
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/23/3315142

27 Moreton Close, Cheshunt, Hertfordshire EN7 6LX

- 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 Marcus Rose (Rose Homes Ltd) against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/1008/F, dated 24 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is demolition of existing rear extension and side garage. Redevelopment of existing 3 bedroom property including erection of new 3m rear extension and creation of new 1 bedroom dwelling to side of existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the appeal site and the street scene;
 - whether the proposed dwelling would provide adequate amenity space for future occupiers, and related to this the effect on the living conditions of the occupiers of the adjoining dwelling, with regard to privacy; and
 - whether the layout of the site would enable safe and secure pedestrian access.

Reasons

Character and Appearance

3. The appeal property is a two storey end-of-terrace dwelling in a residential cul-de-sac of similar terraced dwellings and some semi-detached properties.
 4. Policy DSC1 of the Broxbourne Local Plan 2018-2033 (2020) requires a high standard of design in new development, including that it should wherever possible enhance local character and distinctiveness. Policy DSC2 of the Local Plan requires that the scale, design and external appearance of an extension or alteration should not unduly impact on the parent building and wider setting.
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5. The proposed side extension to create the new dwelling would replicate the scale and built form of the existing extension to No 36 on the opposite side of the road. There are also two storey side extensions to Nos 28 and 31. Therefore, in this regard, it would not be uncharacteristic of other forms of development in the street scene. However, these other examples are clearly seen as extensions to existing family-sized properties, while the addition to No 27 with its own front door would be seen as a separate small dwelling.
6. The majority of dwellings in the street are of a consistent frontage width or are larger where extended, with front doors that are well-separated, creating a largely uniform pattern and layout. In contrast, the new dwelling would have a materially smaller frontage than other properties and its front door would be positioned directly next to that of No 27. As such, it would appear as a cramped form of overdevelopment in the street scene, which would be incongruous and uncharacteristic in its setting. In addition, the Council indicates that the double bedroom would be below the minimum size requirement of 12m² included in the Council's *Borough-Wide Supplementary Planning Guidance* (the SPG), reinforcing the cramped nature of the development proposed.
7. The fact that a two storey side extension to the appeal property was approved recently does not overcome these findings¹; the effects of the current proposal for a single dwelling are not directly comparable for the reasons given.
8. Accordingly, for the above reasons, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and the street scene. Consequently, it is contrary to Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033, as described above.

Amenity Space and Living Conditions

9. The SPG requires that single bedroom dwellings as in this case should have 50m² of private amenity space. The back garden would be below this minimum requirement, although the parties have different views on the extent of the shortfall. Nonetheless, the amenity space would not meet the expected standard.
10. The shared boundary with No 27 would include an awkward 'dog-leg', with a shed positioned against the angled fence. The rear patio doors and patio to No 27 are at a higher level than the garden and, as the Council contends, without the shed in place, it would be possible to gain views towards No 27 from the new garden. I agree that the shed is not a permanent feature and, therefore, the size and configuration of the proposed garden could readily lead to material harm from overlooking and loss of privacy. A higher boundary fence to prevent such overlooking is likely to result in an undue sense of enclosure to the relatively small rear garden of the proposed dwelling.
11. Therefore, for these reasons, I conclude that the proposed dwelling would not provide adequate amenity space for future occupiers, and would have an unacceptably harmful effect on the living conditions of the occupiers of the adjoining dwelling, with regard to privacy. As such, the proposal is contrary to Policy DSC1 of the Local Plan, as described above, and to Policy EQ1 of the

¹ Ref 07/21/0741/HF.

Local Plan, which requires development to avoid detrimental impacts on the amenities of neighbouring properties. It is also contrary to the SPG.

Pedestrian Access

12. The front of No 27 is currently hardstanding and it is possible to park three vehicles on it, as proposed with the development of the new dwelling. However, the proposal would result in two front doors close together, with pedestrian access across the parking area. Limited space would be available for a greater number of pedestrian movements than currently, with the potential for additional refuse and recycling bins, and cycles to be stored to the front. The restrictions created by the additional dwelling in these circumstances is a further indication that the proposal represents overdevelopment of the small site. I acknowledge that the Highway Authority has not objected, but this is not sufficient reason to overcome these findings, which are based on the appeal submissions and site inspection.
13. On this basis, I conclude that the proposed layout of the site would not enable safe and secure pedestrian access. The proposal would, therefore, be contrary in this regard to Policy DSC1 of the Local Plan concerning design quality in new development.

Other Matters

14. 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.
15. I acknowledge that the appellant may be frustrated with the process involved in pursuing this proposal. However, this matter is outside the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

16. 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