



Appeal Decision

Site visit made on 1 August 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/W1905/W/22/3310843

61 Whitley Road, Hoddesdon, EN11 0PT

- 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 Tom Gabriel (DPA (London) Ltd) against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0572/F, dated 7 June 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the erection of a detached bungalow and sub division of plot with parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions 61 Whitley Road and the adjacent neighbouring properties of 63 Whitley Road and Ashby Court with particular regard to overlooking.
 - The effect of the proposal on the living conditions of the future occupiers of the proposed development, with particular regard to outlook.
 - The effect of the proposal on the safety of the public highway.
 - The effect of refuse collection obstructing the access lane to the rear of 61 Whitley Road and the distance of the roadside collection point from the proposed dwelling.

Reasons

3. The host dwelling on the appeal site is a semi-detached property which has been sub-divided into a ground floor and first floor apartment. An access point is located to the side elevation of the property which currently allows for private on-site parking and amenity space to the rear of the host dwelling. The proposal would be located in this rear area of 61 Whitley Road. The general width of the site is smaller than other plots located within Whitley Road.
4. The wider locality of Whitley Road contains a variety of dwelling types such as semi-detached dwellings, large detached dwellings and a purpose built apartment building. The boundaries, widths and access points also vary across the street scene. Numerous properties utilise on street parking provision.

Living Conditions

5. The proposal would be located in the rear amenity space of 61 Whitley Road, with windows located in the principal elevation which would face the host dwelling at a particularly close proximity. As this is a single storey development, windows would be located on the ground floor only. Located along the boundary of the host site is a solid boundary fence.
6. Policy DSC2 of the Broxbourne Local Plan 2020 requires the design of proposals to not unduly impact upon the parent building and the wider setting. Policy EQ1 requires all proposals to avoid detrimental impacts on the amenities enjoyed by neighbouring properties in terms of daylight, sunlight, outlook and overlooking. A Supplementary Planning Guidance (SPG) document has also been provided by the Council. This SPG contains development standards with regards to car parking spaces, housing sizing and layouts and design advice.
7. With regard to the impact on neighbouring properties, it is considered that the close proximity of the proposal to the host dwelling of 61 Whitley Road would experience a degree of overlooking. This is particularly detrimental to the occupiers of the ground floor flat as both the proposed building and this flat would be at a ground floor level and at a close proximity to each other. Therefore, this overlooking would effect both properties.
8. However, I am not convinced that there would be an unacceptable impact upon the neighbouring dwellings of 63 Whitley Road and Ashby Court. This is due to the single storey nature of the proposal and the boundary fence along each boundary which would prevent any direct overlooking from the proposal into the ground floor windows of these neighbouring properties. Furthermore, as the proposal is single storey, although first floor neighbour windows can be seen, it would not be easily possible to view into these dwellings given the angle and height difference between the dwellings.
9. With regard to the impact on the future occupiers of the proposed development, it is considered that the proposed dwelling would experience overlooking from the occupiers of the host dwelling, but particularly from the first floor flat of 61 Whitley Road. This would be at a detriment to the future occupiers of the proposed dwelling due to the increase in height which would look onto the principal elevation of the dwelling at a close proximity. It is also considered that in the first-floor windows of 63 Whitley Road and Ashby Court would overlook the proposed development due to the close proximity and higher position of these windows.
10. The appellant has provided an illustration in their appeal statement which indicates the provision of a hedge in front of the proposed development. This is to break the visual line of sight from the host dwelling of 61 Whitley Road. Whilst the provision of a hedge in this position would help to reduce the ability to overlook from the first floor of the host dwelling into bedroom two (as shown on this illustration), this would not reduce the opportunity to overlook from this same position into bedroom one of the proposed dwelling. I note that the car parking provision would be located in front of bedroom one. However, this is not a definite break as vehicles would be able to leave the site at any time, therefore creating the opportunity for the proposal to be overlooked by the host dwelling.

11. I have also noted the distance of the rear windows to the rear boundary and the depth of the private amenity space of the proposed dwelling. The rear private amenity space of the proposal would have a small depth. This would not create an acceptable level of private amenity space that can be expected to be enjoyed of a residential property. This is below the standards set in the SPG. Furthermore, the distance to the two-storey elevation of the neighbouring dwelling of 74 Crossfield Road is a short distance away. Due to the short depth of the proposed private amenity space, and the distance to 74 Crossfield Road, it is considered that the outlook from the rear elevation of the proposed dwelling would be unacceptable to the future occupiers of the proposed development.
12. To conclude on this matter, in these circumstances, there would be an unacceptable level of harm to the future occupiers of the proposed dwelling and to the host dwelling of 61 Whitley Road with particular regard to the effects of outlook and overlooking. This would conflict with the provisions of Policies DCS2 and EQ1 of the Broxbourne Local Plan 2020, which seek to prevent unacceptable impacts on neighbouring and host dwellings as a result of development.

Public Highway Safety

13. The proposal would be accessed from the access point to the side of 61 Whitley Road. This access point is narrow, with a width just large enough to fit one car through. 61 Whitley Road utilises space in the rear garden for off street parking provision. The introduction of a new dwelling would require further spaces in the existing rear space. Given this shared space between the host dwelling of 61 Whitley Road and the proposed dwelling, I have assessed the proposed parking provision as a combination of both units.
14. Policy TM2 states that development will not be permitted where there would be a severe impact on the transport network. Policy TM5 states that planning applications will be determined with regard to the Car Parking Standards set out in Appendix 2 of the SPG. I have had regard to these standards.
15. The car parking standards recommend that for two-bedroom dwellings, which are proposed here, require two car parking spaces on site. The plans submitted with this appeal indicate that 61 Whitley Road consists of two, one-bedroom units. The car parking standards recommend in this situation, 1.5 spaces per unit must be provided. The host dwelling of 61 Whitley Road has been allocated two on-site parking spaces between the two units. This would leave a shortfall of one parking space within the site and therefore would conflict with the provisions of Policy TM5.
16. I note that Hertfordshire County Council have commented on the proposal as the highway authority. These comments suggest that there is an insufficient turning area within the site to enable all vehicles to enter and leave the site in forward gear and that due to the width of the access, the site would be difficult to access by Fire Service vehicles. I note that the applicant has submitted a tracking diagram to demonstrate the turning movement within the site.
17. I have analysed the drawing provided to demonstrate the turning movement within the site (Proposed site plan, drawing no: 468_304). I note that the plan only indicates a turning movement from space 1. No other spaces are indicated to be able to turn and reverse within the site. I consider that spaces A, B and 2

would be difficult to turn a vehicle around when leaving from those spaces and exit the site in forward gear. Reversing into the site from the highway would be difficult and unsafe due to the small width of the access road on the site. This arrangement would conflict with Policy TM2 which states that development is not permitted where there would be a severe impact on the highway.

18. To conclude on this matter, the proposed parking arrangement would fail to provide the number of spaces required overall on the site when including the requirement of the proposed dwelling and the host dwelling of 61 Whitley Road. Furthermore, due to the width and limited space within the site, it is difficult enter, turn a vehicle and leave the site in forward gear. Therefore, it is considered that the proposal would be at conflict with the requirements of Policies TM2 and TM5 of the Broxbourne Local Plan 2020 due to its unacceptable impact on the highway.

Waste and Recycling Collection

19. Policy EQ1 of the local plan requires proposals to include provision for the storage of refuse and recycling facilities and access to them be suitable for waste management vehicles. The Borough-Wide Waste SPG expects that bins should not be moved more than over a distance of 25 metres. From the evidence before me, I have no clear indication of the position of any proposed waste storage. However, from my site visit, the distance from the highway to the proposed dwelling would be over 25 metres.
20. Although the proposed development would not comply with the standards set out in the Waste SPG, I do not find that moving a bin an additional 11 metres, in this scenario is unacceptable for the future occupiers of the proposed dwelling. This is because the access track to the proposal is flat and would not be difficult to move. In addition, I note that the council have suggested that bins could block the access point into the site. Whilst this could be a possibility, the bins would more likely be positioned in front of the host dwelling, which is not dissimilar from other properties on Whitley Road.
21. Therefore, although I do find that this aspect of the proposal does conflict with Policy EQ1, this would not cause unacceptable harm on highway safety. However, despite assessing this aspect of the proposal as acceptable in practical terms, it does not alter the decision of the unacceptable effects I have found above in relation to highway safety and the effect of the proposal on living conditions.

Other Matters

22. I note that third party comments have been received in relation to this proposal. These responses raised concern on the proposals harm to neighbour amenity, fire safety and ecology matters, amongst others. As this appeal has been dismissed on the main issues above, I have not pursued these further.
23. I also note that the appellant has provided examples of similar development in the street scene. From the evidence before me, I have not been provided with any evidence or details of these examples and therefore, I am unable to be sure of the circumstances or parallels that could be drawn to this appeal.

Conclusion

24. I conclude that there would be an unacceptable level of harm on the living conditions of 61 Whitley Road and the future occupiers of the proposed development. This is in relation to the impacts of overlooking and an unacceptable level of outlook for the proposed dwelling. Furthermore, the rear amenity space of the proposed dwelling would be unacceptable due to its limited depth and short outlook onto the side elevation of 74 Crossfield Road. I also conclude that there would be an unacceptable level of harm on the public highway due to the limited turning space within the site. In addition, the number of spaces proposed does not meet the requirement of spaces set out in the car parking standards in the SPG.
25. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise. Therefore, I find that this appeal should be dismissed.

J Smith MRTPI

INSPECTOR