



Appeal Decision

Site visit made on 21 November 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/W1905/W/23/3322232

Land adjacent to 69 Crossbrook Street, Cheshunt 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 07/22/1087/F, dated 15 November 2022, was refused by notice dated 9 May 2023.
 - The development proposed is erection of a single storey Class E office unit with one parking space, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised version of the National Planning Policy Framework (the Framework) has been published on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. Reason for refusal 1 refers to harm to the living conditions of occupants to the south of the site. No other properties are specifically mentioned in the Council's case relating to this issue. I have therefore determined the appeal on this basis. As a result, the main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of occupants of 69 Crossbrook Street (No 69), having particular regard to outlook.

Reasons

Character and appearance

4. The appeal site forms part of the Old Cambridge Road Corridor, which consists of a mix of historic and modern architecture. The site is located adjacent to the junction of Crossbrook Street and Longlands Close. Longlands Close is a cul-de-sac comprising of residential properties, a primary school and pre-school. The area is characterised by a mix of uses including residential, commercial and

educational. The buildings adjacent to the appeal site are in residential use and are predominantly two storeys in height, with accommodation in the roof. Opposite the site are a row of modest sized terraced properties, which are traditional in form.

5. The appeal site is enclosed by a low close boarded fence and is predominantly covered in grass. The site is in private ownership and not publicly accessible. Nevertheless, its undeveloped nature provides a visual break within an otherwise densely built up urban environment and contributes towards providing a green and open approach to Longlands Close. Although, I appreciate that the site's contribution has been diminished by the installation of boundary fencing, the fence is low in height and the soft landscaping within the site remains visible from the public realm. At the time of my site visit, the landscaping within the appeal site was somewhat overgrown; however, this is more a matter of maintenance to which I give limited weight. Overall, the open and green character of the appeal site makes a positive contribution to the character and appearance of the area.
6. Policy ORC3 of the Broxbourne Local Plan 2018-2033 (the Local Plan), adopted in June 2020 states that there will be a presumption against the loss of amenity spaces unless that space no longer provides an amenity to the local area and/or a visual break within the local area. This policy is not restricted to public amenity spaces.
7. The proposed office building would be single storey in height, with a pitched roof. It would be modern in appearance, with large areas of glazing on both elevations that face the street. It would be sited further back in its plot than the properties either side on Crossbrook Street, which would minimise its visual prominence in long distance views along this street. However, it would appear highly visible when approaching this junction and result in the loss of a visual break in the street scene.
8. While the pitch of the roof and gable features seek to reflect elements of the architecture of nearby buildings, the proposed building would be considerably smaller in size and lower in height than adjacent properties. I appreciate that development further down Longlands Close is typically smaller in scale; however, the proposal would be viewed in the context of the adjoining buildings which are far larger. The size, design, siting and large expanse of glazing would result in a building that would fail to respect the architectural character of adjacent buildings and the scale and pattern of development in the area.
9. Although the proposed building would be set in from the boundary with Longlands Close, it would be sited closer to the footway than other buildings within the cul-de-sac. The proposed development would be significantly taller and more oppressive in appearance to users of the footway than the existing low fence.
10. I recognise that the appellant is not obliged to keep the area of land as grass; however, there are no alternative hard or soft landscaping schemes before me to consider. Nevertheless, even if the grass were removed, the open character of the site would remain. The removal of the existing fence and retention of an area of open space at the corner of the junction, would not mitigate the harm that I have identified.

11. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would conflict with Policies CH4, DSC1 and ORC3 of the Local Plan. These policies among other things require that proposals seek to improve the environmental quality and attractiveness of the Old Cambridge Road Corridor, that proposals enhance local character and distinctiveness and that there is a presumption against the loss of amenity spaces that provide a visual break within the local area.
12. Policy EQ1 of the Local Plan is not relevant to this main issue as it relates primarily to the living conditions of occupiers of neighbouring properties. While reason for refusal 1 references the Council's Borough-Wide Supplementary Planning Guidance (SPG) adopted August 2004 (updated 2013), my attention has only been drawn to matters relating to living conditions within the SPG, which are not applicable to this main issue.

Living conditions

13. No. 69 is divided into flats. The ground floor flat has two windows on its side elevation facing the appeal site, which currently look out over a driveway and parking area. The appellant advises that these windows serve a lounge/dining room and that this room is also served by a larger window on the front elevation of the property. This is not disputed by the Council or by third parties.
14. The proposed building would be set in slightly from its shared boundary with No 69 and would be visible from the side windows of No 69. However, given the distance between these windows and the proposed development; the intervening driveway and parking area; and, the fact that the proposal would be single storey in height, with a pitched roof sloping away from the shared boundary, means that the proposal would not result in a detrimental loss of outlook to No 69. As a result, a reasonable outlook would be retained from these windows.
15. I acknowledge that the distance between the windows on No 69 and the proposed building would be less than that specified within the SPG. However, the objective of this part of the SPG is to ensure a reasonable outlook is retained and I find that the proposal meets this objective.
16. For the reasons given above, I conclude that the proposed development would not be harmful to the living conditions of occupants of No 69, having particular regard to outlook. The proposed development would comply with Policy EQ1 of the Local Plan. This policy among other things requires that development avoids detrimental harm to the outlook of neighbouring properties. The proposal would also comply with the SPG, which seeks to ensure a reasonable outlook is retained.
17. Policies CH4 and DCS1 of the Local Plan are not applicable to this main issue as they relate primarily to design and character and appearance.

Other Matters

18. The appeal site forms part of the setting of a Grade II listed property, known as White Cottage, which is located on the opposite side of Longlands Close. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to

the desirability of preserving the setting of the listed building in the determination of this appeal. The significance of White Cottage insofar as is relevant to this appeal derives from its historic architecture, gable end to the road and distinctive white painted stucco. Given the distance between the listed building and proposed development; the intervening road infrastructure and boundary treatment, the proposal would not harm the setting and therefore the significance of this listed building.

19. The proposed office building would be sited in an accessible location and make effective use of the land. Furthermore, it would provide an employment use, which would have economic benefits. However, these benefits do not outweigh the harm that I have identified and the conflict with development plan policies.
20. While I note that the planning application was initially recommended for approval by the Case Officer, this does not alter my overall findings.

Conclusion

21. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR