
Appeal Decision

Site visit made on 18 April 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 May 2017

Appeal Ref: APP/W1905/W/16/3162643

Land adjacent to 51 Cecil Road, Cheshunt EN8 8TN

- 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 Cenk Mehmet against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0735/F, dated 24 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is change of use of amenity land to residential garden enclosed by a 1.8m high wooden fence panels.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the proposed development from the Council's decision notice as this provides a more concise and accurate description than that which appears on the application form.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Cecil Road is predominantly residential in character. It runs in an easterly direction from Crossbrook Street, where dwellings are set close to the street frontage, before it bends to run in a northerly direction towards Springfield Road, where dwellings maintain a generous setback from the street. The appeal site comprises a plot of land owned by the Council and is located on the inside bend of Cecil Road and therefore at the transition between these two parts of the road. It lies between 51 Cecil Road and its associated rear garden and the public highway.
 5. The appeal site includes various shrubs, ground cover and a mature tree. I observed that the shrubs within the appeal site have been recently pruned and, as such, the appeal site appears well maintained. Its undeveloped and open nature allows views across it from public vantage points along Cecil Road. Its open nature also reflects the open nature of land on the opposite side of the road, including a roadside verge and the front garden of No 32 which is bound by a low brick wall. The appeal site therefore provides a strong verdant and spatial
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quality along this part of Cecil Road and affords an attractive break in built form. During my site visit, I was able to walk around some of the surrounding streets in the area, including Springfield Road, where I observed other vegetated verges and plots of land which also add to the verdant and spatial qualities of the area. The appeal site, in its current form, therefore contributes positively to the character and appearance of the streetscape and area.

6. The appellant seeks to erect a 1.8 metre high boundary fence around the appeal site to integrate it within the private rear garden of No 51. I acknowledge that the fence would be constructed of natural materials. However, it would be substantially higher than most other residential boundary treatment along Cecil Road which fronts the highway. As such, it would appear considerably at odds with other such boundary treatment. Moreover, the enclosure of the appeal site would erode considerably the contribution that it currently makes to the spatial qualities and green character of the streetscape and area and would substantially diminish public views across it. Consequently, the proposal would result in significant harm to the character and appearance of the streetscape and area.
7. The proposal would therefore be contrary to saved Policy HD21- Protection of Open Spaces Not Included Within the Hierarchy of Open Space, of the Borough of Broxbourne Local Plan Second Review 2005. This policy seeks to resist the development of open land within the built environment where the land in its undeveloped state contributes to the visual amenity and character of the area. This policy is consistent with the broad aims and objectives of the National Planning Policy Framework which seek planning to take account of the different roles and character of different areas.
8. The Council also cites conflict with draft Policy NEB2- Green Infrastructure, of the emerging Broxbourne Local Plan (BLP). This policy seeks, amongst other things, the protection of green infrastructure, including for its landscape value. However, as the BLP has not yet been examined and found to be sound, I afford limited weight to this policy at this time.

Other matters

9. I have had regard to the appellant's concerns in respect of litter, pests, rats and antisocial behaviour. I also note that the appellant suggests other local residents share some of these concerns. Nevertheless, there is no substantive evidence before me to demonstrate that these are ongoing issues that would cause me any particular concern. In addition, during my site visit, I did not observe any litter within the appeal site, which, as mentioned above, appears to be well tendered. There is no compelling evidence before me that would lead me to conclude that such maintenance is unlikely to continue into the future. Furthermore, the well tendered nature of the appeal site is likely to limit any opportunities for pests, rats and antisocial behaviour. I therefore afford limited weight to these concerns and as such, they are insufficient to outweigh the harm I have identified.

Conclusion

10. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson INSPECTOR