



Appeal Decision

Site visit made on 22 June 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/W1905/W/22/3311472

Land adjacent to 69 Crossbrook Street, Cheshunt, Waltham Cross, EN8 8LU

- 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 Ludgate Property Development Ltd against the decision of Broxbourne Borough Council.
 - The application Ref 7/22/0721/F, dated 22 July 2022, was refused by notice dated 31 October 2022.
 - The development proposed is construction of a new one-bedroom house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; ii) the setting of a listed building; and iii) the living conditions of occupiers of adjacent residential properties with particular regard to outlook.

Reasons

Character and appearance

3. I am advised that the appeal site forms part of the Old Cambridge Road Corridor. It comprises a small area of undeveloped grassland enclosed by a low boundary fence. It is located at the junction of Crossbrook Street and Longlands Close, which bound the site on two sides. The remaining two sides are bound by a car parking area on Longlands Close and the vehicular access and parking area to a modern block of apartments behind No.69 Crossbrook Street.
4. The buildings in this area vary significantly in terms of age, scale, design and detailing. However, the houses along Crossbrook Street are typically either large detached buildings or smaller properties located in blocks, terraces and pairs. The appeal proposal would be neither.
5. The entrance to Longlands Close is characterised by the residential properties on each of the corner plots. Although No.69 has been modernised, it reflects the historic character of the site and of No.75 (on the opposite corner) in terms of its scale, prominent gable feature with steeply sloping roof facing Crossbrook Street and the long roofline containing dormers facing, but set back from, Longlands Close. Indeed, all existing buildings at 1 Longlands Close, and at Nos.69, 75 and the modern apartment block to the rear of No.69 Crossbrook Street, are set back from Longlands Close.

6. Notwithstanding the fact that the appeal site is privately owned and enclosed, as opposed to being a public amenity space, its undeveloped nature makes a positive contribution to the character and appearance of the area, provides a visual break in built development, and reflects the building line of Longlands Close.
7. I acknowledge that the proposed dwelling would be lower in height and subordinate to those immediately surrounding it. Although it would have a front gable facing Crossbrook Street, this would have a much lower and shallower pitch than those currently seen on each corner of Longlands Close. The ground floor flat roof projection to the front would also be out of character with the Crossbrook Street frontage. Due to the scale of the dwelling and its proximity to the site boundaries, it would appear cramped on this small but prominent corner plot. The design of the dwelling would not reflect its surroundings. The proposal would also result in a loss of space that would harmfully detract from the street scene.
8. I therefore conclude that the proposal would cause harm to the character and appearance of the area. Consequently, it would not accord with Policies DSC1 and CH4 of The Broxbourne Local Plan (June 2020) (the local plan), which require amongst other things that development proposals enhance local character and distinctiveness, taking into account existing patterns of development, urban form, building typology and details, building lines and setbacks. Proposals should also improve the environmental quality and attractiveness of the Old Cambridge Road Corridor in terms of streetscape and historic environment. The proposal would also conflict with Policy ORC3 of the local plan which states there will be a presumption against the loss of amenity spaces unless that space no longer provides a visual break within the local area. This policy is not restricted to public amenity spaces.

Setting of Listed Building

9. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
10. The Council's reasons for refusal do not specifically refer to any effect of the proposed development on the setting of No.75 Crossbrook Street, which is a Grade II listed building. However, the Council Officer's report does suggest there would be some harm.
11. No.75 Crossbrook Street comprises a dwelling that is thought to date back to the 17th century, albeit with many later additions and alterations. It is located on the opposite corner of Crossbrook Street and Longlands Close to the appeal site. It is set back from Longlands Close but has a principal elevation facing this and the appeal site.
12. Although the appeal proposal would be visible from the listed building and would be viewed within the same street scene, this does not necessarily mean that the setting of the listed building would be harmed. Given that the listed building is located on the opposite side of Longlands Close and is set back within a generous and enclosed plot, I do not consider that the setting within which the listed building is enjoyed would be harmed.

13. I therefore conclude that the proposal would preserve the setting of the listed building.

Living conditions

14. The proposed two-storey dwelling would be sited up to the boundary of No.69 Crossbrook Street. The side elevation of No.69, which is less than 8 metres from the boundary with the appeal site, contains multiple windows to habitable rooms.
15. I have been provided with different internal room layout plans for No.69. Those submitted on behalf of the occupiers of No.69 and by the Council show that the side windows in the ground floor apartment are the only windows to the lounge area. The front window serves the kitchen/dining area. I acknowledge the open plan layout of the apartment and the presence of another window to the front of the property. However, this would not outweigh the loss of outlook from the lounge windows that would result from the over dominating, vast expanse, height and massing of the proposed dwelling and its unacceptably close proximity to the neighbouring windows.
16. I therefore conclude that the proposal would cause harm to the outlook of occupiers of No.69 Crossbrook Street. Consequently, it would not accord with Policy EQ1 of the local plan, which requires amongst other things that development avoids detrimental impacts on the occupiers of neighbouring properties in terms of outlook.

Other Matters

17. The Council's refusal notice refers to Supplementary Planning Guidance (SPG). However, as I have not been provided with a copy of the SPG or confirmation of its age and status, it has not informed my decision.
18. My attention has been drawn to other planning permissions that I am advised have been granted for a proposal with obscure windows and no outlook, for a new building adjacent to a listed building, and for the enclosure of an open space to form garden land. I do not have the full details of these cases and in any event, I have determined this case on its own merits. The change of use of the site to garden land would retain its open character and appearance and would not be comparable to the construction of a two-storey dwelling. The photograph included at Appendix 6 of the appellant's case shows a new development that reflects the scale and siting of the historic building on the opposite corner, that would not be the case with the appeal before me.
19. I acknowledge that the proposal would make effective use of urban land, as well as providing a much needed starter home, in an area that is well served by services and facilities, including public transport. However, these benefits would not outweigh the harm I have identified and the conflict with development plan policies.

Conclusion

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

R Bartlett

INSPECTOR