



Appeal Decision

Site visit made on 29 March 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/W1905/W/24/3352410

22 Chiltern Close, Goffs Oak, Hertfordshire EN7 5SB

- 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 G Ricotta (Ludgate Property Developments Ltd) against the decision of The Borough of Broxbourne.
 - The application reference is 07/24/0150/F.
 - The development proposed as described on the Application Form as the 'Demolition of an existing 3 bedroom bungalow, detached garage and outbuildings and erection of 2 new 3 bedroom bungalows along with private parking area and refuse area, and private gardens.'
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development upon the character and appearance of the site and the locality.

Reasons

3. The appeal site along with the remaining dwellings along Chiltern Close appear to have been constructed as part of a speculative development of the mid-late twentieth century. Chiltern Close is constructed as a long cul-de-sac with turning head at the end. Towards the Newgate Street Road end, the dwellings consist of two storey dwellings with single storey dwellings more frequent toward the end of the cul-de-sac. Typical with housing developments constructed of this era, the dwellings have a regimented layout which follow the line of the cul-de-sac with similar front setbacks with front gardens, vegetation and setbacks between properties that emphasises a spaciousness with gaps in between properties enabling views to tops of trees in rear gardens and glimpses to the open countryside beyond, particularly to the north and west. Chiltern Close is located at an edge of settlement location with open countryside located to the rear of dwellings and which is visible between gaps between dwellings with no development to the rear other than sheds and residential paraphernalia. Dwellings have a similar colour palette with buff brick, concrete tiles with dwellings having a garage to the side with driveway. These are some of the qualities of the locality that contribute to the positive character and local distinctiveness of the locality. I appreciate that some residents have paved over front gardens and have extended their properties including extensions to loft areas,

however these are not part of the dominant or positive characteristics of the street scene.

4. Whilst the appeal site is within a designated settlement boundary and in principle would be an appropriate location, the Broxbourne Local Plan (LP) Policy DSC1 is a design led policy that seeks that development responds positively to the site and its surroundings, creates a sense of place and is visually attractive in terms of scale, height, density, and incorporates landscaping, amongst others.
5. Whilst the current building and use has a frontage to Chiltern Close, the proposal would be situated so that it would face side-on to Chiltern Close with the proposed development having no direct active frontage to a road. Instead the existing access would lead to a vehicular parking court whereby the two proposed dwellings would front a parking area, rather than providing an active frontage to Chiltern Close. As such the entrances to the dwellings that would be created would be dominated by vehicular parking whereby the access to the front of the dwelling would not be an active frontage from the street, but would have an awkward feeling and layout that feels like the site is responding to the proposed use and the design, rather than the design responding to the characteristics of the site.
6. Given that front gardens dominate the street scene, the vehicular parking would also result in the removal of vegetation along the frontage which would remove some of the positive characteristics of the street as described previously. Whilst I appreciate comments from the Appellant that the location would be to the end of the cul-de-sac and not highly visible, this is also a reason why the scheme is detrimental to the character. The lack of visibility of the dwellings results in poor legibility to the street given that the dwellings do not respond to the frontage and turn away from the road edge which is a clear characteristic of the street scene which does not appear to have been considered in the development of this scheme.
7. Additionally the height, design and positioning of the dwellings in this location is problematic, given that the northern-most proposed dwelling would result in additional development that would be behind the clear line of dwellings fronting Chiltern Close. Whilst I can appreciate that there are other dwellings of similar height in the locality, there requires an assessment of how the bulk, massing and height is within this particular location which has a different context being set largely to the rear of dwellings away from the street. At this particular location at the end of the cul-de-sac, dwellings are not as sporadic in terms of design and appearance as suggested in the Appellant's SoC, but quite regimented in style with single storey dwellings dominating the character at the turning head. The dwellings surrounding are lower in scale which accentuates the differences in layout, massing and height as presented within this proposal. All of the above mentioned elements would lead to an awkward layout whereby the proposed dwellings as a result of their height, form and positioning does not respond to the characteristics and positive qualities of the site or to the surrounding area.
8. I note reference within the Appellant's Design and Access Statement which utilises a previous planning consent¹ along Newgatestreet Road that was approved quite recently as justification for the proposed development. On this site the approved two dwellings both front and address Newgatestreet Road and are located within an

¹ Broxbourne Planning Ref: 07/23/0066/F

environment with a main road frontage with similar types of dwellings which reflect the context of the approved dwellings. The appeal site does not present the same context as this site, being located at the end of a cul-de-sac with different site and context considerations. As such this approval is not analogous to the appeal site and is of limited weight to the determination.

9. I am also aware that there are some public benefits of the scheme, such as the development of a small site; contributing to housing needs of the area and the government objectives of boosting the supply of new homes; socio-economic benefits from increased local expenditure as a result of new residents, and the economic benefits from short term employment opportunities from the construction of the proposed scheme which attracts low-medium weight. However, these benefits are not sufficient to outweigh the harm caused to the character and appearance of the area, in which I attach great weight.
10. Given my above reasoning, the proposed scheme would erode the positive aspects of the locality, providing a confused and awkward layout that would not present high quality design and place making and result in the loss of positive characteristics that contribute to the character and appearance of the area. As such the scheme would be contrary to LP Policy DSC1.

Other Matters

11. I note comments from interested parties where there are concerns regarding living conditions as a result of the bin storage areas, overlooking towards No.20 Chiltern Close and disruption during construction; highway safety concerns as a result of emergency and care vehicles needing to turn around; safety concerns from residents using the pavement, and additional traffic caused by the development; loss of property value; concern over flats or HMO's being built instead of dwellings; presence of asbestos; ecology considerations such as presence of bats, badgers, deer, hedgehogs, rabbits; surface water and drainage concerns; sustainability concerns with lack of recycling and need for retrofit; and concerns regarding the loss of a bungalow.
12. Matters such as loss of property value and presence of asbestos are not planning matters and cannot be considered as part of this determination. In terms of living conditions, the proposed bin storage does not appear excessive or different to what is found in a residential environment, and would appear to be satisfactory. With regards to overlooking, the dwellings appear to be setback from No.20 a suitable distance, I note that the Council Officer's report notes that 15.8 metres setback is considered appropriate and in line with the Development Plan. The application as described is for two dwellings and this is what it is assessed as. Whilst I can understand concerns as to whether the property could be later applied for flats or a HMO, this is also applicable to any other property in the locality, and such changes may trigger the need for planning consent which would be outside the considerations of this particular application. Drainage issues as well as noise during construction could be resolved by a suitably worded condition.
13. I can also appreciate comments that the terminology used, such as calling the proposed buildings bungalows when they do not have a ground floor bedroom can be seen as disingenuous. Whilst I have not been presented with any concerns around housing mix, and that the Council do not appear to be concerned with the loss of this particular dwelling type as there does not appear to be any policies

around this loss. Given that the proposed scheme fails as a result of an assessment of character and appearance, I have not needed to examine this topic in any further detail.

14. Ecological considerations do not appear to have been considered in the assessment of the application, and I have no information in front of me as to the presence of protected species to make a determination on this matter. Despite this, as I have found the scheme to be inappropriate when considered against the Development Plan, I have not needed to delve into this matter further. I have also looked at the highway safety concerns together with the opinions of the Council's Highway team that did not raise concerns subject to conditions being placed on any approval. I also concur with this response. Given the urgent move of government guidance and positioning around the need to adapt to climate change, the lack of consideration within the application documents around embodied carbon, renewable energy generation and recycling and retrofit does not appear to have been analysed to any great length. However, as the scheme has been seen to not meet the Development Plan policies around design, character and appearance, I have not needed to delve into this matter.

Conclusion

15. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR