
Appeal Decision

Site visit made on 11 November 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/N1920/W/25/3371235

Land at Bridgewater Way, Bushey, Hertfordshire WD23 4UA

- 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 Faruk Berisha against the decision of Hertsmere Borough Council.
 - The application Ref is 22/1906/FUL.
 - The development proposed is described as 'the project comprises new built residential development of a total of no 8 flats – on 4 storeys: ground, first, attic and basement level with under-croft parking and landscaping area on ground floor level'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form, although reference to 'the existing site is within a residential area and comprises unused open space' has been removed since this is not an act of development.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area: and
 - the demand for on-street parking, with particular regard to the provision of off-street vehicle parking and the effect on road users in the local area.

Reasons

Character and appearance

4. Bridgewater Way is a gently curving residential cul-de-sac that rises slightly in gradient away from its junction with Coldharbour Lane, located in a suburban area within Bushey. It is characterised on one side by a mature landscape buffer, located between the rear of dwellings on Melbourne Road and Herkomer Close. On the other side, pockets of green spaces including grass verges, trees and hedgerow are broken up by sets of two-storey terraced dwellings, rows of perpendicular parking and the rear aspects of development on Milner Court.
5. Due to the topography, a stepped roof line is evident on many of the terraces visible along Bridgewater Way. Most buildings have simple dual pitched roofs, and there is much consistency in terms of fenestrations patterns within each terrace which also tend to be narrow in depth. The predominant building materials are brick

and render elevations and tiled roofs. There is also occasional use of timber effect cladding. Despite the variety of development, the verdant qualities of the street scene, overall consistency in materials and arrangement of buildings make a positive contribution to the character and appearance of the area.

6. The appeal site comprises a roughly rectangular area of grass which slopes upwards in gradient away from Bridgewater Way. It contains a mature tree protected by a Tree Preservation Order (TPO)¹. A footpath is located along two sides of the appeal site and the line of a public right of way² (PROW) also crosses through part of the site. Despite being enclosed by temporary construction style fencing as observed on my site visit, the appeal site provides a spacious and verdant focal point for occupiers of surrounding dwellings.
7. The proposed building's substantial bulk and deep footprint would contrast with the existing open qualities of the appeal site and the established form and pattern of development that characterises the local context. Its forward siting, which projects beyond the front elevation of 7 Bridgewater Way (No 7), together with its markedly higher eaves and ridge height, would create a stark and discordant contrast with the modest proportions and simple design of No 7 and the gradual backwards stagger of building evidence as the street rises in gradient. Furthermore, the roof form would not harmonise with the more consistent and gradual upwards stepping of pitched rooflines that defines the built form along the street.
8. The front elevation introduces a visually cluttered and overtly urban composition, incorporating dormer windows, balconies, recessed windows and an undercroft access controlled by traffic lights to the basement parking. While some of these elements would assist in breaking up the massing of the overall building, they are not characteristic along Bridgewater Way and instead jar with the prevailing simplicity in the street scene. The irregular window alignment fails to reflect the more regular patterns of fenestration in the area, and the use of louvres to the rear would introduce alien features within the local context. The use of high-quality materials including brickwork and brown coloured zinc cladding, which could be agreed by condition, to reflect the colour of materials in the local context, would not mitigate the harm identified.
9. Whilst it is noted that each flat would be provided with an adequate area of private outdoor space, including in the form of a balconies or terraces, the building-to-plot ratio and soft landscaped garden would appear uncharacteristically small for a building of this size. While noting that the site levels have resulted in the proposed use of various ramps and steps to allow level access to those with mobility requirements, the features add to the visual clutter which and compromise the quality of the external areas.
10. While internal space standards have been met, the proposed use of features such as louvres and basement parking appears to have been primarily driven to maximise development on the site, rather than representing a genuine, contextually responsive design solution. For the same reason, the footprint of the building designed around TPO tree's root protection area would appear contrived. While the appellant's landscape scheme intends to increase biodiversity through the provision of garden planters and new planting, there would be limited space remaining for

¹ Council ref: TPO/006/2016

² Bushey Public Footpath 26

such planting. Therefore, the existing and proposed landscaping would have a limited effect in terms of assimilating the building into the verdant area would not sufficiently mitigate the discordant effect of the appeal proposal which would be visible from various public vantage points along Bridgewater Way, the footpath and from neighbouring dwellings.

11. Even though the proposal seeks to make efficient use of an unused area of land and would result in the removal of the temporary construction style fencing, this does not justify the appeal scheme which would fail to defer to the prevailing building forms that characterise the area and would fail to integrate successfully into its surroundings.
12. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, the proposed development would conflict with policy CS22 of the Core Strategy (2013) (CS) and policy SADM30 of the Site Allocations and Development Management Policies Plan (SADM) 2016 which require all developments to be of high quality design, to take advantage of opportunities to improve the character and quality of an area, to recognise and complement the particular local character of the area in which it is located and to respect the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.
13. For the same reasons, the appeal proposal would conflict with the Framework, notably paragraphs 129 d) and 135 c), which support development that maintains an area's prevailing character and setting and seek to ensure that developments are sympathetic to local character.

Parking

14. Bridgewater Way primarily offers unrestricted parking in rows of perpendicular bays, with some parallel spaces along the street. Most dwellings lack off-street parking or driveways. The evidence indicates that these bays are used by residents of Bridgewater Way, as well as visitors and residents from nearby streets. During my site visit on a midweek morning, although only a snapshot in time, I observed that while some spaces were available, overall availability was limited.
15. The appellant's Sustainable Transport Technical Note identifies the site as being within Non-Residential Accessibility Zone 3, which allows a 50-75% reduction in parking standards. However, its location within Residential Accessibility Zone 4 is more relevant and allows a 75-100% reduction to encourage walking, cycling and public transport use. On this basis, there is no dispute between the main parties that there is a shortfall of four spaces when assessed against the guidance contained in the Council's Parking Standards Supplementary Planning Document (2014) (SPD) and the draft Sustainable Transport and Parking Standards Supplementary Planning Document (2022). Approximately three existing spaces would also be lost to accommodate the new vehicle access.
16. The appellant's Transport Statement Addendum (2024) states that sufficient on-street capacity exists to absorb this shortfall and loss. However, the summary of the appellants Parking Survey refers to relatively high parking stress total of 92%. Based on the evidence before me and my observations on site, it is likely that drivers would at times find it difficult to find a space. The appellant suggests that, if necessary, spaces could be allocated via a traffic regulation order, but this would be at the discretion of the local parking authority.

17. Consequently, I am not satisfied that the shortfall would avoid increasing demand for on-street parking. While there is no substantive evidence to suggest this would equate to an unacceptable impact on highway safety, the proposal would reduce convenience for local road users, who may not be afforded the convenience of parking close to their own dwelling on every occasion. Moreover, future occupiers may favour on-street parking over navigating the traffic light system and basement parking, further adding to this demand.
18. The appellant proposes cycle storage and its Sustainable Transport Technical Note indicates that remote working and online shopping has reduced travel needs. The site also benefits from existing footways, street lighting and access to Bushey's services and public transport links. These factors could promote opportunities for walking, cycling and public transport use in accordance with Paragraph 109 of the Framework. Nevertheless, occupiers may still own and use private vehicles.
19. I conclude that the proposed development would increase demand for on-street parking due to insufficient provision of off-street vehicle parking which would reduce the convenience for road users in the local area. In this regard, the proposed development would conflict with policies CS25 of the CS and policy SADM40 of the SADM 2016 which require new development to include an assessment of the quantity of off-street parking in relation to a number of factors including the Accessibility Zones and provides convenient parking and off-street car parking consistent with the SPD.

Other Matters

20. Whilst the case officer recommended approval of the application, the Council is not bound by the recommendation of their Officers, nor am I. Whilst noting the appellant's frustration in this regard, I have determined the appeal based on the plans and evidence before me having regard to the requirements of the development plan.
21. Subject to conditions, the Council has found the appeal proposal to be acceptable in all the other respects, including in relation to flood risk, the requirement to extinguish/divert the PROW, ecology, waste storage and living conditions. Based on the evidence before me, I have no reason to reach a different view. However, these are neutral matters, which do not alter my findings on the main issues.

Planning Balance

22. The Council has acknowledged that it is not currently able to demonstrate a five-year housing land supply and an undersupply and confirmation in a recent appeal decision³ has been referred to. The evidence before me indicates that there is currently 2.6 years of supply, and the appellant's statement indicates that the up-to-date figure might be less. Paragraph 11 d) of the Framework is a relevant consideration, which means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. In the particular circumstances of this case, I have concluded that the site would result in significant harm to the character and appearance of the area and would provide insufficient off-street vehicle parking provision which would reduce the

³ Appeal ref: APP/N1920/W/24/3346928

convenience for road users in the local area. I find that the harm identified, and the associated policy conflict would be significant and should weigh to a substantial extent against the scheme. This harm could not be overcome by planning conditions.

24. The adverse effects identified would be contrary to the aims and policies of the Framework. I therefore give the conflict with the relevant development plan policies substantial weight.
25. The proposal would provide social benefits by making a minor yet positive contribution to housing supply and housing mix in the local area. It also seeks to maximise the use of an unused site located close to the services and facilities in Bushey. The appellant's Sustainability Assessment sets out various sustainable design and construction measures, including various energy, water and waste saving measures. Modern construction techniques and sustainably sourced materials would be utilised. Electric vehicle charging points and secure cycle parking would also be provided. Economic benefits of the proposal include employment during construction and there would be additional support for services and facilities in the local area. While limited, environmental benefits include the provision of new planting. However, given the scale of the development, this and any other benefits associated with the delivery of eight dwellings, would be limited.
26. It is recognised that a site such as this can make a small albeit valuable contribution to the housing requirement of the area and could potentially be built out more quickly than a larger scheme. Even though the housing shortfall is substantial, as only eight dwellings would be provided, I consider that the benefits of the scheme should be attributed modest weight in favour of approval.
27. Taking into account the above conclusions, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposal would not be sustainable development within the meaning of the Framework, and this weighs heavily against the proposal. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

28. The proposal would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR