



Appeal Decision

Site visit made on 7 October 2025

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2025

Appeal Ref: APP/W1905/C/23/3329330

**Land to front of 18 and 20 Kennedy Avenue, Hoddesdon, Hertfordshire
EN11 8NW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Artur Ramadani against an enforcement notice issued by Broxbourne Borough Council.
 - The notice was issued on 16 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the creation of a raised driveway with retaining walls.
 - The requirements of the notice are to:
 - Step (i) - Remove the hard surfacing and retaining walls from the land
 - Step (ii) - Remove all additional soils used to raise the ground levels in order to restore previous ground levels
 - Step (iii) - Remove any resultant debris from the land.
 - The periods for compliance with the requirements are one month for Step (i), two months for Step (ii) and three months for Step (iii).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the creation of a raised driveway with retaining walls at land to front of 18 and 20 Kennedy Avenue, Hoddesdon, Hertfordshire EN11 8NW, as shown on the plan attached to the notice.

The Appeal on Ground (a)

Main Issues

2. The main issues are the effect of the development on highway safety and the character and appearance of the area.

Reasons

Highway safety

3. The appeal relates to the combined frontages of the two storey terrace dwellings at Nos 18 and 20 Kennedy Avenue.
4. The raised driveway is broadly triangular in shape and sits adjacent to the access to the blocks of disused garages sited beyond the side of No 18. The driveway narrows towards the point where it meets the back of the footway, to an extent

whereby it is of insufficient width to accommodate a car. There is also a small change in levels between the two parts. Consequently, vehicles entering and exiting the driveway have to utilise the accessway to the garages.

5. Concern is raised that the private accessway could be gated off at any time in the future by the owner of the garage blocks, meaning no vehicles would be able to access the appeal driveway. However, Streetview images show that the access to the garages was also previously used to access the side driveway of No 18. Moreover, the appellant has provided Land Registry evidence which demonstrates a pedestrian and vehicular right of way over the accessway to the garages for the property at No 18. I have no equivalent information for No 20 but if it is retained for use for No 18, then I see no reason why it is likely to be gated off, thereby preventing use by No 20.
6. Because of the alignment of Kennedy Avenue at the point where the garage access meets the back edge of the footway, drivers leaving the site will have good levels of visibility of pedestrians and vehicles approaching from both directions, and of any vehicles approaching Kennedy Avenue towards the nearby Burnside junction. I note the Council's concerns that the land to the south of the access to the garages, which provides visibility in that direction, is outside the control of the appellant. However, that appears to be estate amenity land and there is no indication that obstructing development is likely to be built on the same.
7. At the time of my site visit I saw that vehicular movements along this part of Kennedy Avenue and its junction with Burnside, are very low. Although that is likely to increase during peak times, it is unlikely to be significantly so, given that both are cul-de-sacs. In any case, I have no evidence of any pedestrian or vehicular conflict issues arising from the use of the access, even when it was being fully utilised to serve the blocks of garages. Moreover, the increase in level of usage relates to movements associated with only one dwelling (No 20), which would not be significant if the garages were being used. As they are not presently being used, the combined use by the occupants of Nos 18 and 20 is significantly less intensive than that which previously would have existed.
8. The plan of designated highway provided by the Council shows the front garden areas of Nos 18 and 20 to fall within the public highway. I also note that the Highways Authority recommended refusal of the previous retrospective planning application for the driveway, on the basis of an encroachment onto public highway land and its surfacing in non-standard materials. However, the appellant asserts that all of the land edged in red is within his and his neighbour's ownership. In support of that position, the appellant has produced a Land Registry plan which shows the land in front of No 18 edged in red. Although the corresponding title register is not provided, and nothing is provided in respect of No 20, land ownership is a matter for the relevant parties, rather than this appeal.
9. On the relevant issues, I find that the use of the driveway does not result in unacceptable harm to highway safety and thus does not result in conflict with Broxbourne Local Plan June 2020 (LP) Policy TM1, which in any case relates to sustainable transport and has limited relevance to this main issue.

Character and appearance

10. Whilst land levels have evidently been raised, the driveway is still, to varying degrees, below the level of the road. Consequently, even though Nos 18 and 20

are positioned so that they form part of the backdrop in the view when entering Kennedy Avenue, the ground level driveway is not visible.

11. Approaching from the other direction along Kennedy Avenue, the driveway is largely obscured by on-street parking, whilst topography largely precludes views from Burnside. Therefore, despite its frontage position, views of the driveway are largely limited to those closest to the site. Even then, it does not look out of place, or indeed harmful given the prevalence of other front hardstandings/driveways within the cul-de-sac, many of which are far more prominent.
12. Although the pre-existing arrangement with soft landscaping would have provided a more attractive setting to the dwellings, the driveway does not appear stark or result in unacceptable harm to the character and appearance of the area, so as to conflict with LP Policy DSC1. That policy states, amongst other things, that the Council expects a high standard of development for all development.

Conditions

13. The Council suggests “that regard to the Highways comment is had in terms of appropriate construction”. However, there is ambiguity as to whether any of the land is highways land, such that there is a duty placed on the Highway Authority to ensure the surfacing is safe and secure, or that a condition is necessary to control that aspect of the development, to make it acceptable in planning terms.
14. The Council does not suggest any further conditions and I consider none are necessary.

Conclusion

15. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.
16. The appeal on grounds (f) and (g) does not therefore fall to be considered.

Richard S Jones

INSPECTOR