



Appeal Decision

Site visit made on 30 April 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/W1905/W/24/3351869

61 Whitley Road, Hoddesdon, Hertfordshire EN11 0PT

- 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 Domenico Padalino of DPA (London) Ltd against the decision of Broxbourne Borough Council.
 - The application ref is 07/24/0259/F.
 - The development proposed is erection of a 1-bed bungalow with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that the reasons for refusal cited in the Council's officer report are not consistent with the decision notice. The decision notice forms the formal decision of the Council. I have therefore considered the reasons for refusal within the decision notice in the assessment of the appeal scheme before me, whilst noting the content of the Council's statement and officer report to substantiate these reasons.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published and corrected on 7 February 2025. The main parties were provided with an opportunity to comment. I have had regard to the 2024 version of the Framework in my decision.
4. The concluding paragraph of the appellant's statement refers to a request for the Inspector to confirm the lawfulness of the proposed extension. I have taken this as a typographical error given the appeal proposal before me does not relate to an extension.

Main Issues

5. The main issues are:
 - whether the development makes provision for appropriate access to the site with particular regard to the safety of users of Whitley Road;
 - the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, with regard to outlook; and
 - whether the development would provide its occupants with acceptable living conditions.

Reasons

Access

6. Policy TM2 of the Broxbourne Local Plan (BLP) (2020) requires development proposals to ensure that the safety of all movement corridor users is not compromised. Policy TM5 of the BLP states that planning applications will be determined with regard to car parking guidelines set within a separate appendix. This confirms that for one bedroom dwellings, 1.5 spaces should be provided per dwelling. When taken in combination of the existing flats, there should therefore be 4.5 spaces provided to meet the standards set by Policy TM5.
7. The host building to which the appeal site relates is a two storey, semi-detached property which has been previously sub-divided into a ground and first floor flat. The existing flats rely on a narrow access to the side of the building which provides vehicular and pedestrian access to the rear of the site for off street parking provision and rear amenity space. The proposed dwelling would rely on the use of the existing access.
8. The width of the access is constrained by the presence of the building and the boundary fence leaving no scope for further widening. It would only provide space for one vehicle to pass at a time. Whilst the proposal would make use of an existing access, it would lead to an intensification to the use of an inadequate access, constrained by its width.
9. Both parties have made reference to previous refusals for single dwellings on the appeal site, including one which was upheld at appeal (reference APP/W1905/W/22/3310843). Details of these applications have been provided throughout the appeal process as requested. Most recently, an application was refused by the Council under reference 07/23/0838/F for one single reason relating to living conditions. The application was notably not refused on matters relating to the highway access which would have been identical to that proposed through the appeal proposal.
10. Having reviewed the officer report for application reference 07/23/0838/F, the Council acknowledged that there would be a shortfall in parking provision but that this would be acceptable given nearby public transport options. It was also acknowledged that, whilst the turning area for vehicles was tight, it would be possible for a car to turn around by taking additional forward and backwards movements. Other than in reference to previous refusals, the officer report made no mention of the narrow access.
11. Despite the Council's conclusions on the previous application, having reviewed the turning movements shown on the proposed site plan (reference 468_303_B) I cannot be convinced that vehicles would be able to conveniently and safely turn on site. The constrained site area is likely to mean that the additional forward and backwards movements would be excessive and thus undesirable. The result of this is that occupiers or visitors may favour reversing out of the site access rather than taking the contrived movements which would be needed to turn on site. The development form and parking associated with the proposal would occupy part of the space currently available for the turning of vehicles and therefore I disagree with the appellant's claim that there would be no worsening to the existing situation.

12. Moreover, the level of parking provision proposed would still fall short of the requirements set through Policy TM5. Within the appellant's statement there is an extract of the approved plan for the conversion of the building into flats which showed a visitor parking space to the front of the building. However, this has not been provided on site and does not form part of the appeal proposal before me. Despite the Council's position on the previous decision, Policy TM5 does not suggest a relaxation of the guidelines based on proximity to public transport. The consequence of the shortfall in parking provision is that there could be overspill of parking into the designated turning area further restricting the available space for the turning of vehicles.
13. Whilst representing a snapshot in time, I observed during my site visit that vehicular parking along Whitley Road was frequent. This could mean that if vehicles were to reverse along the access, they could be entering the highway between parked cars, with limited visibility. Even in the absence of parked cars, visibility would be limited through the presence of the boundary fence. This in turn could lead to vehicular or pedestrian conflict with the users of Whitley Road to the detriment of highway safety.
14. On the basis of the above, I reach the same conclusions as the previous Inspector that the proposal would conflict with both Policies TM2 and TM5 of the BLP. The development would not be served by an adequate highway access which would have a materially harmful impact to the safety of users of Whitley Road.

Living conditions of neighbouring occupiers

15. Policy EQ1 of the BLP states that all proposals must avoid detrimental impacts on the amenities enjoyed by neighbouring properties, including in terms of their outlook. In an attempt to overcome previous refusals on the site, the design of the appeal scheme has been revised to an L-plan form layout. The result of this is that a large proportion of the dwelling would be adjacent to the shared boundary with 63 Whitley Road. As existing, this boundary is partially formed of a timber fence and partially of the side elevation of an existing outbuilding in the garden of No 63. The Council consider that the consequence of this revised design is that the proposal would be dominating to the visual outlook for the occupiers of No 63.
16. Given the positioning of the proposed dwelling at the rear of the site, it would be adjacent to the rear extremes of the long, narrow garden of No 63. These parts of gardens are typically the lesser used areas in comparison to the area immediately to the rear of the dwelling. I also noted during my site visit that No 63 already has a large outbuilding in this part of their garden which will further limit its active usage.
17. Despite being close to the shared boundary, the dwelling would be single storey with a modest eaves height, and a pitched roof which would slope away from the shared boundary. Whilst I accept that the dwelling would be visible to the occupiers of No 63, I do not consider that this visibility would be so overly dominating or imposing to amount to material harm to the living conditions of the occupiers of No 63.
18. The reason for refusal in relation to this matter refers to adjoining residential amenity and the amenities of the host property without specific reference to No 63. Nevertheless, the Council's statement and the associated officer report does not identify or evidence harm in relation to any other neighbouring properties, including the host property. Whilst I note that the previous Inspector did raise concerns in

relation to the impacts on the host building, the scheme before me now presents obscurely glazed windows facing north towards the host building. Given the distance created by the proposed parking and turning area, these would be sufficient to mitigate against overlooking between the proposed dwelling and the existing flats within the host building

19. Based on my site observations, and the evidence before me, I have found no material harm in relation to the living conditions for the occupiers of any neighbouring properties. On the basis of the above, I find no conflict with Policy EQ1 of the BLP in this respect. Whilst I note that the reason for refusal also refers to Policy DSC1 of the BLP, this does not explicitly refer to living conditions and therefore I find no conflict with Policy DSC1 in this respect either. However, a lack of harm in relation to this main issue, does not overcome the harm I have identified in respect to highway safety.

Living conditions of prospective occupiers

20. As above, the design of the appeal proposal has evolved from previously refused schemes. It now shows that the occupiers would be served by a small private garden area to the rear / side of the dwelling which would be overlooked by the main windows within the dwelling. The previous Inspector raised concern that the outlook from the rear elevation of the proposed dwelling would be unacceptable, partially due to the close proximity to 74 Crossfield Road. However, the revised L-plan form of the dwelling would mean that the outlook from the main living area would now be across the garden, with the two storey elevation of No 74 only visible in oblique lines of sight.
21. Whilst the Council's reason for refusal refers to the proposal failing to provide satisfactory living conditions for the future occupiers, this is not substantiated elsewhere within the evidence. To the contrary, within their statement the Council state that there would be potentially adequate levels of amenity for future occupiers of the bungalow.
22. Based on the evidence before me including representations from interested parties, I am satisfied that the development would provide acceptable living conditions for prospective occupiers. Neither Policy EQ1 nor DSC1 of the BLP refer directly to the living conditions of prospective occupiers. Nevertheless, paragraph 135 of the Framework is clear that planning decisions should ensure that developments have a high standard of amenity for future users, which would be the case here. A lack of harm in relation to the living conditions for the future occupiers would again not overcome the harm I have identified in respect to highway safety.

Other Matters

23. The appellant has provided details of an approved scheme nearby, to demonstrate the acceptability of backland development. Although referred to in the first reason for refusal as representing an unacceptable form of backland development, this is read in the context of the harm to living conditions which I have addressed above. The officer report accompanying the decision is clear that the Council found the development would be appropriate within the wider character and appearance of the area in relation to its form. The report specifically states that the scheme would be well-proportioned within the site and would not result in overdevelopment. I have no reason to reach a different conclusion on this matter.

24. The Council has a shortfall in housing delivery (14% based on the housing delivery test measurements published in December 2024). Small and medium sized sites can make an important contribution to meeting local housing requirements. The provision of an additional dwelling represents a benefit to the proposal which I have given moderate weight. However, in the context of a single dwelling, the benefits towards housing delivery are not sufficient to outweigh the harm that I have identified in respect to the safety of the highway network.

Conclusion

25. The proposal would conflict with the development plan when read as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, I conclude the appeal should be dismissed.

L Gardner

INSPECTOR