

Appeal Decision

Site visit made on 15 May 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/W1905/W/19/3220467

17 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 Sener Boyraz against the decision of Broxbourne Borough Council.
 - The application Ref 07/18/1108/F, dated 12 November 2018, was refused by notice dated 14 January 2019.
 - The development proposed is change of use of amenity land to private residential garden enclosed by 2m high fence.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In the interests of accuracy I have adopted the description of the proposed development used in the Council's decision notice rather than that used in the application form.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

4. The appeal property is a semi-detached dwelling set in a sizeable residential estate. The amenity land referred to in the description of the proposal comprises a fairly narrow strip about 3.0m wide running alongside the appeal property, between the back of footway and the applicant's existing rear garden fence. The strip is planted and grassed, and owned by the Council. This strip, along with others, and other green spaces, formed an integral part of the original design of the estate layout.
5. The appellant contends that the strip is not well maintained by the Council, and is subject to littering and fly-tipping. For this reason he wishes to buy the land from the Council, and was advised to apply for planning permission as an initial step. A timber fence would be erected along the back of the footway, so that the strip would become an integral part of the appeal property's side/rear garden.
6. I saw that the strip was rather unkempt, but no more so than the appellant's front garden, which was in a similar condition. A couple of plastic bags were evident in the strip, but these were easily capable of being removed. The strip,

along with other green areas within the estate, performs a useful function since in combination they represent forms of landscaping softening the appearance of the built environment, contributing positively to the local townscape. An enclosing fence, as proposed, would introduce a jarring visual harshness similar to that in evidence on the opposite frontage at the junction of Springfield Road and Cecil Road. The loss of the amenity strip and the introduction of a fence at the back of footway would, in my opinion, materially harm the character and appearance of the property's surroundings.

7. I conclude that the proposal would have a harmful effect on local visual amenity and character contrary to those provisions of Policies HD13, HD14 and HD21 of the Broxbourne Borough Local Plan Second Review directed to ensuring that the design of new proposals respects local character and to protect open spaces within the built environment.
8. I have considered all other matters raised in the representations, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions. Accordingly, for the reasons set out above, the appeal is dismissed.

G Powys Jones

INSPECTOR