



Appeal Decision

Site visit made on 12 September 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/W1905/W/22/3312706

82A Turners Hill, Cheshunt, Hertfordshire EN8 8LQ

- 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 Mohmood Juma against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/0688/F, dated 12 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is the conversion and extension at first floor level with a new second floor addition over part to alter the existing apartment and create 2 additional dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the development on the character and appearance of the host property and the area, and
 - b) Whether the proposed development would provide acceptable living conditions for future occupants, with regard to internal floor space, outdoor amenity space, natural light and cycle and waste storage.

Reasons

Character and appearance

3. The appeal site is set within Cheshunt town centre. The built environment shows evidence of early and pre-20th century buildings, often as terraces in yellow stock bricks or rendered under tiled roofs. There are numerous examples of mid-20th century redevelopments, commonly in the form of large blocks with residential flats to upper floors and shops to the ground floor. The site itself comprises a two-storey white rendered building. It presents a pitched roof to the front with various alterations and extensions formed to the rear. It is, by comparison to neighbouring buildings, quite diminutive in scale.
4. The proposed extension to the rear of the building would dwarf the existing building with its clearly differing roof form and greater height and depth. Much of the extension would be obscured from view along Turners Hill by the existence of surrounding buildings. However, the new second floor extension is shown to be higher on the sections by comparison to the roof at number 84. This height would be visible in longer views, particularly along College Road,

where the differing styled room form would also be apparent, as opposed to the secondary pitched roof that exists at the neighbouring property.

5. The extension would be taller and deeper than the existing building and would fail to respect its scale and proportions. It would dominate the existing structure, would be a markedly different addition and would appear incongruous when viewed from Turners Hill and College Road. This would be to the detriment of the character and appearance of the host property and surrounding area.
6. I have noted the existence of many comparatively taller and larger buildings in the area, in particular the large Tesco building immediately next door. These buildings read as independent structures and their existence is not a compelling reason to allow extensions that do not respect the parent building.
7. As such, I conclude that the proposal would be harmful to the character and appearance of the area. It would fail to comply with Policies DSC1 and DSC2 of the Broxbourne Local Plan (2020) (BLP) and National Planning Policy Framework (the Framework) which require good design and for extensions to respect the character and design of the existing building.

Living conditions

8. The Council has nominated that the future occupants of the dwellings would not receive adequate natural light. The proposed extension containing the first-floor studio and much of the second-floor flat would appear to compromise access to light for the east facing bedrooms by breaching the 45° or 60° lines. This is due to the depth of the proposed east projecting wing of the extension. These windows were not considered in the daylight, sunlight and overshadowing report.
9. Furthermore, there are a number of north facing windows to the proposed dwellings. These are all secondary windows or to non-habitable rooms. However, the first floor studio and second floor flat only have a small number of windows to the east elevation to allow for any direct sunlight to be provided. The opportunity for this to occur would be confined to a small period of morning sunlight to the far eastern end of the flats. As a consequence of their depth and limited light received. This would be harmful to the living conditions of the occupants.
10. The rear facing dwellings do offer small balconies for outdoor space. The first-floor front facing flat has no amenity space. There is no provision for communal outdoor amenity space. Both parties agree that, in certain circumstances, this can be acceptable, particularly in town centre environments or in building conversions. However, the Broxbourne Supplementary Planning Guidance (2013) (SPG) considers that this lack of provision will only be acceptable in exceptional circumstances. The site is within close proximity to Grundy Park in addition to town centre facilities. Even so, the premises is being extended to accommodate the new flats and in this case it has not been demonstrated that there are exceptional circumstances to justify a lack of satisfactory amenity space provision.
11. The cycle parking provides two spaces for three flats whereas the SPG requires one cycle space per flat. The provision of an additional wall hanging space has been suggested but there is no indication where this would be located.

Considering the intensification of use of the entrance area, and constrained space with entrances to three flats, it is unclear where this could be positioned. Moreover, the location of the cycle parking up a flight of stairs means they are less likely to be used. For these reasons, the cycle parking provision for the flats is inadequate and not in accordance with SPG requirements.

12. The refuse area does provide sufficient waste storage for the three flats in accordance with the Broxbourne Waste Supplementary Planning Guidance 2019 (WSPG). However, no refuse collection point has been nominated as required by the WSPG. There will clearly be difficulty with refuse collection given the sole access point being directly onto the main shopping parade of Turners Hill. This is behind a pedestrian barrier, on a roundabout and adjacent to a pedestrian crossing. It is unclear how waste would be collected, and no acceptable solution has been demonstrated to comply with the WSPG.
13. There is some disagreement about the size of the studio flat. From the plans it appears that, even if the slope of the ceiling in the cupboard reduces the usable space in it, the floor area would meet the Nationally Described Space Standard (NDSS) and be in excess of the 37 square metres for studio flats given in the SPG. On this basis, I am satisfied that the internal floor area to the studio flat is acceptable. There is no dispute that the other dwellings would meet the SPG and NDSS requirements and offer a satisfactory floor area for the future occupants.
14. In summary, whilst I am satisfied that the internal floor area of the proposed flats is acceptable, for the reasons set out, I conclude that the proposal would not provide acceptable living conditions for the future occupants of the dwellings contrary to Policies DSC1 and EQ1 of the BLP, the guidance contained in the SPG and WSPG which promote good design and environmental quality. These policies are consistent with the Framework which notes that good design is a key aspect of sustainable development.

Other Matters

15. I have noted references to amendments to the design, in particular the use of differing window design to the balcony areas. However, this is not part of the scheme and not a matter before me. I acknowledge the appellant's frustration with the Council's approach however, I have considered the appeal based on its merits and in accordance with the development plan for the area.

Conclusion

16. The proposed development would fail to integrate satisfactorily with the existing building, would create dwellings with inadequate living conditions for the future occupants and feature substandard waste and cycle storage. I conclude that the proposal would conflict with the development plan and there are no material considerations of sufficient weight that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

Nick Bowden

INSPECTOR