

Appeal Decision

Site visit made on 22 June 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2023

Appeal Ref: APP/W1905/W/22/3304069

159 Turners Hill, Cheshunt, Hertfordshire EN8 9BH

- 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 Ricotta against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0127/F, dated 4 February 2022, was refused by notice dated 19 July 2022.
 - The development proposed is 'demolition of 2 light industrial buildings and erection of 2 storey residential building containing 2 no flats at the rear and a 3 storey residential building containing 2 no flats and a small office unit to the front (refer to approved outline permission 07/20/0978/O)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant indicates that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.
3. Policy TM5 of the Broxbourne Local Plan 2018-2033 (2020) referred to in the second reason for refusal should have been Policy TM2, according to the Council. I have, therefore, considered the proposal in the light of this policy.

Main Issues

4. The main issues are whether the proposed development would provide adequate living conditions for future occupiers; and the effect of the proposal on highway safety.

Reasons

5. The appeal site is a former commercial timber yard with a frontage on the western side of Turners Hill. It is located close to the Cheshunt Old Pond District Centre with a mix of retail, commercial and residential uses in the surrounding area.

6. The current proposal is a variation of an approved scheme, which has extant outline permission¹. The residential units remain largely unchanged, as does the overall site layout. The principal differences are the inclusion in the current scheme of a small ground floor commercial office to the front of the site, which results in the relocation of the bin store serving the development, and relocation of one of the four car parking spaces and some of the cycle storage.

Living Conditions

7. There is a shortfall from the national minimum space standards in the overall size of one of the flats and the bedrooms in another flat. However, this arrangement is as previously approved in the extant scheme and the shortfalls are not significant. As such, this matter both in its own right and cumulatively with the other matters identified by the Council, should not in my view weigh against the appeal proposal.
8. The amount of dedicated external amenity space is also the same as in the approved scheme. One of the flats meets the expected standard of 20m², but for the other three flats there is a material shortfall. I agree in this respect with the Council that the layout of the approved scheme, with the four parking spaces to the south of the site, provides a relatively open aspect to the courtyard that helps to mitigate some of the effects of the limited dedicated amenity areas.
9. The additional built development resulting from the relocated bin store and the relocation of the parking space closer to the northern boundary will result in a more constrained layout. This arrangement will reduce the overall amount of external space within what is a relatively small site and will be less conducive to adequate living conditions for future occupiers. However, the relocation of two cycle spaces to the northern boundary will have limited impact in this regard.
10. The relocated bin storage area would be smaller than the area in the approved scheme. The Council indicates that it would be below the size of area required for this number of residential properties, as set out in the Waste Supplementary Planning Guidance (SPG). Moreover, it is not clear whether refuse storage associated with the commercial office could also be accommodated within this space. The appellant makes a comparison with the previous use of the site, but this cannot have a direct bearing on the appeal proposal, which properly should comply with current standards. The fact that the proposal provides some employment opportunities and the change in appearance of the front elevation are not sufficient basis to overcome the harm that would result from the proposal.
11. Concerns are raised about the possible use of the office for retail or light industrial purposes and the effect of this on residents' living conditions. This includes possible noise and disturbance, particularly arising from an alternative use occurring outside normal business hours. However, I accept the appellant's contention that any such concerns could be addressed by conditions limiting the use to an office only with appropriate operational hours.

¹ Ref 07/20/0978/O.

12. Therefore, taking these findings as a whole, the proposal would not provide adequate living conditions for future occupiers, particularly due to the loss of external space from the relocated bin storage and parking space; and due to inadequate facilities for bin storage. As such, the proposal is contrary to Policy EQ1 of the Broxbourne Local Plan 2018-2033, concerning residential quality, which includes the requirement that development proposals must include provision for the storage of refuse and recycling facilities, in compliance with the Waste SPG. It is also contrary to the National Planning Policy Framework, which requires a high standard of amenity for future users of new development².

Highway Safety

13. Any concerns about the possible use of the office for an alternative retail use could be addressed by conditions, as found above. Consequently, this would address concerns about the potential for deliveries to a retail use affecting vehicular or pedestrian safety as a result of parking to the front of the site.
14. The principal issue, therefore, is the effect of the relocated parking space on the ability to manoeuvre within the site so that a vehicle could leave in forward gear, in the interests of highway safety. A tracking diagram is provided to demonstrate that it would be possible to achieve this with vehicles parked in relevant allocated spaces. However, this also demonstrates that any such manoeuvres are tightly constrained by the limited space available. As a result, there is the possibility that poorly parked vehicles or other obstacles would prevent vehicles from being able to manoeuvre such that they could leave the site in forward gear.
15. The finding on the first main issue concerning the inadequate size of the bin storage area could result in bins being left in the courtyard, which would be a potential obstacle to vehicles. Moreover, it is likely that there would be occurrences where vehicles, such as visitors or for deliveries, will enter the courtyard when all the allocated spaces are occupied. In this circumstance, it is likely that this would result in a vehicle needing to reverse back onto the busy main road, with consequential implications for highway safety.
16. The appellant contends that if the established use of the site as a timber yard were to be reinstated, it would result in more significant implications for highway safety than the appeal proposal. While I acknowledge this, I give it limited weight as a fallback to the current proposal, particularly given the extant permission and the evident intention to redevelop the site.
17. Accordingly, for these reasons, I conclude that the proposal would have a materially harmful effect on highway safety. It is, therefore, contrary to Policy TM2 of the Broxbourne Local Plan 2018-2033, concerning the effects of development on the transport network.

Other Matters

18. I have had regard to the representations made by interested parties. However, these do not raise any matters in addition to the main issues in this appeal that would lead to a different overall conclusion.

² Paragraph 130f).

Conclusion

19. The proposal would result in material harm and is contrary to the development plan. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR