. However, the proposal would lead to a significant increase in the height of the building closest to Lambton Avenue, with commensurate

harm arising from the increased bulk of the building. Rather than acting as a focal termination to the streetscape as contended by the appellant, the proposal would appear as an obtrusive feature at the head of this cul-de-sac. That would be the case even within the context of the railway arches to the north, which are some distance away from the site and are not of a height or scale which would support the appeal proposal.

6. The Council refers to the effect on the symmetry of the building. However, symmetry is not a defining feature of the building as a whole, and the proposal would retain the symmetry of the gable wall facing onto Lambton Avenue. However, a lack of harm in respect of symmetry would not negate my concerns in respect of the unacceptable increase in the scale and massing of the building and the effect on the streetscape.
7. I conclude that, due to its scale and massing in relation to Lambton Avenue, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to the design requirements of policies DSC1 and DSC2 of the Local Plan 2020, and the National Planning Policy Framework (the Framework) with regards to achieving well-designed places. The proposal would also be contrary to the advice of the Borough-Wide Supplementary Planning Guidance 2013 (the SPG) with regards to the relationship between extensions and the parent building.
8. On this main issue, the proposal would not conflict with policy EQ1 of the Local Plan as this does not address matters of character and appearance. However, this does not negate my conclusions in respect of conflict with other planning policies.

Living Conditions

9. The SPG includes internal space criteria for dwellings, although the Council's Statement of Case appears to be based on the floorspace requirements of the Nationally Described Space Standard (NDSS). That said, a two bedroom flat which would result from the proposal would include rooms which would not meet the bedroom size criteria of the SPG for a double bedroom and single bedroom.
10. Footnote 49 of the Framework states that policies may make use of the NDSS where the need for an internal space standard can be justified. The Council sets out that the proposal would lead to rooms which fall below the minimum space standards in national guidelines. However, the NDSS is not referred to in any of the development plan policies relied on by the Council. Therefore, whilst I have had regard to the NDSS, compliance with it is not required by development plan policy.
11. The appellant submits that the existing double bedroom within the flat falls below the specified standard. The proposal would represent an increase in the floorspace of this room. However, based on the evidence before me, the original permission for this building pre-dated the NDSS, and it has also not been demonstrated that it was assessed against the SPG. The Council also emphasises that the original planning permission for the building did not specify whether this bedroom was a double or a single bedroom.
12. Nevertheless, the proposal would include 2 bedrooms which would fall below the specified standards of the SPG for the form of occupancy proposed, as well

as those of the NDSS. The quality of accommodation provided by the extant flat does not negate the harm arising from the inadequate accommodation which would result from the appeal proposal.

13. The appellant refers to the potential to remove an en-suite bathroom which would increase the floorspace of the double bedroom. However, the appeal process should not be used to evolve a scheme and this is more appropriately addressed by a fresh planning application. In any event, the proposed amendment would not address the inadequate floorspace of the single bedroom.
14. Based on the evidence before me, the gross internal floor area of the new and reconfigured flats would exceed that specified in the SPG and the NDSS. Residents would also be able to access communal amenity areas as well as open space in the wider area, and the Council's reference to the overdevelopment of the site is not supported by substantive evidence with regards to whether an increase in demand for such areas would lead to material harm to living conditions. However, these considerations would not outweigh the identified harm in respect of the sub-standard accommodation provided by specific rooms.
15. I conclude that the proposal would include rooms which would fall below the floorspaces specified in the SPG, with commensurate harm to the living conditions of residents. The proposal would therefore be contrary to policy DSC1 of the Local Plan which states that development should have regard to the SPG in relation to design, which would include the design of the internal layout. The proposal would also be contrary to the Framework in respect of a high standard of amenity for existing and future users.
16. I have had regard to the NDSS, but this is not a matter referred to in development plan policy. The Council refers to policy EQ1 of the Local Plan, but this does not include criteria which are relevant to my consideration of this main issue.

Other Matters

17. I am mindful of the benefits arising from the proposal. The development would provide a further residential unit in a location with good access to services and facilities, and may represent a more efficient use of this site. Although the new dwelling would be placed on the open market, it would be likely to be relatively affordable given the form of accommodation proposed. However, even allowing for the sustainable location, the benefits arising from a further single unit would be very limited.
18. Improvements in respect of biodiversity and electric vehicle charging points could be provided regardless of this development, and in any event these benefits would be very limited given the limited extent of the property.

Conclusion

19. Reference has been made to the presumption in favour of sustainable development set out in paragraph 11 of the Framework. However, even considered cumulatively, the benefits arising from the proposal would not outweigh the significant harm that I have identified in respect of character and appearance as well as living conditions. On these matters, the proposal would conflict with the development plan and the Framework.

20. Overall, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the policies of the Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR