



## Appeal Decision

Site Visit made on 14 December 2021

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> January 2022**

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**Appeal Ref: APP/W1905/W/21/3278711**

**1 Foresters Close, Cheshunt, EN7 6TF**

- 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 Dean Marshall against the decision of Broxbourne Borough Council.
  - The application Ref 07/21/0334/F, dated 21 March 2021, was refused by notice dated 25 June 2021.
  - The development proposed is described as "demolition of existing garage to 1 & 2 Forester Close, erection of 1 bedroom dwelling with associated parking and private amenity space."
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the area; and,
  - Whether it would provide acceptable living conditions for future occupiers.

### Reasons

#### *Character and appearance*

3. Policy DSC1 of the Broxbourne Local Plan 2020 (the LP) requires, amongst other criteria, that new development enhance local character and distinctiveness.
4. The proposed development would result in the displacement of parking for 1 and 2 Foresters Close. The cars would be parked on the front gardens of these houses, with the soft landscaping replaced with hard surfacing. This would be detrimental to the appearance of the terrace in the street scene, especially as it is prominently sited at the entrance to Foresters Close.
5. The proposed house would appear in keeping with the character of the terrace. However, the development would overall be harmful to the character and appearance of the area. It would therefore conflict with Policy DSC1.

#### *Living conditions*

6. Policy DSC1 of the LP further requires that development have regard to the Council's Supplementary Planning Guidance (the SPG). That document seeks a

provision of 50 square metres of amenity space for a one-bedroom house. The proposed development would provide 33 square metres, and this would be irregularly shaped, limiting its usability.

7. However, the SPG is guidance, which allows some flexibility in its application. A one-bedroom house will not typically be used as family accommodation, and there is communal amenity space immediately opposite the appeal site. While this is overgrown in places, it would provide usable open space for future residents due to its size and proximity. On balance, therefore, the development would provide acceptable living conditions for future occupiers having regard to guidance in the SPG and Policy DSC1 of the LP.

#### *Other Matters*

8. The Council referred to Policy ORC3 of the LP in its decision notice. This policy states that there will be a presumption against the loss of amenity spaces. No amenity space would be lost because of the proposed development, and therefore the policy is not determinative in this appeal.

#### *Planning Balance*

9. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. There is no indication that the Council has a shortfall in its supply of deliverable housing land, but this does not diminish the value of new housing. The benefits of one new house attract limited weight in the overall balance.
10. The proposed development would fail to enhance local character and distinctiveness, and therefore there is conflict with the LP. This attracts moderate weight in the overall balance, given the prominence of the terrace but acknowledging that most properties in Foresters Close have parking on their front gardens, or share a communal drive with little or no soft landscaping.
11. The benefits of the proposed development would not outweigh the harm that it would cause to the character and appearance of the area. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

#### **Conclusion**

12. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR