



Appeal Decision

Site visit made on 7 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2024

Appeal Ref: APP/N1920/W/23/3335888

10 Barton Way, Borehamwood, Hertfordshire WD6 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Donn of Coldon Abbey Estates Ltd against the decision of Hertsmere Borough Council.
 - The application Ref is 23/1063/FUL.
 - The development proposed is the erection of two-storey 3 bedroom dwelling with bin and bike store to form end of terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two-storey 3 bedroom dwelling with bin and bike store to form end of terrace at 10 Barton Way, Borehamwood, Hertfordshire WD6 1PH in accordance with the terms of the application Ref 23/1063/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposal before me.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with particular regard to overlooking; and
 - whether sufficient parking provision is proposed.

Reasons

Character and appearance

4. The appeal site comprises a small parcel of land adjacent to 10 Barton Way. Properties along this side of Barton Way are broadly of a similar scale, period, plot width and design. They are also, typically, orientated towards the road.
5. However, many of those properties appear to have undergone extensions and alterations (including to front elevations and gardens) over time, meaning that there is, at present, limited consistency or uniformity within the street scene.

Moreover, properties of a more varied scale, period and appearance exist on the opposite side of Barton Way and within the surrounding area.

6. The proposed dwelling would be visible from much of Barton Way, and from the private vantage points of some nearby properties. It would also result in the loss of some open garden space to the side of the existing No 10. However, by reason of the position of the dwelling, broadly in line with established built form, together with the use of similar external materials to No 10, the proposed development would have little appreciable effect on the varied and already altered street scene. The Council argues that the proposed development would harm the established pattern of development in the area, with reference to aerial imagery. However, neither the plan form of the area, nor the relationship between different rows of properties are, in my view, readily discernible on the ground.
7. I accept that the gap between established buildings would be infilled to a certain degree. However, this would not harm the streetscene when taken as a whole. Moreover, the building would retain a setback from Barton Way and the grassed area within the public realm and landscaping within neighbouring garden plots would remain unaffected by the proposal. The protection of existing trees would be adequately dealt with by a suggested condition. Overall, the proposed development would not appear cramped, incongruous or out of keeping within its context.
8. For the above reasons, I conclude that the proposal would have an acceptable impact on the character and appearance of the area, in accordance with the relevant provisions of Policies SP1, CS12 and CS22 of the Core Strategy (CS, 2013) and Policies SADM3, SADM12 and SADM30 of the Site Allocations and Development Management Policies Plan (DMPP, 2016). These policies, amongst other objectives, seek to ensure that development proposals are compatible with the scale, form, layout, appearance and materials of surrounding buildings. This is in a similar vein to the relevant provisions of the National Planning Policy Framework (the Framework) and the Planning and Design Guide Part D, insofar as good design is concerned.

Living conditions

9. The proposed dwelling would be positioned closer to 8 Barton Way and its surrounding garden. From that perspective the relationship between the appeal site and No 8 would change. Rear-facing windows would be installed at ground and first floor levels. However, one of those first floor windows would serve a bathroom window and would, in all likelihood, be of obscured glazing (this could be conditioned). The other upper floor window would serve a secondary bedroom.
10. Although there may be some increased sense of overlooking towards the garden of No 8, this would be limited to the rearmost part of the garden only and not towards the main house. From that perspective, there would be no harmful loss of privacy to the users of that property. Moreover, several first floor windows already exist in the surrounding area which contributes to an established perceived sense of overlooking across rear gardens. This is typical of a suburban area and would not be harmfully exacerbated by the proposal.
11. Overall, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupiers of No 8, in accordance with the

relevant provisions of CS Policies CS22. This policy, in summary, seeks to ensure high design in development. This is in a similar vein to the provisions of the Framework and National Design Guide, insofar as living conditions are concerned.

Parking provision

12. The Council sets out that the lack of proposed on-site parking together with the lack of sufficient on-street parking in the area would likely result in parking along pavements. This is considered by the Council to discourage sustainable means of travel (through the blocking of pavements). However, there is no dispute between the Council and the appellant in respect of highway or pedestrian safety and, based on the evidence before me, I have no reason to disagree with those findings.
13. In respect of parking pressure, I observed during my mid-week (afternoon) site visit that there are no parking controls in Barton Way or within a number of adjoining streets. I also noted that several nearby properties benefit from private off-street parking and that there were few vehicle movements during my visit. Moreover, there were only a relatively limited number of cars parked on-street during this time, although I accept that this was only a snapshot in time and that this could increase in the evenings and at weekends. Nevertheless, there is no substantive evidence before me to demonstrate that the proposed development would harmfully add to parking pressure, or that if future occupiers owned cars, these would automatically be parked on the pavement, preventing sustainable transport options. Even where vehicles parked in an unauthorised fashion on pavements, alternative footways exist for safe and convenient links.
14. I note the requirements of the Sustainable Transport and Parking Standards (Draft) Supplementary Planning Document. However, this document sets out that the standards should be used as a guide having regard to the size of the dwelling, the impact on highway safety and the level of provision that already exists on site. I have set out my reasoning above in these respects.
15. Overall, I conclude that the proposed development would be acceptable in respect of parking provision in this particular instance, in accordance with the relevant provisions of CS Policies SP1 and CS25 and DMPP Policy SADM40. These policies, in summary, seek to ensure highway safety and adequate parking provision. This is in a similar vein to the objectives of the Framework insofar as sustainable travel is concerned.

Other Matters

16. The Council, in its statement, makes reference to the proposed amenity space not being sufficiently private or useable. However, this is not referenced in the reasons for refusal in the original decision. Based on the evidence before me, I consider the proposed amenity space to be appropriate for this suburban site. This matter has not led me to an alternative conclusion on the main issues.

Conditions

17. In addition to the standard three-year time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. This is necessary for certainty. I have imposed further conditions relating to the materials used in construction and in respect of

landscaping. These are imposed in the interests of the character and appearance of the area and sustainable drainage.

18. Conditions relating to construction methods and obscured glazing are required in the interests of the amenity of neighbouring occupants. A condition relating to a sustainability statement is required in the interest of sustainability.
19. Conditions relating to cycle and waste storage are required to ensure sufficient provision. An arboricultural condition has been included in the interests of the protection of trees. A suggested condition relating to accessible standards is necessary to ensure inclusive design is achieved and maintained for future occupiers.
20. Suggested conditions relating to contamination and removing permitted development rights have not been included as there is insufficient evidence before me to demonstrate why these measures are reasonably necessary in this particular case.
21. Conditions 4-7 are pre-commencement as they are necessary to ensure that any design features and potential mitigation is properly designed in prior to the commencement of development.

Conclusion

22. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: Location plan; DB455-04 Rev G - Proposed plans and elevations.
- 3) The external surfaces of the development hereby permitted shall match those used in adjoining 10 Barton Way.
- 4) Prior to the commencement of the development (above damp course level), details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - details of planting, including species and their biodiversity enhancement qualities;
 - boundary treatments; and
 - hard surfacing materials, including details of sustainable drainage measures and the level of permeability.

The hard landscaping works and boundary treatments shall be carried out in accordance with the approved details before any part of the development is first occupied. The soft landscaping works shall be carried out in the first planting season following the completion of the development phase. Any trees, shrubs or plants that die within a period of ten years from the completion of the development, or which are removed and/or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of similar size and species.

- 5) Prior to the commencement of the development hereby permitted, a sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the scheme has been designed (taking into account the principles of Policies CS16 and CS17) to take a structured approach seeking to reduce carbon emissions; how materials will be selected having regards to carbon reduction objectives; and any other measures to minimise carbon emissions and water usage resulting from the scheme.

The approved details shall be implemented in full prior to the first occupation of the dwelling and retained thereafter.

- 6) Prior to the commencement of the development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a) measures for the protection of trees and hedges to be retained;
 - b) details of all construction measures within the Root Protection Area of trees which are to be retained, specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths; and

- c) a schedule of proposed surgery works to be undertaken to trees and hedges to be retained.

The development shall be carried out in accordance with the approved details.

- 7) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- site hoarding and site security;
 - measures to control dust, noise and vibration;
 - delivery, demolition and construction working hours; and
 - fuel and chemical storage (where relevant).

Information specific to the controls on this site should be included, for example:

- pre-notification and engagement details with local community;
- specific noise control and mitigation measures;
- setting noise limits and monitoring noise levels; and
- noise complaints procedure.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 8) Prior to the occupation of the development hereby permitted, details of the provisions for refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 9) Prior to the occupation of the development hereby permitted, details of the storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be implemented prior to the first occupation of the development and thereafter retained.
- 10) The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010, as amended), and all such provisions shall remain in place for the life of the building.
- 11) The first floor window in the rear elevation of the dwelling hereby permitted (illustrated as serving a bathroom) shall be fitted with fully obscured glass and be non-opening below a height of 1.7 metres when measured from the internal finished floor level. The windows shall thereafter be retained as such.

END OF SCHEDULE