



Appeal Decision

Site visit made on 1 September 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/W1905/W/23/3314962

Cheshunt Chiropractic Clinic, The Lodge, Albury Ride, Cheshunt, Hertfordshire EN8 8XE

- 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 Cheshunt Chiropractic Clinic Ltd against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0766/F, dated 1 August 2022, was refused by notice dated 2 November 2022.
 - The development proposed is extension of the existing first floor and creation of a second floor to provide 4 no. residential dwellings (Class C3), together with refuse storage, cycle parking and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would make adequate provision for parking;
 - ii) Whether the proposal would provide a suitable standard of accommodation;
 - iii) The effect of the proposal on the living conditions of neighbouring occupants, with respect to privacy.

Reasons

Parking Provision

3. Policy TM5 of the Broxbourne Local Plan (June 2020) (the BLP) sets out that applications will be determined with regard to the car parking guidelines in Appendix B, adding that the Council will seek a sensible balance of car and cycle parking spaces based on the nature of the proposal, site context and accessibility of shops, services and sustainable transport infrastructure, with the overall aim of reducing private car use.
4. The site lies close to Crossbrook Street, a main north-south thoroughfare served by several bus routes. Albury Ride is a primarily residential street with unrestricted on-street parking on its northern side and with parking restricted on the southern side between 10am and 11am Monday to Friday.
5. The appeal site contains a single storey building occupied by a chiropractor's clinic and a dental surgery on the ground floor, with a prominent hipped roof

- containing a private flat at first floor level. The site access from Albury Ride also provides rear access to the fast food outlet at 135 Crossbrook Street.
6. The existing plans show a total of 10 parking spaces on site, although the actual parking arrangement at my visit did not fully reflect this layout. I saw at least 5 spaces reserved for staff parking, leaving some 3 to 4 spaces to the centre of the site for patients. The flat is indicated not to have a parking space.
 7. The Council's guidelines indicate a total of seven spaces should be provided for the four flats, based on their size. The site is located within an accessibility corridor as identified in the Borough Wide Supplementary Planning Guidance (August 2004 (updated 2013)) (the SPG). Consequently, the SPG sets out that a 25% reduction in parking requirement should be applied, reflecting the availability of public transport and local services on foot. This would equate to 5 additional spaces. The local highway authority further refers to car ownership rates in the area being 0.71 cars per flat, such that the need could be as low as 3 spaces. However, the basis for this further reduction in the requirement is not set out in the evidence before me. Irrespective of whether 3 or 5 spaces are required, the proposal would not provide any, instead reducing the overall parking capacity to 9, with one space being used for cycle and bin storage.
 8. It is clear from the plans and my observations that the site is already constrained in its layout, with little space available to accommodate additional parking. Notwithstanding the accessibility credentials of the site, it is reasonable to consider that three additional flats will still generate some demand for parking, along with additional demand for visitors and deliveries. Added to this is the fact that the flats would share the external parts of the site with the existing clinics, whose own parking demand by staff and patients fills the available space. Access must also be maintained for the business at No 135. To reduce parking capacity on site in these circumstances would create considerable risk of overspill parking onto surrounding streets. I note several representations from interested parties raising concern over the level of parking on Albury Ride and the inconvenience it causes for residents.
 9. The appellant argues that the proposed flats would be car-free, but there is no mechanism before me that would secure the development as such. Indeed, my understanding is that Albury Ride is not subject to permit parking, which negates the possibility of control in this regard. In light of this and the lack of space on site, additional parking demand would be likely to occur on surrounding streets.
 10. The appellant has prepared a Transport Technical Note which includes a parking survey conducted over two days in June 2022. The cumulative results show overnight occupancy of around 75-77% across the surveyed streets. However, the survey included streets up to 200m from the site and on the opposite side of Crossbrook Street. Moreover, Albury Ride was recorded as having 88-94% occupancy on its unrestricted northern side, consistent with my own observations on site and comments from interested parties. The next closest street on the adjacent side of Crossbrook Street, Laburnum Close, was similarly recorded at 90-95% occupancy.
 11. Residents will naturally seek to park close to their homes, for convenience but also peace of mind in terms of their vehicle's security. I recognise that greater parking availability was recorded on Russells Ride, but this is across Crossbrook Street which would deter many from parking due to the distance from the

appeal site and the inconvenience and hazard of crossing a busy main road. Therefore, occupants of the proposed flats are likely to seek to park on Albury Ride in the first instance. Given the already high parking stress on this street, this risks drivers taking existing residents' spaces and displacing them to the southern side of the road in spite of the parking restrictions, or to streets further afield, which would increase occurrences of residents having to drive around looking for a free space, adding to congestion and pollution.

