

Rebuttal of Proof of Evidence in respect of :-

Appeal ref: APP/W1905/W/22/3300254

Local Authority Planning Application ref: 07/19/0200/F

Site Address: Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire EN7 5EX.

Prepared by Jennifer Thompson BSc, MSc, MRTPI on 16th September 2022

- 1.0 This Rebuttal Proof of Evidence has been prepared in response to the evidence provided by Colin Pullan of Lambert Smith Hampton prepared 26th August 2022.
- 1.1 Mr Pullan provides evidence in an Urban Design capacity. Mr Pullan's evidence focusses primarily on the density of the development and compares the proposals and their densities to other approvals within Goffs Oak.
- 1.2 The reason for refusal provided does not include 'density', but rather quantum. A measure of quantum could include consideration of density but would not include density alone. Quantum also enshrines the amount of accommodation which is measured by number and mass.
- 1.3 Mr Pullan undertakes a number of comparisons of the appeal scheme with other approved and constructed schemes in the area. Each application is, however, considered on its own merits, and whilst continuity of decision making is important, the issues arising from each development and the time at which it is assessed in respect of local circumstances and policy context, all have a bearing on determination.
- 1.4 Paragraphs 3.23 – 3.26 of Mr Pullan's Proof of Evidence describe a recent approval in Goffs Oak presently under construction noting the density as comparable to that of the Appeal scheme. This particular site is off Newgatestreet Road and happens to be located opposite what is a well established spine route running through the village. The site benefits from location immediately opposite a small shopping parade and has a design intended to provide a sense of place to this location with an accessible green fronting onto Newgatestreet Road to encourage public use and connections through to open spaces beyond. The role and function of this site within the village is in no way comparable with the anticipated function or role of the Appeal site. This site is being built out as a result of allocation GO4 that suggested allocation for 25 homes. The greater quantum of housing has been possible by accommodating smaller plots within a more formal layout that reflects the sense of place being created in the immediate street context. This sense of place, a meeting area and somewhere people are being encouraged to stay with areas to be accessed, is not being created on the Appeal site and would not be appropriate to provide in this location. Thus it is incorrect to seek to compare the densities of the two sites in the way that Mr Pullan does.
- 1.5 Paragraph 4.6 considers the development that is nearing completion on the CG Edwards site, referring to the 23 dwellings under construction. For clarity the suggested allocation in the Local Plan was 20 units for this parcel. Mr Pullan's comparison of density between the CG Edwards site density as approved and transposing that to the Appeal site via simple multipliers, provides no consideration for the sizeable buffer that it clearly provided for in the allocation for the Rosemead Nursery site within the Goffs

Oak indicative concept plan. This is included in my Proof of Evidence (figure 1) and the Local Plan.

- 1.6 The Inspector will be able to see from the repetition of the proposals reproduced throughout the Site Allocation process, the pre-application enquiry and the Planning Application that there has been minimal revision made to quantum throughout the processes. Instead we can see from figures 21,22 and 23 of Mr Pullans evidence (reproduced sequentially overpage in image 1 for clarity) the sketch at the first image (figure 21 reproduced) incorporates a large area of space to the north and apartments on the western boundary, whereas figure 22 (reproduced centrally) lodged in 2018 where apartments are reduced but units numbers are retained by the compression of plot sizes. This compression occurs again in the scheme as determined.

