



Appeal Decision

Site visit made on 7 January 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/W1905/W/24/3344859

39 Rye Road, Hoddesdon, Hertfordshire EN11 0JE

- 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 J Delaney against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0163/F.
 - The development proposed is the subdivision and extension of existing detached dwelling including replacement single storey rear extension, new first floor rear extension & replacement gable end roof with new rear dormer to create 1no. two bed and 1no. one bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have deleted the word 'resubmission' which was stated on the application form from the banner heading above as this is not an act of development.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.

Background and Main Issues

4. The Council, in its decision notice, indicated concerns relating to a harmful loss of amenity space for future residents of the property. This contradicted the conclusions reached in the Officer's Report and was not covered in its Statement. I have, nevertheless, considered this matter in my assessment here as it remains a component of the Council's formal decision and reference to it has not been withdrawn.
5. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area,
 - 2) whether the proposed development provides sufficient on-site parking to cater for the two dwellings, and
 - 3) whether the proposed development would provide sufficient outdoor amenity space for the future occupants of the proposed dwellings.

Reasons

Character and appearance

6. The appeal site is set along Rye Road and presently comprises a detached mid-20th century house in white render and under a tiled roof. The area in the locality is distinctly mixed in terms of house types and vernacular, ranging from late 19th/early 20th century detached, semi-detached and terraced homes to mid to late 20th century properties. The use of materials, detailing and roof forms are also varied. Nevertheless, these properties share fairly unifying themes such as their set-back from the road, general two-storey height and individual proportions.
7. The proposal comprises the replacement of the existing hipped roof with a higher one that would have gables to either side together with a flat roof box dormer in the rear roof slope and further single storey and first floor rear extensions. Due to the variation in height and roof forms in the locality, the change of roof form to the front, modest increase in height and formation of gables would not be at odds with this overall character. However, due to its corner location, the box dormer would be very visible and due to its size and high-level flat roof would appear as a bulky and incongruous feature in this corner location.
8. I recognise that there are other examples of high level flat roofed box dormer windows at the neighbouring 41 Rye Road and others along this row of homes. These however are largely screened from public views along Rye Road and do not represent prominent features in the street scene.
9. As a consequence, the resultant building would appear bulky and incongruous in the street scene and would be detrimental to the character and appearance of the existing property and area. The proposal therefore fails to comply with policy DSC1 of the Broxbourne Local Plan 2020 (BLP) and provisions of the Broxbourne Borough-wide Supplementary Planning Guidance 2004/2013 (BSPG) insofar as it would not enhance local character and distinctiveness.
10. A lawful development certificate¹ was granted for the formation of a box dormer window in the rear roof slope of the existing house. I have limited evidence on what this operation entailed or why it was lawful. However, I do note that Class B of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not allow for increases in roof height as is put forward in this proposal. Were this to be the basis of the grant of the lawful development certificate, it would not represent a legitimate fallback position as this proposal incorporates an increase in the roof height.

Parking provision

11. The application site for the proposal is formed of the existing house and the area immediately around it with much of the current rear garden being given over to a proposed detached dwelling. This proposed dwelling is the subject of a separate appeal decision². Parking provision for the proposed flats would be in the form of two spaces along the site frontage.
12. Policy TM5 and Appendix B of the BLP sets out the standards for parking provision within the Borough and this requires 1.5 spaces per one bedroom dwelling and 2

¹ 07/23/0866/LD

² APP/W1905/W/24/3344862

spaces per two-bedroom dwelling. The proposal incorporates only two spaces, and the scheme therefore provides insufficient parking. Whilst I recognise that the site is within an established built-up area with access to local services, facilities and public transport, no particular reason why the current standards should be waived have been provided. These matters would have been considered at the time of the adoption of the current development plan.

13. A previous decision for a similar development at this site³ did not make reference to a lack of parking provision. However, the full details of this case are not before me and, in any case, I can only consider the matters in dispute in relation to this appeal.
14. I conclude that the proposal provides insufficient parking provision for the proposed flats. The removal of the rear part of the site and its proposed development for a single detached dwelling means that there is no opportunity for additional parking provision to be made available. As such, the development fails to comply with policy TM5 and related standards at Appendix B of the BLP.

Living conditions – outdoor amenity space

15. As noted in the Background and Main Issues above, the Council's decision expressed concerns in relation to a lack of amenity space. This was not reflected in the Officer's Report or Statement. The proposal incorporates two outdoor amenity areas for the flats. These are relatively small areas at 30 and 40 square metres in size and located adjacent to Ivy Terrace and therefore potentially offering limited seclusion or privacy. Nevertheless, these areas provide opportunity for sitting out, cycle storage and refuse storage.
16. No adopted policy has been drawn to my attention to indicate the size of areas for residential developments of this size and type. Given that these areas provide a degree of outdoor space and essential refuse and cycle storage, I conclude that this element of the proposal is satisfactory. The development therefore complies with policies DSC1 and EQ1 of the BLP insofar as it provides access to open space and provides cycle and refuse facilities.

Conclusion

17. In reaching my conclusions here, I have had regard to the benefits of a net increase of one new dwelling to the housing land supply and that the site is located within an established built-up area. However, this does not alter my overall conclusions that the proposal would be detrimental to the character and appearance of the area and would provide insufficient vehicle parking. It therefore conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

N Bowden

INSPECTOR

³ 07/23/0303/F