



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: 5 August 2022

Appeal Ref: APP/W1905/W/21/3278834
237 Turners Hill, Cheshunt EN8 9DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Veli Yavuz against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0189/PNA1RES, dated 18 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is prior notification of change of use of retail unit (A1) to 4No residential units (C3) with alterations to the front and rear elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Background and Main Issue

3. The Council's first reason for refusal refers to an unacceptable adverse impact to the viability and sustainability of this local shopping parade. This reflects the wording of Condition M.2(1)(d) of the GPDO in place at the time the Council made its decision. However, Class M of the GPDO has been amended¹ subsequent to the Council's decision. The amendment includes the substitution of Condition M.2(1)(d)(i) with a new wording which now relates to launderettes, and the revocation of Condition M.2(1)(d)(ii). Following these amendments to the GPDO, the Council's first reason for refusal is no longer applicable. The Council and the appellant have been given the opportunity to comment on this matter.
4. On that basis, the main issue is the effect of the proposal on the design or external appearance of the building.

¹ By Statutory Instrument 2021/814 the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2021. This includes a Schedule of transitional and saving provisions.

Reasons

5. The appeal site is located within a terrace which includes commercial uses on the ground floor with other uses, including residential, above. The terrace is part of a more extensive shopping parade, and there is some variation in the design of the commercial frontages and the layout of buildings. However, all of the ground floor units have a commercial frontage and this is a defining feature of this parade.
6. The wider area is residential in nature, and there are other commercial and service uses along this busy through-road. However, despite the varied character of the streetscape, the commercial frontages along the length of this parade make a positive contribution to the character and appearance of the area.
7. The proposal would involve the removal of the active commercial frontage of the appeal site and the introduction of a residential frontage. This would contrast uncomfortably with neighbouring commercial frontages of this retail parade, and would give the building a jarring and incongruous appearance within the context of the neighbouring units.
8. Although the proposed windows would reflect those on the first floor and the new façade would use matching materials, the design of the residential frontage would be relatively featureless. The proposal would therefore appear as a clumsy insertion into an otherwise active commercial part of the streetscape, and this harm would be exacerbated as the appeal site is one of the larger units within this parade. The Council's concerns in respect of the break in the rhythm of the commercial frontages is therefore well-founded.
9. The appellant refers to the property being in a poor state of repair. However, the site was in use at the time of my visit and presented an attractive retail frontage. Reference has also been made to the conversion of other commercial units in this area, although it has not been demonstrated that these relate to this specific parade. The Council has raised no objections to the alterations to the rear in respect of design, but this does not negate my conclusions regarding the front elevation.
10. I conclude that, due to its design and location, the proposal would lead to significant harm to the design and external appearance of the building. The proposal would therefore conflict with condition M.2.(1)(e) of Class M of the GPDO. The GPDO sets out that regard should be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval. Due to the identified harm, the proposal would conflict with the Framework in respect of achieving well-designed places.
11. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR