



Appeal Decision

Site visit made on 16 August 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/W1905/W/17/3174932

1 Springfield Road, Cheshunt, Waltham Cross EN8 8TQ

- 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 Rishi Teeluck against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1076/F, dated 27 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is "Council owned amenity land next to 1 Springfield Road. EN8 8TQ. Proposal of change from amenity land to residential gardens. Size 15m x 5.20m."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. 1 Springfield Road is a two-storey end of terrace house on a corner plot at the junction of Springfield Road and Limes Road. The area surrounding No 1 is characterised by two-storey terraced houses interspersed with small groups of bungalows, with amenity land situated at intervals along Springfield Road and Limes Road. The areas of amenity land are grassed and most have one or more large and mature trees. The grassed area adjacent to No 1 is replicated outside 36 Limes Road and 47 Springfield Road. Neither area of land has been enclosed.
4. The rear garden of No 1 is enclosed on the northern side by a high and heavily vegetated brick boundary wall running along the edge of the grassed area outside the rear garden. The pavement and Limes Road lie beyond the grassed area. There is a further low brick garden wall which lies at a right angle to the higher boundary wall and to the west of the grassed area. The front and side garden and parking for No 1 are located to the west of this low wall. A footpath runs to the east of the grassed area, providing access to the rear garden of No 1. At the time of my visit, the grassed area appeared well-maintained and in reasonable condition.

5. A mature Swedish Whitebeam tree, with a basketball hoop nailed to it, lies within the grassed area approximately 1m to the east of the low brick wall. This tree is protected by Tree Preservation Order (TPO)(No 12) 2017 LT6-300. The TPO was made by the Council on 7 August 2017. As the TPO was made during the appeal process, the appellant was given the opportunity to comment on the proposal to protect the tree.
6. The appeal proposal involves incorporating this open grassed area into the garden of No 1 with a new enclosing brick wall of 1m in height around its northern side, abutting the public footpath, and a short return section of wall of the same height along the eastern boundary between the path to the rear garden of No 1 and the grassed area. The wall would be of the same materials as the existing walls.
7. In terms of use, using a small additional area as enclosed private garden would in itself be unremarkable in this suburban residential area. This appeal centres the visual impact of the loss of the existing open area and the associated construction of additional boundary walling on the character and appearance of the area
8. The residential area containing the appeal site is characterised by housing with various areas of incidental open space with trees along both Springfield Road and Limes Road. These open spaces vary in size and shape, but appear to have been laid out at the same time as the houses. Although there is other planting to the fronts and sides of houses, a number of the front gardens have been replaced by hardstanding. With their contribution in terms of greenness, the public open spaces are important elements of the overall character of the residential area.
9. The small open grassed area adjacent to No 1 can be viewed from Limes Road as part of a larger grassed area of irregular shape around the junction of Limes Road and Springfield Road, including the well-treed space outside 2 – 4 Springfield Road. The vegetation across this space as a whole offsets and softens the built forms of buildings and walls as part of the planned layout of the two streets. The proposed enclosure of the grassed area adjacent to No 1 by means of a brick wall tight to the back of the footpath would be noticeable and would detract from the contribution the open grassed area makes to the character and appearance of the wider street scene and surrounding area. That is so in this particular location despite other examples of boundary walls alongside footpaths elsewhere in the street.
10. I acknowledge the appellant's intention to retain the mature tree on the appeal site and to maintain the space along with his existing garden. However, during my site visit, I saw that the appeal site and other examples of areas of incidental open space in the vicinity were treed and relatively well-maintained. I have borne in mind that the proposed wall would match the existing one and that the appellant does not propose to make other changes to the nature of the grassed area. However, for the reasons already given, I find that the appeal proposal would have a harmful effect on the character and appearance of the area.
11. Although I note that the Council refused the application contrary to advice of their officer, local planning authorities are not bound to accept the recommendations of their officers. The effect of a proposed development on the character and appearance of an area is a subjective matter, often

determined by an exercise of judgement in the particular circumstances of a case. I am satisfied that the Council has adequately addressed this in its decision notice and their response to the appeal.

12. I note the concerns which have been raised by both objectors and the appellant regarding the use of the amenity space by dogs and children, and a preference by some objectors for use of the amenity land for additional parking provision. I also acknowledge that the appellant has previously sought pre-application advice on this appeal, and subsequently submitted the planning application. These matters do not change my findings on this appeal.
13. I conclude therefore that the proposed development would cause harm to the character and appearance of the area. Consequently, it would be contrary to policy H6 of the Borough of Broxbourne Local Plan Second Review (2005), which seeks to protect the amenity of existing residential areas by only allowing the change of use and enclosure of communal amenity land where it can be demonstrated that enclosure would not be visually detrimental to the amenity of the wider area. It would also conflict with those elements of the National Planning Policy Framework which seek to ensure that development respects the character and distinctiveness of its surroundings.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR