



Appeal Decision

Site visit made on 24 October 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/W1905/W/22/3296858

18 Kennedy Avenue, Hoddesdon, Hertfordshire EN11 8NW

- 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 Ramadani against the decision of Broxbourne Borough Council.
 - The application Ref 07/21/0296/F dated 12 March 2021, was refused by notice dated 9 November 2021.
 - The development proposed comprises a new 3 bedroom dwelling house on the end of a terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development, the amended description of development is also used by the Appellant on the Appeal Form. I consider the revised description to be a more accurate description of the appeal proposal, accordingly I have adopted the amended descriptions in the heading above.
3. The red edge line denoting the application site on the Location Plan submitted does not extend to the entire site of the proposed development, notwithstanding this the Site Plan along with other plans confirm the scope of the application clearly. The Location Plan should have all land necessary to carry out the proposed development edged in red. Notwithstanding this taking a pragmatic approach I do not believe that any party has been prejudiced or caused any injustice by me proceeding with the appeal.
4. The Council confirm that there was an administrative error in drafting the Decision Notice issued which omitted a reason for refusal relating to parking provision and repeated reason for refusal No. 2. It is clear from the Planning Officer's Report that the proposal was recommended for refusal on the basis of inappropriate appearance in the streetscene – forming an effect on overcrowding in a limited site and by its lack of parking and EV charging provision. The Council have also provided a signed draft Decision Notice confirming this.
5. The Council's reasons for refusal are the normal starting point in identifying the main issues in dispute by the parties. Whilst parking provision was not identified on the issued Decision Notice it is clear from the information before

me that this issue is a substantive matter which should be dealt with as a main issue. Both parties have referred to parking within the documents before me and on this basis I do not believe that any party has been prejudiced or caused any injustice by me considering parking provision within the main issues.

6. The Appellant confirms via the application form that they have ownership of the land relating to the proposed development. The Planning Practice Guide is clear that an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.¹ Whilst ownership is disputed by parties I have not been provided with substantive evidence to doubt the Appellants ownership status or confirm that the application was not valid. I shall therefore progress with determining the appeal before me.

Main Issues

7. The main issue in this appeal are:
 - (i) the effect of the proposed development on the character and appearance of area;
 - (ii) the effect of the proposed development on highway safety; and
 - (iii) whether the proposed development provides sufficient EV charging points.

Reasons

Character and Appearance

8. The site is within a predominantly residential area and comprises an end terraced property and land adjacent. Properties in the area are predominantly terraced some of which have been altered however an architectural rhythm to the built form remains.
9. Levels fall away from the adjacent highway towards the existing property and the location of the proposed dwelling. There is a drop in levels for the vehicular access to the adjacent garage block and the garages themselves. The garages are in a dilapidated condition although they are relatively inconspicuous in the streetscene due to the drop in levels.
10. The proposed development would mirror the existing property, No. 18 Kennedy Avenue, in scale and design. A visual break in building form would remain due to the low level of the garage site adjacent the site. The proposed dwelling would not look out of keeping with the overall terrace in terms of the design.
11. Notwithstanding this the proposed dwelling would have a restricted and irregular shaped front amenity area and would be in close proximity to the side boundary enclosure of the site which chamfers to the rear of the proposed property. Whilst the private rear amenity space would not be dissimilar in size to others in the area, the proposed development would appear contrived on a constrained plot. The cramped appearance would detract from the pattern of the area and streetscene in general.

¹ Paragraph: 025 Reference ID: 14-025-20140306

12. I conclude that the proposed development would harm the character and appearance of area. There is conflict with Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033 (2020) (the Local Plan) which amongst other things seek to achieve good design respecting character and design and be appropriate to the local context and site.

Highway Safety

13. The appeal site is within a predominantly residential area. My attention has been drawn by both parties to works that have been carried out to the front of the appeal site reducing the level difference between the highway and existing properties No's 18 and 20 Kennedy Avenue. I note from the information provided that these works do not have planning permission and encompass works to the adopted highway. The issue of unauthorised works to the adopted highway is beyond the scope of this appeal.
14. Policy TM5 of the Local Plan requires developments to be determined against Car Parking Guidelines set out in Appendix B of the Local Plan. The guidelines recommend that three bedroom dwellings should have 2.5 spaces per dwelling. Whilst the parking requirement is a guideline there would be limited opportunity for on-street parking and therefore adequate parking provision would be required to be met off-street.
15. Due to the irregular shape of the hard standing to the front of the site manoeuvrability would be limited. Access would also be constrained. I observed during my site visit that a Traffic Regulation Order in the form of yellow lines are present in the immediate area restricting on-street parking.
16. The Appellant has not submitted a car parking plan to demonstrate that adequate parking provision off-site could be provided. On this basis I find that the proposed development fails to provide sufficient off-street parking provision for the existing and proposed dwellings.
17. On this basis I find that the proposal would harm highway safety. There is conflict with Policies TM2 and TM5 of the Local Plan which amongst other things seek to ensure developments protect the transport network and provide minimum parking for residential development to address issues of on-street parking.
18. Whilst reasons for refusal 2 and 3 cite that the proposal would be contrary to Policy TM3 of the Local Plan I disagree. Policy TM3 requires that development have adequate, safe and convenient servicing arrangements, access points and drop-off area, along with adequate provision for the movement and turning of emergency vehicles and refuse vehicles. Accessibility would not be dissimilar to the surrounding properties, I have not been provided with substantive evidence to persuade me that the proposed dwelling would require delivery vehicles to enter the site, manoeuvre to enable the vehicle to leave in a forward gear as recommended by the Highway Authority.

EV Charging Points

19. The proposed development does not include EV Charging Points. Whilst a condition could be imposed on an approval, given my findings relating to highway safety and the lack of on-site parking provision I am not persuaded that suitable EV charging points could be provided.

20. I conclude that there is conflict with Policy TM4 of the Local Plan which seeks to ensure new housing developments have active charging points or passive charging points.

Conclusion

21. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR