



Appeal Decision

Site visit made on 17 August 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2022

APP/N1920/W/22/3290851

56 The Shrublands, Potters Bar EN6 2BW

- 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 Mrs Mandy Ghiawadwala against the decision of Hertsmere Borough Council.
 - The application Ref 21/1564/FUL, dated 28 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is 'proposed chalet bungalow fronting Elmfield Close, to the rear of 56 The Shrublands, Potters Bar, EN6 2BW.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed chalet bungalow on:
a) the character and appearance of the area; b) the living conditions of neighbours, with regard outlook; and c) the living conditions of future occupiers.

Reasons

Character and appearance

3. The appeal site fronts Elmfield Close and comprises part of the rear garden of No.56 The Shrublands (No.56), a two-storey detached dwelling occupying a reasonably large plot that extends between The Shrublands and Elmfield Close. There are no existing dwellings on Elmfield Close; it provides access only from Elmfield Road to the rear of No.56 and No.51 Elmfield Road (No.51), as well as to a public footpath that runs adjacent the western boundary of the appeal site. It is proposed to construct a three-bedroom chalet bungalow centrally within the site between No.56 and No.51.
4. I observed on my site visit that Elmfield Road and The Shrublands are characterised by dwellings that address the road with long gardens to the rear and generous back to back separation distances. The gardens and plots of dwellings in Wellesley Crescent are, however, smaller, particularly where the road bends to the west of the appeal site. Despite the boundary fencing and double gates to the appeal site, the pattern and rhythm of development to dwellings on The Shrublands and Elmfield Road is particularly evident from the end of Elmfield Close and there is an attractive, open aspect over gardens.

5. The guidance in the Council's *Planning and Design Guide: Part D (2016)* (PDG) is that garden land development should follow existing building lines and result in the creation of new properties with their own frontage. It also recognises that certain forms of garden land development are generally out of character with the surrounding area, and do not compliment the existing patterns of development. The appeal site has a fairly limited frontage to Elmfield Close, the width of vehicle access, and the proposed bungalow would be sited so that its north east elevation is tucked to the rear of the garden and garage of No.51. The scheme was amended to orientate the front door of the bungalow towards Elmfield Close, but it is set back a reasonable distance behind two parking spaces and wouldn't follow the flank building line of either No.51 or No.56, set further to the west than both. Because of its siting, the proposed bungalow would neither successfully address the road, providing a visual 'end stop' to Elmfield Close, or complement the existing pattern of development. Rather, the proposed bungalow would appear out of character, uncomfortably positioned at the end of an access road.
6. The higher density and angled siting of dwellings in Wellesley Crescent are appreciable from Elmfield Close, but I observed that the appeal site is much more closely related, both physically and visually, to the long gardens on The Shrublands and Elmfield Road and the proposed bungalow would interrupt that pattern and rhythm of development, discordant in the context of the existing character, and would result in an incongruous short garden to No.56, the host dwelling.
7. In terms of built form, the wider area is characterised by a mixture of detached, semi-detached dwellings, chalet bungalows and bungalows. The footpath adjoining the appeal site to the west, between The Shrublands and Elmfield Close, is narrow and kinks close to the front elevation of No.56. Because of this and the high close boarded fence along its length and on The Shrublands corner, the proposed bungalow would not have prominence from The Shrublands. It would however be visible in the context of those dwellings on the south west side of Elmfield Road. These are typically chalet bungalows with a hipped roof form, some with gables to the road. The proposed chalet bungalow would be arranged in an 'L-shape' with two facing gables, a pitched roof and rear dormer. Although the pitched roof is not a characteristic of the immediate context, the L-shape arrangement means that only a modest staggered section of the roof of the west facing gable would be visible, with the north east gable being the prominent feature, a characteristic of the area. I therefore find that the design of the proposed bungalow would itself assimilate well within its context.
8. However, for the reasons given, on the first main issue I conclude that the siting of the proposed bungalow would cause significant harm to the character and appearance of the area. It would therefore conflict with the PDG, the design guidance at Section 12 of the National Planning Policy Framework (the Framework), and Policy CS22 of the Hertsmere Core Strategy (2013) (CS) and Policy SADM30 of the Site Allocations and Development Management Policies Plan (2016) (DMPP) which together require all development to be of high quality design that complements or improves the character and quality of an area.

Living conditions of neighbours

9. The proposed bungalow has been sited so that its south west elevation with gable end is parallel with, but slightly offset from, the rear elevation of No.56 The Shrublands (No.56). No.56 itself is two-storey in height with its first floor rear elevation set slightly back from the ground floor. I observed on site that there are two large ground floor windows on the rear elevation, including to a living room.
10. The guidance in the PDG is that blank walls in new developments should normally be no closer than 10m to any window to a habitable room in an existing home, although the appropriate distance will be assessed on a case by case basis. In this case, the proposed bungalow would be around 12.8m from the rear ground floor elevation of No.56. Whilst this exceeds the 10m guidance, the south west elevation of the proposed bungalow would extend over half the width of the rear of No.56 at an overall height of around 6m. In order to ensure privacy, only a single ground floor window is proposed on the south west elevation but the effect of this is to present a large, blank gable to No.56. The scale and proximity of this gable would appear overbearing from the rear windows, notably the living room, and would cause significant harm to the existing or future occupants of No.56.
11. The proposed bungalow would also introduce built form to the rear of No.54 The Shrublands, Nos.31 and 33 Wellesley Close and No.51 Elmfield Road. However, given the orientation of these dwellings relative to the proposed bungalow and their respective separation distances (all over 15.5m) I do not find there would be material harm to outlook for these neighbours.
12. Notwithstanding this, on the second main issue I conclude that the proposed bungalow would cause significant harm to the living conditions of neighbours at No.56 The Shrublands. Consequently, there would be a conflict with the PDG, CS Policy CS22 and DMPP Policy SADM30 because the proposal fails to be of a high quality design that has limited impact on the amenity of its neighbours. In this regard, it would also conflict with paragraph 130 of the Framework that developments should create places with a high standard of amenity for existing and future users.

Living conditions of future occupiers

13. The PDG guidance is that a reasonable outlook should be ensured from habitable rooms in new development to protect the well-being of occupants. The internal layout of the chalet bungalow is proposed to be arranged with an open plan sitting, kitchen, dining room and a bedroom with ensuite at ground floor, and a further two bedrooms and shower room at first floor within the roofspace.
14. On the south east roof slope would be two Velux windows to each bedroom and a dormer to the shower room, whilst on the north west roofslope would be a further two Velux windows to the larger of the two bedrooms. Both bedrooms would achieve good levels of natural light and ventilation. However, the lower sill of the Velux windows are shown on the proposed Section drawing as around 1.7m above the floor level of the first floor and consequently there would not be any particular outlook (save towards the sky) for most occupiers.

15. The appellant describes the proposed ground floor bedroom as being the 'main' bedroom and whilst smaller in size than the larger of the two at first floor, it nonetheless provides a dual aspect outlook and choice for the future occupiers. I am not therefore persuaded that the absence of outlook from the second and third bedroom would result in a poor standard of accommodation at first-floor given the light and ventilation available, or that it would cause substantial harm to the living conditions or well-being of any future occupiers.
16. Consequently, there would be no conflict with the objective of the PDG or Policy SADM30 because the proposed development would have limited impact on the amenity of occupiers of the site. Further, there would be no conflict with paragraph 130 of the Framework in so far as it requires new development to create places with a high standard of amenity for future users.

Planning Balance and Conclusion

17. Both parties are in agreement that the Council cannot demonstrate a five year housing land supply. Therefore, in accordance with paragraph 11(d) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would deliver an additional dwelling. This would make a modest contribution to the overall supply of housing in an established residential area. I afford this contribution of a single dwelling limited weight, acknowledging that the Framework recognises the part that small sites can play in helping to meet housing need. However, I find that the proposal would cause significant harm to the character and appearance of the area and to the living conditions of the neighbours at No.56. These adverse impacts would significantly and demonstrably outweigh the limited benefit of a single dwelling when assessed against the policies in the Framework taken as a whole.
19. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR