The Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/W1905/D/21/3272568
1 Gold Close, Broxbourne, Hertfordshire EN10 7TJ

- 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 Mrs Toyin Ajagbe against the decision of Broxbourne Borough Council.
- The application Ref 07/20/1129/F was refused by notice dated 16 January 2021.
- The development proposed is incorporating amenity land into garden space.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the effect of the development on the character, appearance and biodiversity of the area by the reduction of amenity space.

Reasons

3. Whilst the Council has described the development as 'moving the boundary wall', the planning application was to incorporate amenity land into garden space. Therefore, I have determined the appeal on this basis.

4. The appeal property is a detached dwelling on a modern residential estate. The development has been completed. A boundary wall with gates has been constructed, leaving a small strip of gravelled area between the wall and pavement. Previous soft landscaping has been removed. I note that this area, whilst previously providing wider amenity value in terms of its verdant appearance, is part of the appeal property, rather than public land.

5. Where there are open gardens and soft landscaping strips throughout this estate they make a positive contribution to the character and appearance of the area. There is a distinct lack of boundary walls and where they exist, they are primarily behind verdant landscaped areas. In contrast, the boundary wall, at a height of some 2.07 metres, is a stark and incongruous addition to the street scene. There is little space for any significant future soft landscaping in front of the wall to soften its impact. From my observations, due to the scale,

materials and location of the boundary wall, I consider that it has an adverse effect on the character and appearance of the surrounding area.

6. The previous planting aided and supported the wider ecological networks, albeit to a limited extent due to the size of the now enclosed area. The contribution this area now makes to the wider ecological network has been significantly reduced. Any ecological value that this area may now have to the wider ecological network is impeded.

7. For the reasons stated above, I conclude that the development has an adverse effect on the character and appearance of the surrounding area and on local biodiversity.

8. In reaching my conclusion, I have had regard to all matters raised upon which I have not made specific comment. For the above reasons, the development is contrary to Policies DSC1, DSC2 and ORC3 in The Broxbourne Local Plan (2020), where they seek to ensure that development creates a high standard of design and provides net gains in biodiversity. I have been referred to Policies EQ1 NEB1. These are not relevant to this development.

9. It is necessary to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. It must be acknowledged that at the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. It sets out the three overarching objectives which are interdependent.

10. As regards the economic objective, some very small benefit may have accrued in relation to the construction of the wall. In terms of the social objective, I have found that the development has an adverse effect on the character and appearance of the area and thus does not satisfy the social objective of providing a well-designed built environment. Nor does it satisfy the environmental objective as it does not contribute towards protecting and enhancing the natural and built environment. For these reasons, taking the three objectives together, the development does not constitute sustainable development.

J L Cheesley

INSPECTOR