

Appeal Decision

Site visits made on 21 November 2023 and 6 February 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH April 2024

Appeal A Ref: APP/W1905/W/23/3319699

Conduit Lane, Land to the rear of 70 and 74-76 High Street, Hoddesdon EN11 8ET

- 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 James Whitmore of Stanborough Court Developments Ltd against the decision of Broxbourne Borough Council.
 - The application Ref 07/22/1095/F, dated 15 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is construction of a roof extension to provide 7 additional units.
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Appeal B Ref: APP/W1905/W/23/3331240

Conduit Lane, Land to the rear of 70 and 74-76 High Street, Hoddesdon, EN11 8ET

- 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 James Whitmore of Stanborough Court Developments Ltd against the decision of Broxbourne Borough Council.
 - The application Ref 07/23/0586/F, dated 4 July 2023, was refused by notice dated 6 September 2023.
 - The development proposed is construction of a roof extension to provide 7 additional units.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 1 March 2024.

Decision

1. Appeal A is allowed and planning permission is granted for construction of a roof extension to provide 7 additional units at Conduit Lane, Land to the rear of 70 and 74-76 High Street, Hoddesdon EN11 8ET in accordance with the terms of the application, Ref 07/22/1095/F and subject to the conditions in the attached Schedule.
2. Appeal B is allowed and planning permission is granted for construction of a roof extension to provide 7 additional units at Conduit Lane, Land to the rear of 70 and 74-76 High Street, Hoddesdon EN11 8ET in accordance with the terms of the application, Ref 07/23/0586/F and subject to the conditions in the attached Schedule.

Preliminary Matters

3. As set out above, there are 2 appeals on this site. Both schemes seek to provide a roof extension, which would incorporate 7 additional flats. The roof extension proposed in Appeal A would, in the main, be set back from the existing elevations of the building and have a flat roof. Appeal B seeks to provide a mansard style roof extension. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.
4. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. The Housing Delivery Test (HDT): 2022 was also published on 19 December 2023. I have consulted both main parties on the latest version of the Framework and HDT and taken all comments received into consideration when making my decision.
5. Planning permission was granted on 22 December 2021 for a three storey building, with additional accommodation within a mansard style roof. The approved scheme was for 48 flats, including affordable housing (ref: 07/19/0829/F) (the consented scheme). At the time of my last site visit, construction works were well advanced and up to roof level.

Main Issues

6. The main issues for both appeals are the effect of the proposed development on:
 - the living conditions of future occupants, having particular regard to the provision of outdoor amenity space; and,
 - pedestrian safety.
7. There is a further main issue for Appeal A, which is the effect of the proposed development on the character and appearance of the area, having particular regard to the Hoddesdon Conservation Area (CA) and the setting of nearby listed buildings.

Reasons

Outdoor amenity space

8. The proposal would provide 7 additional flats on site. The area of communal, outdoor amenity space would remain unchanged to that previously approved, under discharge of condition ref: 07/22/0020/DRC.
9. There are no development plan policies before me which set standards for communal outdoor amenity space in new flatted development. The Council's Borough-Wide Supplementary Planning Guidance (adopted 2004, updated 2013 (the SPG) recommends a minimum of 20sqm of communal amenity space is provided per new flat. The Council accepts that some circumstances may preclude these standards from being met, such as development within town centre areas, as is the case in this appeal. As a result, a flexible approach is required when considering this guidance.
10. While both schemes fall short of the standards set out within the SPG, the SPG provides guidance only. It also predates the Framework. I therefore give the

minimum outdoor amenity space standards within the SPG limited weight in my decision. While both schemes would provide 7 additional flats on site, 3 of the proposed flats in each scheme would have private balconies. Future residents would have use of the communal garden area, which would provide an adequate level of outdoor amenity space for future occupants of the proposed development and the consented scheme. The appeal site is also located in close proximity to a local park. As a result, future occupants would have good access to open spaces.

11. For the reasons given above, I conclude that both appeal schemes would provide an adequate level of outdoor amenity space for future occupants. The proposed development in both appeal schemes would comply with Policy DSC1 of the Broxbourne Local Plan 2018-2033, adopted June 2020 (the Local Plan). This policy among other things seeks to increase access to open spaces, wherever possible. The proposal would also comply with the SPG, which seeks to ensure that new residential development is provided with suitable outdoor amenity space. Furthermore, the proposal would accord with the Framework, which seeks to provide a high standard of amenity for existing and future users.

Pedestrian safety

12. The Council argues that the proposed parking arrangement would sever the footpath, which links the development to the High Street. The Council has already approved this layout as part of a discharge of condition application and I therefore give this fall back position significant weight in my decision.
13. Future residents of the scheme would need to cross the car parking area to access the path, which would be sited between 2 car parking spaces. The car parking area is small in size and would generate a low level of vehicular movements. Given the layout of the vehicular access and car park, vehicles accessing and egressing the car park are likely to be travelling at a slow speed. Furthermore, as this is a private, rather than public footpath, users of the pathway and the car park are likely to be familiar with the site layout. As a result, I do not find that either appeal scheme would result in conflict between motorists and pedestrians.
14. For the reasons given above, I conclude that both appeal schemes would not be harmful to pedestrian safety. The proposed development in both appeal schemes would comply with Policies DSC1, NEB4 and TM1 of the Local Plan. These policies among other things seek to promote pedestrian friendly environments, by providing safe and direct paths.
15. The Council raises no objection to the number of car and cycle parking spaces proposed. As a result, I find no conflict with Policy TM5 of the Local Plan, which refers to parking guidelines.
16. Both appeal schemes would accord with the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Character and appearance

17. There are a mix of architectural styles and periods in the area, ranging from late medieval to modern. The site lies to the rear of the High Street, which

contains a number of historic buildings. There is more modern development adjacent to the appeal site, which ranges in height from one to four storeys. The level of land drops downwards in an easterly direction. As a result, the buildings on the High Street are on higher level land than the appeal site.

18. The appeal site lies within a CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA insofar as it relates to this scheme is derived from its rich collection of historic buildings and the diversity of architectural styles, building forms, roofscapes and window proportions within it.
19. Section 66(1) of the Act requires me to have special regard to the desirability of preserving the setting of a listed building during the determination of an appeal. Nos 76, 78 and 86 The High Street are Grade II listed buildings. The significance of Nos 76 and 78 The High Street insofar as is relevant to this appeal is derived from their 15th and 16th century architecture, two storey form and traditional pitched roofs. No 86 the High Street is an early to mid 19th century building. The significance of this listed building insofar as is relevant to this appeal is derived from its corner positioning, three storey form and use of yellow stock brick.
20. The proposed roof extension would be constructed partly within the roof void of the existing top floor. As a result, it does not add an additional storey of height to the building. Nevertheless, the principle of constructing an additional storey on the appeal property has already been accepted by the Council, as no objection was raised on design grounds to the roof extension proposed in Appeal B.
21. While the proposed materials would differ from that on the lower floors, the use of aluminium cladding and large areas of glazing would lighten the visual appearance of the top floor and complement the existing building. The set back design would minimise the visual appearance of the extension. The overall design would respect the modern architecture of the host property. There are a variety of different roof forms within and adjacent to the CA, ranging from steeply pitched roofs to flat roofs. There is also a huge variety of architectural styles and periods. Consequently, I do not find that the design of the proposed roof extension would appear incongruous in this location.
22. For the reasons given above, I conclude that Appeal A would preserve the character and appearance of the CA and the setting and therefore the significance of the nearby listed buildings. Appeal A would accord with Policies DSC1, HE1 and HE2 of the Local Plan. These policies among other things require that development conserves or enhances the historic environment, is of a high standard of design and wherever possible, enhances local character and distinctiveness.

Other Matters

23. In accordance with the statutory duty imposed under Section 66(1) and 72(1) of the Act, I have also had special regard to the desirability of preserving the setting of the nearby listed buildings and the desirability of preserving or enhancing the character or appearance of the CA for Appeal B. The proposed design and materials of the roof extension in Appeal B would complement the

host building. Given the diverse range of architectural styles and roofscapes in the locality, I find that the development proposed in Appeal B would preserve the character and appearance of the CA and the setting and therefore the significance of nearby listed buildings.

24. Concerns have been raised by third parties in respect to matters not addressed above, including noise and overlooking. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on these matters.

Conditions

25. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. To ensure a satisfactory external appearance, a pre-commencement condition is imposed regarding external materials. In order to mitigate the impacts of construction noise on the living conditions of neighbouring occupants and provide appropriate refuse storage, conditions relating to construction hours and refuse storage are necessary.
26. Conditions relating to tree protection, parking provision, electric vehicle charge points, external lighting and the implementation of the landscaping scheme and area of outdoor amenity space are not necessary, as the proposed development relates to a roof extension only and no works are proposed at ground level.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that Appeal A and Appeal B should be allowed, subject to conditions set out in the attached Schedules.

A James

INSPECTOR

Appeal A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1000/A: Location Plan; GA100/C: Proposed Ground Floor; GA104/C: Proposed Fourth Floor; GA105/A: Proposed East Elevation, GA106/A: Proposed North Elevation, GA107/A: Proposed South Elevation; GA108/A: Proposed West Elevation, GA109/A: Proposed Roof Plan, GA110/A: Proposed Street Elevation; GA116: Proposed Parking Plan; GA117: Proposed Site Plan; and, 001-2000-L Hardworks Layout,
- 3) Prior to the commencement of the development hereby approved, details of external materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- 4) Notwithstanding the details hereby approved, prior to the first occupation of the development hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be provided prior to the first occupation of the development hereby approved and thereafter retained.
- 5) Construction works shall take place only between 08:00 – 18:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Appeal B: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1000/A: Location Plan; GA100/C: Proposed Ground Floor; GA104/E: Proposed Fourth Floor; GA105/H: Proposed East Elevation, GA106/H: Proposed North Elevation; GA107/H: Proposed South Elevation; GA108/H: Proposed West Elevation; GA109/B: Proposed Roof Plan; GA110/B: Proposed Street Elevation; GA116: Proposed Parking Plan; and, GA117: Proposed Site Plan.
- 3) Prior to the commencement of the development hereby approved, details of external materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details hereby approved, prior to the first occupation of the development hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be provided prior to the first occupation of the development hereby approved and thereafter retained.
- 5) Construction works shall take place only between 08:00 – 18:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.