



Appeal Decision

Site visit made on 2 June 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/W1905/W/25/3358308

22 Chiltern Close, Goffs Oak, Hertfordshire EN7 5SP

- 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 Giuseppe Ricotta of Ludgate Property Development Ltd against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0783/F.
 - The development proposed is demolition of a detached three bed bungalow, detached garage and outbuildings and erection of 2no 3-bedroom chalet bungalows along with parking and private Gardens.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of a detached three bed bungalow, detached garage and outbuildings and erection of 2no 3-bedroom chalet bungalows along with parking and private Gardens at 22 Chiltern Close, Goffs Oak, Hertfordshire EN7 5SP in accordance with the terms of the application, Ref 07/24/0783/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address above from the application form and decision notice. Although different to that given on the appeal form it still reflects the site location.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

4. The existing bungalow on the site forms part of a cul-de-sac of detached properties of varying styles, sizes and designs that are set back from the road behind modest front gardens and driveways. There is a general reduction in building heights that progressively drops from the road entrance to the head of the cul-de-sac. However, it is not wholly consistent along the length of the cul-de-sac as there are exceptions within the street scene, most notably between No's. 7-11.
5. The appeal site is located off the turning head of the cul-de-sac with the low height of the existing dwelling, its position set back from the road, and single access against a verdant setting mirroring much of the road. These features contribute to the area creating a generally open and spacious suburban street scene.

6. Due to its corner head location, the appeal site is larger than the plots to either side, but mirrors the dwelling on the opposite corner head, albeit in a different design. As such, while there are some properties of a similar design and scale, the variety of housing types does not result in a discordant arrangement of designs but rather adds visual interest and character to the street scene.
7. Following the demolition of the existing property, the proposed dwellings would be oriented with similar gable frontages to No's. 24 and 26. Whilst taller than the surrounding properties, the limited height increases would not look incongruous within the street scene. Neither would they dominate views at the head of the cul-de-sac nor jar with the slightly smaller scale bungalows nearby. Moreover, the bulk of the dwellings would be largely concealed from public viewpoints as a result of layout and orientation. A condition of materials would also assist in the dwellings assimilating with the design of nearby properties.
8. Accordingly, the development is of a scale and design appropriate for its location and would not have a harmful effect on the character and appearance of the area. The proposal would therefore comply with Policy DSC1 of the Broxbourne Local Plan (LP), which seeks a high standard of design for all development.

Other Matters

9. I have paid regard to comments in objection to the scheme. Construction management works are to be agreed by condition to limit nuisance to nearby residents whilst construction takes place. While there would be some additional activity within the area through the introduction of an additional dwelling, this would not likely generate harmful levels of noise or result in harmful levels of overlooking or loss of privacy to surrounding properties. I have also not been provided with any evidence of sewage or infrastructure insufficiencies, which the Council has not considered.
10. The evidence before me indicates that sufficient and correct public consultation as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) has been undertaken by the Council.
11. I am not aware of the complete details regarding the Council's housing land supply, including the existing number of bungalows within the borough. Nonetheless, there is no detailed evidence that demonstrates there is an oversupply of this type of accommodation or an undersupply of bungalows within the area or that the scheme would meet the threshold for seeking affordable housing. Additionally, there is no detailed evidence to suggest the properties would be occupied as HMOs.
12. I noted the concerns over the lack of parking and highway safety. However, the Council does not object to the proposal on these grounds, and I have no reason to reach a different conclusion based on the evidence before me and the spaces to be provided. Limited details have been provided to show that the development would give rise to harmful effects on the environment. A condition on swift nesting bricks and bat boxes would offer some environmental benefit.
13. While I understand this decision will be disappointing for some local residents, in part because a previous scheme for two dwellings was refused on the site. However, the evidence before me does not lead me to conclude that the matters

raised, either individually or cumulatively, would be an overriding reason to warrant dismissal of the appeal which I have determined on its own merits.

Conditions

14. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in the light of the tests for the imposition of conditions set out within the Framework and the content of the Planning Practice Guidance (the PPG). I have accordingly combined and modified the wording or form of certain conditions without altering their fundamental aims. Where pre-commencement conditions have been imposed these have been agreed by the appellant.
15. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. To protect the character and appearance of the area, it is also necessary to impose a condition requiring details of the external surfaces of the development and have these approved by the Council.
16. To provide a satisfactory standard of development, details of proposed foul and surface water drainage are also necessary prior to development commencing. Also, in the interests of highway safety and neighbouring amenity, a condition is necessary to ensure the preparation of a Construction Management Plan including management of dust. A condition is required in relation to parking spaces being available in the interest of safety.
17. The provision of swift and bat boxes prior to above-ground works is reasonable and necessary in the interests of biodiversity. A condition is required in relation to unexpected contamination in the interest of safety.
18. Planning conditions needn't address matters covered by separate regimes. Nevertheless, and notwithstanding the provisions of Building Regulations 2010 as amended,¹ for clarity I have imposed condition 9 requiring that active electric vehicle charging points, or passive cable routes for such if that is not reasonable, are provided (thereby bringing the scheme in line with LP Policy TM4).

Conclusion

19. For the reasons given above the appeal should be allowed.

A Hickey

INSPECTOR

¹ Including via the Building Regulations which make provision for the charging of electric vehicles.

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: 166_320, 166_321, 166_322, 166_323, 166_324, 166_325, 166_326 and 166_327.
- 3) Development shall not commence until details of sewage disposal and drainage, including on and off-site works, have been submitted to and approved by the Local Planning Authority in writing. No works which result in, or would result in, the discharge of surface water or foul sewage from the site, shall be commenced until the off-site works referred to above have been completed in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
Site hoarding, including height, thickness and materials
 - Wheel washing
 - Site plan identifying the locations of the site entrance, exit, on- site parking, hoarding, dust suppression and location of water supplies
 - Site security
 - Fuel & Chemical Storage
 - details of how noise, dust (in conjunction with the Institute of Air Quality Management's Guidance on the assessment of Dust from Demolition and Construction, Version 1.1 1) and vibration from the site will be managed.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of any above ground works hereby approved, details of the location and specification of 2no. integrated swift boxes and 2no. integrated bat boxes shall be submitted to and be approved in writing by the local planning authority. The bird and bat boxes shall be installed prior to first occupation of the dwelling in accordance with the approved details and these shall be retained for the lifetime of the development.
- 7) Prior to the first occupation of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown on drawing number 166_322 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority, including detailed arrangements for the management of surface water.

- 8) All parking spaces hereby permitted shall have active electric vehicle charging points, or passive charge points where it can be demonstrated that the provision of active charging points is not reasonable.
- 9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

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