Image 1: Figures 21,22 and 23 reproduced side by side from Mr Pullens evidence to demonstrate the evolution of the proposals over time. (NTS)



- 1.7 To further elaborate on the point of compression of plot sizes and overdevelopment, I have particularly highlighted the northeastern part of the Appeal scheme in the figure above (as outlined in green). As is clear above initially there are clearly 8 detached units to the east of the central open space. In the drawing that follows from 2018, the number of dwellings to the east of the open space is increased to 11, by the time of determination, the Appeal scheme provides 13 units in this location. This one comparison allows a clear demonstration of where the scheme is being objective led by the number of units and this results in the erosion of open views and setting around the dwellings as more are compressed into the same area.
- 1.8 Between paragraphs 6.9 and 6.12 Mr Pullan begins to consider the depths of plot frontages within the development and provide an appraisal based on the impact that the setting round a building has on the character of the development. Mr Pullan has not, however, provided similar consideration of the immediate surrounding area. The existing settlement edge on the boundaries of this former horticultural use on Cuffley Hill and Robinson Avenue benefits from frontages sufficient to park vehicles as the general norm (at least 4.5m deep) and often of more generous depth, with garden plots generally very generous and elongated although exceptions where shorter gardens appear do occur, such as immediately adjacent the proposed new access. There are examples of short terraces in the surrounding area, but the prevalent character is of detached and semi detached properties albeit design and style varies widely. This more generous plot layout is typical of sub-urban contexts.
- 1.9 I appreciate that modern development entails an increased density beyond that which was traditional in order to achieve best use of land as required by paragraph 124 of the NPPF (referred to in para 6.2 of Mr Pullan's Proof of Evidence). This is not disputed. However, consideration of context and character cannot be overruled on the basis of best use of land alone. There is a clear expectation of buffer areas and provision of open space within policy GO5 and the accompanying Indicative Context Plan. Policy GO5 is not intended to replace or supersede policy DSC1; instead the two are expected to be applied jointly, thus consideration of context should also arise. It is clear to me that the quantum of development contained in the Appeal scheme restricts the provision of a more generous setting for the proposed dwellings and that as a result sufficient views in and around buildings to provide relatable context to the existing settlement does not occur. The result is an edge of settlement development of a nature that appears denser than the dph figures for the site overall would suggest. That is because the dph figure is artificially reduced by the inclusion of large areas of undeveloped open space within the boundaries, retained as buffers via policy restriction.
- 1.10 There is much comparison within Mr Pullans Proof of Evidence with the nearby Monarchs development within Goffs Oak for which the Countryside are also the developer. This site is smaller, but provides slightly fewer units

Monarch Oaks	2.41 ha	51 dwellings	21.5dph
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This site retains a mature boundary of trees to one side and provides an area of open space approx. 1/5th of the site as per Figure 1 of Mr Pullans Statement (para 3.16) including a SuDS feature.

Fairmead and	3.1ha	58 dwellings	18.7dph
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Rosemead

The site contains extensive protected trees and at time of determination approximately one third of the site is set aside to open spaces as per figure 23 of Mr Pullan's Proof of Evidence below paragraph 6.8.

- 1.11 When comparing the schemes it is clear that the Monarch Oak site provides larger plots, larger house types with most units benefitting from good setting with more than the space of the property footprint before the site boundaries. This adds to the rural character of that development. By comparison the Fairmead site has smaller units, smaller plot sizes and frequently the separation from the boundary is less than the footprint of the dwelling. In a semi-rural context on the edge of the settlement this will (if permitted) be very noticeable and has a meaningful effect on how the development would be experienced. When drawn together with the compact property frontages that are prevalent this provides for the concern of over-development, that in this context results in very significant harm.
- 1.12 Following the site layout (figure 23) provided under paragraph 6.8 of Mr Pullan's evidence a number of CGI's are provided to the Inspector to demonstrate the quality of the development and the rural character provided. CGI's are typically indicative but given these are being provided as evidence I feel it important to draw to the Inspector's attention some inconsistency between the visual representations and the proposed site layout. I will draw together these inconsistencies below;
- a) Figure 24 below paragraph 6.9. The tree in the foreground does not appear on the proposed layout plan in figure 23. Whilst landscaping is to be agreed by condition, the plot frontage opposite plots 3 and 4 is very shallow at less than 4m and the tree visually presented appears quite large and close to window openings. As such I suspect this to be an error.
- b) Figure 28, below paragraph 6.12. The tree on the right hand side of the image appears misplaced, figure 23 suggests the tree to be along the garden boundary for this property, not against the flank elevation of the dwelling, thus this appears a misrepresentation as the flank would not be obscured by a tree. In respect of construction this is also unlikely as graphically presented.
- c) Figure 31, below paragraph 6.15. The tree with what appears to be a split canopy in the foreground on the right hand side of the image does not appear on the site layout plan. From the layout plan there appears no meaningful area to plant a reasonable sized tree and in terms of construction this would again represent concerns, but even if overcome, the canopy would again obscure the windows of the occupants. It is likely this tree is another error.
- 1.13 To avoid confusion I have also cross referenced the CGI's with the refused Landscape Strategy Layout Plan C00185_CSP_EL_XX_DR_L_X001 rev PL9 dated Sept 2018 and the trees within the CGI imagery are not visible here either.
- 1.14 At paragraph 6.17 Mr Pullan describes the edge of the development as per Figure 32 above, as 'a woodland scene' and glimpsed behind, detached dwellings in a spacious setting. I disagree strongly. The open space occupied by a number of existing trees would be retained, and to the north eastern boundary, three detached dwellings would be provided, a mere 8.5m from the northern boundary with recessed detached garages only 2m from the boundary. I would not describe views of these properties as glimpsed, but rather clearly visible. In addition I note that across the shared driveway opposite are two further detached dwellings, separated by only 8m when measuring between

front walls, these are also highly visible from the landscape behind when viewed between the dwellings as indicated by the green arrows below.

Image 2: Reproduced from figure 32 of Mr Pullans Proof of evidence



1.15 Whilst the offset location of plots 36 and 37 as demonstrated above will provide articulation to views from beyond the site this would appear a singular visual mass of built form and this would appear at stark contrast to remaining surrounding boundaries along Robinson Avenue and Millcrest Road that are far more generous in separation from the boundaries with greater plot depths.

Image 3: View of the existing eastern boundary along Robinson Avenue (reproduced from Section 4 of the Committee Agenda



- 1.16 Paragraph 6.18 describes the site as a 'low density enclave' set behind a 'more suburban character of Cuffley Hill and Robinson Avenue'. This appears a reverse of what is the reality. As detailed in my Proof of Evidence and my rebuttal above, the plots and properties along Cuffley Hill and Robinson Avenue are larger plots, containing larger properties, with better setting generally to the front, rear and sides, thus are and appear less dense, more spacious and open than the proposed development. The lower density is therefore the immediate surrounding context, with the development site appearing a more suburban character than the semi-rural context.
- 1.17 The best visual comparison regarding density and quantum is achieved by comparison between 90 Cuffley Hill and plot that remains following transfer of the remaining site to the Appeal site, with plots 1-4 roughly opposite the address separated only by plots 57 and 58 (yellow below). Even excluding the generous access area owned by number 90, the fact remains that one relatively large property in the immediate locality would occupy the same area as approximately four of the new properties within visual context. Equally to the north of 90 Cuffley Hill, plots 51-55 benefit from a garden area scarcely bigger than the area used by number 90 for garaging and side access. Again visually jarring when context is considered. This also serves to demonstrate that the density of the proposals is not as well aligned to the surrounding area as Mr Pullans evidence would have us believe. These comparisons are drawn out in the graphic below.

Image 4: Comparison of plot sizes with the immediate surroundings



- Comparison of plot 90 Cuffley Hill with plots 1 – 4 of the Appeal Scheme.
- Comparison of plots 98 and 100 Cuffley with plots 5 – 8 of the Appeal Scheme.
- Comparison of plots 21 & 22 on CG Edwards Site with plots 9 – 12 of Appeal Scheme.

- 1.18 I will acknowledge that 90 Cuffley Hill is a large detached unit and not the norm for the area, nor are the large detached units at 102 and 106 Cuffley Hill, but larger spacious properties are not uncommon. The development between these larger units locally is still generous by comparison with that which is now being considered. Numbers 86-100 Cuffley Hill all provide garden areas that are relatively compact compared to those in the wider area, but initially these backed onto the glasshouse areas. Dwellings at 98 and 100 Cuffley Hill are immediately comparable with plots 5 to 8 of the development scheme (pink on the annotated drawing), and even these smaller plot sizes in Cuffley Hill are still twice the size of those proposed immediately behind. Similar comparison can be made to the boundary with even the new CG Edwards site. For every new unit provided on the adjacent CG Edwards site, roughly two new dwellings are provided immediately behind on the Appeal site (as illustrated in orange with plots 9-12).. These comparisons with surrounding context, usually not significantly separated, show how the density calculation referred to is misleading and hence the Local Authority has chosen to reflect on the Quantum of development as being the issue. The amount of development cramped into the developable areas is simply too much and results in harm to the local character.
- 1.19 Section 7 of Mr Pullan's evidence explores the Appropriateness of the Appeal scheme and I wish to respond in particular to his points raised in respect of policy DSC1, most pointedly part a) that states the objective to '**enhance local character and distinctiveness**, taking into account: **existing patterns of development**; significant views, **urban form**; building typology and details; height; roof form; fenestration detail; materials; **building lines and other set backs**; trees; landscaping; and features of local and historical significance (authors emphasis). It is these matters that my own proof of evidence has had regard to, whereas Mr Pullan when considering the character of the area determined in paragraph 7.3 'the surrounding area is diverse and lacks local distinctiveness' before concluding in paragraph 7.4 'the layout of the appeal scheme creates its own 'place' informed by context, the constraints of the appeal site....'. Whilst I acknowledge local character is varied and robust, the plot sizes, separations and building lines are as demonstrated and this is where character can be derived locally and the distribution of development within the Appeal scheme is significantly at odds with the distribution of development in the immediate and wider context.
- 1.20 In paragraph 7.6 Mr Pullan considers the pattern and grain of the proposals, but as outlined above fails to do so for the wider context, thus can draw no conclusions. When describing the area he is clear initially in paragraph 3.9 that 'the general pattern of growth reflects ribbon development along historic routes, followed by backland /infill development'. The proposals being considered are edge of settlement, highly visible from the surrounding area and would provide a visual context to the village that is at odds with the larger more generous plots surrounding the site.
- 1.21 In paragraph 7.7 Mr Pullan's first bullet point considers the perceived graduation of density as you travel through the site. No such consideration has been offered to the wider context to consider how the development would be experienced in relation to the locality. In this respect as set out in my Proof of Evidence, the proposals for the site would provide a jarring contrast to the usual evolution of more open and spacious character around the outskirts of a settlement into the core whereby plots are smaller and units closer together. Mr Pullan has attempted to use density to demonstrate comparability of the proposals to others locally and the surrounding area. This is a skewed comparison due to the sheer extent of undevelopable area on the site

suppressing the density figure. For this reason density alone can not be used as a singular comparison.

- 1.22 In concluding remarks Mr Pullan suggests in paragraph 8.2 that there is no up to date design guidance. I would strongly refute this suggestion as the Local Plan is a mere 2 years old. It is noted that policies for housing provision are in dispute as part of this appeal and that a tilted balance applies, but I maintain that the objectives of Policy DSC1 still remain as important to the delivery of development as the day on which they were Adopted, the only change being that harm alone is no longer sufficient to outweigh benefit, it must now be significant and demonstrable harm that must be provided and as set out above and in my proof of evidence, I believe this to be the case.
- 1.23 In para 8.4 Mr Pullan states the 'the Appeal scheme has a strong identity' on the boundary with the open green belt, in an area that Mr Pullan has described as 'lacking distinctiveness' a strong identity would appear contrasting and at odds locally.