12. Therefore, from the evidence before me, I find that the development would add to parking stress and congestion in the vicinity of the appeal site, to the inconvenience of neighbouring occupants. No mechanism has been put forward to mitigate these impacts. Therefore, the proposal would be contrary to the aims of Policy T5 to secure an appropriate level of parking provision.
13. The impact in this case would not be at a level to cause a severe cumulative impact on the road network, per Paragraph 111 of the National Planning Policy Framework (the Framework), but the harm arising here is related principally to living conditions and the overall quality of the area, and in this respect, there would also be conflict with the overall aims of Policy DSC1 to achieve high quality development and the Framework which sets out that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Standard of Accommodation

14. The physical constraints of the site mean none of the flats would benefit from private amenity space, either internal or external. The Council's SPG sets out that the provision of amenity space for flatted developments is less important than providing landscaped areas, but where external communal space is to be provided, the SPG seeks 20sqm of space per unit for flatted developments, in addition to encouraging balconies to provide additional private external space.
15. The appellant points instead to the availability of public open space a short distance from the site at Cheshunt Community Sports Park and Cedars Park. I accept that such facilities would offer scope for outdoor recreation for occupants of the flats. However, this differs from private external space which can provide valuable space for sitting out, drying clothes or storage, particularly in smaller flats where space is limited. The absence of any private amenity space would undermine the quality of the accommodation, contrary to the aims of Policy DSC1 and the guidance of the SPG.
16. Moreover, the flats would share the site with other uses. The external space being dominated by car parking and subject to constant comings and goings associated with the ground floor clinics is not conducive to an attractive residential environment. There would be no prospect of external landscaping, as advocated by the SPG, whilst the residential entrance would be located on the southern side of the building where there is little more than 1m width between the wall and the boundary fence, offering poor natural surveillance and little space to access the units with large items such as furniture.
17. In addition, while the flats would meet the internal floorspace requirements of the SPG, the second floor flat within the roof space would have a significant amount of restricted ceiling height that would limit the utility of the space. This flat would also have limited outlook due to the small size and number of windows, with most light being received via rooflights. Elsewhere, Flat 2 would

have windows mainly facing north, thus receiving limited direct sunlight and Flat 3 would have restricted outlook due to the size and orientation of windows and the need to obscurely glaze a number of them to prevent overlooking of neighbouring properties.

18. The Council has not specifically cited these factors in refusing permission, but they add to my concerns with the lack of private amenity space and indicate that, overall, the proposal would provide a poor standard of accommodation for future occupants. The availability of public open space nearby would not compensate for these harmful shortcomings in the quality of the development. Accordingly, I find conflict with Policy DSC1 of the BLP which requires a high standard of design for all development, with the guidance of the Borough Wide SPG and with the aims of the Framework to achieve high quality development.

Neighbours' Living Conditions

19. The proposed extension would create a first floor level with new windows facing towards existing residential units to the east and south. The appellant points to these windows being top hung and obscurely glazed to prevent overlooking of existing properties. They would also be modest in size and number and setting aside their drawbacks for the quality of the proposed accommodation, I find that they would not permit invasive overlooking of neighbours or lead to a persistent perception of overlooking that would harm their living conditions.
20. Therefore, I do not find conflict with Policy EQ1 of the BLP, which requires, among other things, that proposals which generate noise must not result in a material harm to the amenity levels currently enjoyed in an area.

Other Matters

21. I recognise that the Council has not argued against the proposal in terms of its effect on the character and appearance of the area. However, that the site may accommodate the buildings in spatial and visual terms does not, in my view, mitigate for the shortcomings of the development identified above.
22. The development would use previously developed land, though the weight this carries in favour of the scheme is limited in view of the harm identified.

Planning Balance and Conclusion

23. For the reasons given above the proposal would exacerbate parking stress to the detriment of neighbours' living conditions and would fail to achieve a suitable standard of accommodation. This results in conflict with the development plan, taken as a whole, to which I afford significant weight.
24. Set against this, the contribution of the development to the supply of housing would be a social benefit, albeit one of limited weight, having regard to its modest scale. Economic benefits during the construction process and in terms of future occupants supporting local services would also be of limited weight.
25. These material considerations, taken cumulatively, would not be sufficient to indicate that permission should be forthcoming in spite of the conflict with the development plan. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR