



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: 10 October 2023

Appeal Ref: APP/W1905/W/22/3313467

Land at rear of 41-45 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 Mr Rasik Bakrania (Landprime Investment Ltd) against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0382/F, dated 8 April 2022, was refused by notice dated 26 July 2022.
 - The development proposed is residential development comprising 8 no 2 storey houses, car parking and all associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address on the Council's decision notice as this more clearly identifies the site than do the application and appeal forms.
3. The appellant provided a revised site layout plan at appeal stage which increased the number of parking spaces from 11 to 14. Having regard to the *Wheatcroft* principles, this plan does not represent a significant change to the overall scheme and is intended to address a reason for refusal. The Council and interested parties have had the opportunity to comment on this revised plan during the appeal process, and therefore I am satisfied that no party would be prejudiced by my taking the amended plan into account.

Main Issues

4. The main issues in this case are:
 - i) The effect on the character and appearance of the area;
 - ii) Whether the proposal would make adequate provision for car parking;
 - iii) The effect on neighbours' living conditions, with respect to noise and disturbance.

Reasons

Character and Appearance

5. The appeal site is a rectangular plot which previously formed the majority of the rear gardens of 41-45 Albury Ride to the north. Dwellings on The Ride and Friends Avenue adjoin the site to the west and south. To the east, the original deep rear gardens of Albury Ride remain in place. The site exhibits the verdant quality of surrounding gardens, with many mature trees forming a natural

backdrop for dwellings on three sides. It forms part of the characteristic pattern to Albury Ride of linear development and long rear gardens that provide space between the built form and allow significant tracts of greenery to flourish. This contributes positively to the setting of the dwellings and the outlook for residents, as well as promoting biodiversity in an urban setting.

6. The proposal would be a backland form of development that would extend the built form into this characteristic green space to the rear of Albury Ride. It would introduce uncharacteristic development at depth that would fail to reflect the prevailing linear street pattern of the immediate surroundings. Moreover, it would permanently erode the natural character of the site, replacing the established greenery that forms the focal point in views from dwellings on three sides with a significantly more open, residential development that would be clearly visible, even if trees are retained and planted to the perimeter.
7. I recognise that The Ride is also a development to the rear of Albury Ride, but it is not a typical form of backland development as it has formed its own streetscene, with dwellings facing an open access road. It also stands to the western end of Albury Ride and has not resulted in a significant incursion of development into the gardens but encloses the otherwise intact green space.
8. Although the scale and design of the dwellings would be similar to those on The Ride, it would not otherwise be comparable, as the proposed dwellings would stand on narrower plots that would result in the development appearing squeezed onto the site in a denser arrangement, not reflecting the more spacious layout of surrounding properties. In terms of layout, the southern terrace would fail to align with the building lines of 7-10 The Ride, whilst the northern terrace would introduce an isolated, discordant block of development close to the rear of 2-4 The Ride. The central car parking and turning area would be a prominent, urbanising feature that would draw the eye into the site and add to the conspicuousness of the development in views from surrounding properties and the public footpath.
9. For these reasons, the proposal would fail to integrate successfully into its surroundings but would instead severely undermine the prevailing natural character and, for surrounding residents, the sense of spaciousness and tranquillity the rear gardens provide amid the built form would be irrevocably lost. Therefore, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy DSC1 of the Broxbourne Local Plan (June 2020) (the BLP), which requires development to achieve a high standard of design that enhances local character and distinctiveness, taking into account existing patterns of development, urban form, trees and landscaping; and that significant natural features on site such as trees should be dealt with sensitively and retained wherever possible.

Parking Provision

10. The appellant's revised layout plan shows an additional 3 spaces for a total of 14. Policy TM5 of 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 several factors, with the overall aim of reducing private car use.
11. Per Appendix B, the guideline for a three-bedroom dwelling is 2.5 spaces, which would equate to a total of 20 spaces. The Council indicates that a 25%

reduction in the requirement, based on the site's accessibility to services and public transport, should not be applied as the site lies close to, but outside of, the accessibility corridor as identified at Appendix 3 of the Borough Wide Supplementary Planning Guidance (August 2004 (updated 2013)) (the SPG). On the evidence before me, the local highway authority's comments accepting a 25% reduction in the number of spaces required is contrary to this guidance.

12. Policy TM5 nevertheless requires an assessment of what level of parking may be appropriate to strike a balance between private and public transport use. The site would be within a reasonable walking distance of some local services and bus stops on Crossbrook Street at the far end of Albury Ride, but I also note that the closest main shopping area is some 900m away and the nearest train station is around 1km away. Given these distances, I am not persuaded that the site is sufficiently accessible that a reduction in the parking requirement outside of the SPG guidance is appropriate.
13. Interested parties have also raised concerns regarding the levels of parking on Albury Ride and The Ride and that additional demand for parking, if it exceeds the number of spaces to be provided on site, would lead to overspill parking on these adjacent streets. I saw Albury Ride to be heavily parked on its northern side during my visit and noted the parking restrictions on the southern side. There was also some on-street parking occurring on The Ride.
14. The proposal is for eight three-bedroom dwellings each capable of family occupation. Therefore, it is reasonable to consider that each dwelling may require two spaces, which the amended plan for 14 spaces would still not provide. Such a shortfall against the Council's guidelines also means that there would be no capacity to accommodate parking for visitors.
15. A modest shortfall may be tolerable if the wider parking environment is capable of accommodating any overspill. However, parking is already in high demand on Albury Ride, and the layout of The Ride is such that on-street parking is mainly limited to one side in front of the dwellings where cars must mount the footpath to ensure there is still sufficient room to pass. Residents unable to park in the proposed parking area would naturally look for a space as close as possible to their dwelling, which raises the risk of indiscriminate parking immediately in front of dwellings along The Ride, which tracking plans show needs to be kept clear to provide sufficient space for access by a fire engine. Alternatively, double parking may occur within the central parking area of the development that would impede access and inconvenience other residents.
16. In either scenario, the development would add to parking stress and congestion in the vicinity of the appeal site, to the inconvenience of neighbouring occupants. The appellant refers to the possibility of managing parking along The Ride through a management scheme to be secured by condition. However, I have no details as to how this would operate. Moreover, even if this were to address parking issues within The Ride itself, any additional demand arising that cannot be accommodated in the spaces provided would still be displaced to Albury Ride or beyond, and so would not satisfactorily address the wider impact on parking stress in the area.
17. For these reasons, therefore, I conclude that the proposal fails to strike an appropriate balance in terms of parking provision, and therefore would lead to additional parking stress in the area and inconvenience to existing residents, contrary to the aims of Policy TM5.

18. 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.

Living Conditions

19. Parking issues aside, the Council sets out further concerns relating to the impact of noise from traffic movements by future residents on the living conditions of existing residents. The creation of eight dwellings would inevitably increase the frequency and volume of traffic, with 5-10 The Ride becoming part of a through route instead of standing at the end of a quiet cul-de-sac. Beyond vehicles owned by the residents themselves, there would be additional traffic generated by visitors and deliveries. However, the scale of the development is relatively small, and the level of traffic would not be constant. As such, the noise experienced by neighbouring residents would be intermittent, brief and low level and I am satisfied that noise from vehicles would not, in and of itself, cause demonstrable harm to the living conditions of neighbouring occupants.
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 have had regard to other matters raised by interested parties, including in respect of ecological impacts. However, the Council has not opposed the scheme in other respects, and evidence before me does not lead me to find additional material benefits or harms that should be factored into the planning balance. As such, it is not necessary to address them further.

Conclusion

22. For the reasons set out, the proposal would conflict with the development plan, taken as a whole, to which I afford significant weight. There would be benefits in terms of the addition of new housing and economic activity during construction and subsequently from residents spending money locally. However, these benefits would attract limited weight in view of the small size of the proposal and would not be sufficient to outweigh the conflict with the development plan.
23. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR