



Appeal Decision

Site visit made on 27 September 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022.

Appeal Ref: APP/N1920/W/22/3298348

85 Cranborne Road, Potters Bar EN6 3AQ

- 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 A Chahal against the decision of Hertsmere Borough Council.
 - The application Ref 21/2412/FUL, dated 16 December 2021, was refused by notice dated 21 February 2022.
 - The development proposed is a 2.5 metre wide extension to the side of the existing house to allow division to create an additional dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for a 2.5 metre wide extension to the side of the existing house to allow division to create an additional dwellinghouse at 85 Cranborne Road, Potters Bar EN6 3AQ in accordance with the terms of the application, Ref 21/2412/FUL, dated 16 December 2021, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises one half of a semi-detached house, which has been previously extended to the side and the rear, and which is prominently located on the corner of Cranborne Road with a short cul-de-sac. Nearby dwellings are predominantly semi-detached, although there are occasional detached buildings, including to the rear of this site at 83A Cranborne Road. A little further away on this road is a short terrace at Nos 61 to 65 (odds). A detached dwelling has also been granted planning permission opposite the site adjacent to 119 Cranborne Road (Ref: 20/01886/FUL), although its side face would be further from the highway than proposed here.
4. Whilst the building lines are staggered to a varying degree, the front faces of the dwellings on the cul-de-sac and on Cranborne Road are set back from the highway, and the flank of No 85 is currently set back broadly in line with the front face of No 83A.
5. The proposed two storey side extension would, according to the appellant's calculations, extend to just over 1 metre from the plot boundary. That would be closer to the highway than any nearby dwellings that I observed, although the flank of No 65 is fairly close to the pavement of Cranborne Crescent.

6. The resultant building would also have a more elongated form than the semi-detached dwellings which typify the area. However, the side extension would reflect the host's hipped roofed, two storey form; it would have similar fenestration on its front and side faces; and it would be finished with matching tiles and render. This would help to assimilate it into the streetscene, as would any proposed soft landscaping, which could be secured by means of a condition.
7. Nevertheless, for the above reasons, the scheme would be at odds with the prevailing pattern and form of development on Cranborne Road and the cul-de-sac. It would therefore cause a modest degree of harm to the character and appearance of the area.
8. On this issue, the scheme would thus conflict with Policy CS22 of the Hertsmere Core Strategy 2013 ('HCS'), and Policies SADM3 and SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016 ('HSADMP'). Amongst other things, and in general terms, these require high quality design, and development which respects or improves the character of its surroundings, including the local pattern of development.
9. It would also fail to fully accord with Part D (Draft) of the Hertsmere Planning and Design Guide Supplementary Planning Document (2016) which sets out the need to respect development patterns and to be sensitive to local character, and which supports development on garden land subject to matters such as the setback and building lines.
10. For the same reasons, there would also be a modest conflict with the National Planning Policy Framework ('Framework') requirement for good design, taking account of local design guidance.

Other matters

11. In its decision notice, the Council states that the scheme could potentially be harmful to pedestrian safety. However, neither the Council's delegated report, nor its statement, provide an explanation for that stance. I observed that whilst a new dropped kerb would be provided at the front of the site to access additional off-street parking, driver/pedestrian intervisibility in this location would be good.
12. Concerns have also been raised by an interested party, regarding parking congestion and access by emergency vehicles. However, the scheme would result in two off-street spaces for each dwelling, which I consider appropriate given the reasonably accessible location close to services and amenities, and where the occupiers would not necessarily be reliant on the private car. Any highways disruption during construction would be temporary.
13. Hertfordshire County Council as Highway Authority raised no objections to the scheme, and for the above reasons I also conclude that it would not cause significant harm to the safety or convenience of highway users, and that it would therefore not conflict with HCS Policy CS25 or HSADMP Policy SADM40.
14. Bin storage areas are shown conveniently located within the curtilage of each dwelling, and I therefore have no cogent reason to conclude that the scheme would conflict with HSADMP Policy SADM19.

15. I have no detailed information regarding the cause of flooding issues referred to by a local resident, nor cogent evidence to indicate that this scheme would make matters materially worse. On this matter I also note that the Council's Drainage Services Officer responded with no comments on the application.
16. Applying the Framework definition, given that this is a built-up area, the residential garden does not constitute previously developed land. However, in its favour, the scheme would make an efficient use of this small site, and the dwelling would be in an accessible location close to public transport and amenities, as described in the Design and Access Statement.
17. Moreover, it would contribute to the supply of housing. Crucially, on this matter, the Council acknowledges that it falls well short of the Framework requirement at paragraph 74 to demonstrate a five year housing land supply. In that context, whilst only one dwelling would be added to the supply, that is nonetheless a significant benefit.

Planning Balance, Conditions and Conclusion

18. Given that the Council cannot demonstrate a five year housing land supply, in accordance with Framework paragraph 11 d) those policies which are most important for determining the application are out-of-date; and the 'tilted balance' is engaged.
19. I have found that the scheme would cause limited harm to the character and appearance of the area, contrary to the development plan. In their approach to local character and distinctiveness, those policies are broadly consistent with the Framework.
20. However, the scheme would also make a small contribution to addressing the Council's considerable housing supply shortfall, which is a significant benefit in its favour. The limited harm that it would cause would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; and although there would be a modest conflict with the development plan, this is a material consideration which weighs heavily in its favour. The scheme thus benefits from the Framework's presumption in favour of sustainable development, and the appeal will be allowed.
21. Turning to the matter of conditions, I have considered those suggested by the Council, all of which the appellant agrees to, against the Framework's tests; and making amendments where necessary to improve precision, clarity and enforceability.
22. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
23. In line with the stance in HCS Policies CS16 and CS17, I have imposed a condition requiring the submission of a statement of sustainability measures to minimise the scheme's impact on the environment, with the details to be agreed between the parties. This is necessarily framed as a pre-commencement condition as it shall include measures that should be incorporated into the scheme's construction from the outset.
24. The Council has suggested a further pre-commencement condition requiring the submission of sample materials. However, the application form states that

the scheme would be faced with matching materials, and in the interests of the character and appearance of the area, I have therefore imposed a condition to that effect.

25. For the same reason, and in order to control hard surfacing details in the interests of minimising flood risk, I have imposed a condition requiring the submission and implementation of a scheme of hard and soft landscaping and boundary treatment.
26. Plan no. 221116/04 B depicts the provision of a permeable parking area, and my condition No 6 is imposed to ensure that the access and parking is provided in accordance with that plan in the interests of the safety and convenience of highway users.
27. As HCS Policy CS22 requires all new development to be designed to ensure that buildings and land within their curtilage are fully accessible to groups with special mobility requirements, a condition, broadly as suggested by the Council, requiring compliance with Part M4(2) of the Building Regulations is reasonable and necessary.
28. Finally, the Council has suggested a condition removing permitted development rights. However, paragraph 54 of the Framework states that planning conditions should not be used to restrict such rights unless there is clear justification to do so. No detailed justification has been provided here, and having regard to that stance, and to the size and context of the proposal, I consider that such a condition would not pass the tests of reasonableness or necessity. I have therefore not imposed it.
29. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 221116-01, 221116-02, 221116-02 A, 221116-04 B, 221116-05 and 221116-06 A.
- 3) No development shall take place until a Climate Change and Sustainability Statement has been submitted to, and approved in writing by, the local planning authority. The sustainability measures set out within the statement shall thereafter be implemented in full prior to the first occupation of the dwelling and shall thereafter be retained.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 5) No development above damp proof course shall commence until a scheme of landscaping and boundary treatment, which shall include details of hard and soft landscaping works, has been submitted to, and approved in writing by, the local planning authority.

Any walls, fences, gates or other means of enclosure, and any hard landscaping, shall be implemented in accordance with approved scheme prior to the first occupation of the development, and shall thereafter be retained.

The approved scheme of soft landscaping shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of ten years from the completion of the development, or are removed, or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of a similar size and species.

- 6) Prior to the first occupation of the development, the vehicular access and parking shall be completed in accordance with plan number 221116/04 B, and shall thereafter be retained.
- 7) The approved dwelling shall not be occupied until the Building Regulations Optional requirement Part M, M4 (2) has been complied with.