



Appeal Decision

Site visit made on 18 December 2018

by Luke Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019

Appeal Ref: APP/W1905/W/18/3205499

The White House, High Street, Cheshunt EN8 0BQ

- 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 Mr Steven Tarry of B3 Living against the decision of Broxbourne Borough Council (the Council).
 - The application Ref 07/17/0087/F, dated 17 January 2017, was refused by notice dated 22 December 2017.
 - The development proposed is demolition of two existing White House buildings (front and rear) totalling 46 units, to be replaced with three purpose built residential buildings providing a mix of one and two bed homes (63 units) with semi-basement parking, cycle and bin provision as well as private and communal amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the revised National Planning Policy Framework (the Framework) came into force, replacing a previous version of the Framework. Both main parties have had an opportunity to comment on any relevant implications for the appeal and any comments have been taken into account in my reasoning.
3. The appeal scheme was amended during the course of the Council's consideration of the proposal. This led to a change in the description of development and this is reflected in the description used on the decision notice. The Council's decision was based on the amendments and so I have used the revised description in the heading above and I have considered the scheme on the basis of the amendments.
4. Since the Council issued its decision further information in respect of surface water flooding was submitted by the appellant. Consequently, the Council has stated that, subject to the imposition of planning conditions, there is no longer an objection in this regard and that it does not wish to maintain its fourth reason for refusal. Based on the evidence available to me, I see no reason to disagree with this position and I have determined the appeal on this basis.
5. In respect of each of the main issues my attention has been drawn to policies of the emerging Local Plan. However, I do not know to what extent there are unresolved objections to these policies which could therefore be amended or deleted. As such I give them only limited weight in my decision and in any event I have not found them determinative in this case.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area,
 - the living conditions of neighbouring occupants on Brookfield Lane East with particular regard to outlook, and
 - highway safety and the convenience of highway users.

Reasons

Character and appearance

7. The area is characterised by a variety of pitched roof buildings. These vary in height from 2 storey terraced dwellings on Brookfield Lane East adjacent to the appeal site, 3 storey high blocks of flats on Brookfield Lane East opposite the site and 4 storey high blocks of flats opposite the site on High Street and in Cedar Lodge adjoining the site.
8. The appeal site is a prominent plot at the junction of High Street and Brookfield Lane East. It contains 2 blocks of flats, including a 5 storey block with a high pitched roof fronting High Street and a 2 storey block to its rear. The appeal scheme would replace these with 3 buildings referred to as blocks A, B and C.
9. Block A would contain 7 stories over a basement and would have a flat roof. Whilst it would be located in a similar position to the existing 5 storey block it would be taller with significant additional bulk above the existing eaves level. It would dominate views in either direction along High Street, in excess of that already experienced as a result of the existing building on this part of the site. I am not convinced its detailed design, including the recessed top floor, mitigates this impact.
10. Block B would rise up to 4 stories and would be sited toward the corner of High Street and Brookfield Lane East where currently there is an existing surface car park and open land. Whilst it would provide a corner feature here, it would sit forward of the main front building line of the adjacent row of terraced houses. Coupled with its significant height in close proximity to these houses, it would appear particularly prominent and incongruous within the street scene.
11. I conclude on this main issue the proposed development would harm the character and appearance of the area. It would not comply with Policies H8, HD13 or HD16 of the Borough of Broxbourne Local Plan, adopted December 2005 (the Local Plan) or the design policies of the Framework. Together these seek high quality design which pays careful attention to the relationship between buildings and which respects the scale and height of nearby buildings.

Living Conditions

12. At my site visit I viewed the appeal site from the site itself, from the surrounding streets and from both floors of 11 Brookfield Lane East and its rear garden. The construction of the 4 storey block (Block B), where there is currently open land, would have a material adverse effect on the outlook currently enjoyed by the occupants of these small homes closest to the site.

13. The effect would be exacerbated by the change in levels which exists from the appeal site down to the ground floor of these homes. This became more apparent from my inspection of the rear garden of No 11. Block B would loom over the rear of No 11 and to a lesser extent the adjoining properties further away from Block B.
14. I conclude on this main issue the proposed development would harm the living conditions of neighbouring occupants on Brookfield Lane East with particular regard to outlook. This would not comply with Policy H8 of the Local Plan or the design policies of the Framework. Together these seek healthy living conditions, a high standard of amenity for the users of existing places and no significant detriment to amenity for existing residents.

Highway Safety and Convenience

15. The Council's third reason for refusal identifies that insufficient information was supplied to fully assess the potential impacts of the proposed development on highway safety and convenience. During the course of this appeal the appellant submitted additional information in respect of this reason for refusal, but the local highway authority, Hertfordshire County Council (the County Council) did not withdraw its objection and accordingly the Council did not consider the additional information submitted addressed the concerns set out in this reason for refusal.
16. The appellant has since provided further information, notably at the final comments stage of this appeal. It includes tracking diagrams showing there would be no overtrack onto opposite sides of the carriageway for most vehicles entering or leaving the site, confirmation refuse collections would continue to be carried out the same way they are now and further Travel Plan information. I do not consider this information substantially amends the scheme or that the interests of interested parties would be prejudiced by it being accepted.
17. I am told the Travel Plan information provided is substandard but I have not been provided with details as to why this is considered to be so. The appellant considers a full Travel Plan may be secured by the imposition of a planning condition and has suggested a wording. In this case I have seen no evidence that an acceptable Travel Plan cannot be secured by a suitably worded planning condition.
18. Therefore, based on the limited case put to me in respect of this main issue, I am not convinced the proposed development would have a harmful effect on highway safety or inconvenience highway users and I am satisfied the development would not conflict with Policy T3 of the Local Plan. This resists development which would compromise the safety of road users or have a detrimental impact on road congestion or movement.

Other Matters

19. The appellant has submitted a unilateral undertaking pursuant to section 106 of the Act. This includes a planning obligation for the new dwellings to be affordable housing, comprising a specified combination of affordable rent and shared ownership, and a specified financial contribution towards youth services in response to the County Council's representations on this matter.
20. Were I to allow the appeal, I would need to consider such obligations against the tests in regulation 122 of the Community Infrastructure Regulations.

However, as I have determined to dismiss the appeal on other grounds, set out above, I need not address this matter further.

Conclusion

21. I accept that the appeal scheme would provide significant benefits including a net gain in dwellings, and that all of the proposed dwellings would be affordable housing units. However, the benefits must be balanced against the harm. In this case, I consider the combination of harm to the character and appearance of the area and the harm to the living conditions of the neighbouring occupants outweighs the benefits of the scheme.
22. Affordable housing should not be provided at the expense of all other considerations. As we are reminded by the Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
23. For the reasons given above I conclude that the appeal should be dismissed.

Luke Perkins

INSPECTOR

Richborough Estates