



Appeal Decision

Site visit made on 17 June 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/W1905/W/23/3331846

Land Adjacent to 69 Crossbrook Street, Cheshunt, Herts, EN8 8LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by G Ricotta (Ludgate Property Development Ltd) against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0645/F.
 - 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.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and,
 - The living conditions of neighbouring residents at 69 and 69B Crossbrook Street with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site lies at the junction of Crossbrook Street and Longlands Close. It is a prominent site in the street scene, creating a visual gap seen against the neighbouring properties at 69 and 69B Crossbrook Street. The site is enclosed by a low fence, but for passers-by on the pavement alongside the site it is a small area of undeveloped green space, complementing the bank of established trees and planting on the opposite side of Longlands Close.
4. Crossbrook Street is part of the Old Cambridge Road corridor. This stretch of road between Turners Hill and Waltham Cross is targeted for improvement of its environmental quality and attractiveness in accordance with policy CH4 of the Broxbourne Local Plan (the LP). Policy DSC1 of the LP further seeks, wherever possible, that development enhance local character and distinctiveness. LP policy ORC3 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.
5. Although fenced in, the site remains open and provides a balance with the landscaping opposite at the entrance to Longlands Close from Crossbrook

Street. The introduction of a building, car and cycle parking and a refuse store would substantially reduce its contribution to the street scene.

6. The appellant suggests that the character of the site would be enhanced by the removal of the fencing and introduction of an ornamental feature to the retained green space. This could be secured by an appropriately worded condition, if I were minded to allow the appeal. However, the value of the site derives in part from its depth along Longlands Close. The development of a significant part of what is already a relatively modest piece of land would result in a substantial reduction of the contribution that it makes to the local street scene. This would not be outweighed or balanced by the suggested landscaping or introduction of an ornamental feature to the retained space.
7. The proposed development would therefore be harmful to the character and appearance of the area. It would conflict with the purposes of policies CH4, DSC1 and ORC3 of the LP which are identified above.

Living conditions

8. No 69 Crossbrook Street lies to the south of the site and has 3 ground floor windows facing towards it across a driveway and parking area. These windows are clear glazed, and while one is a high-level window it appears that they each serve habitable rooms.
9. No 69B is a building comprising flats some of which face towards the appeal site. The front of the building has several windows which overlook the appeal site at an oblique angle.
10. The principal element of the appeal proposal is a single storey building with a low-pitched roof. The building would be set at the same ground level as No 69. The council's Borough-Wide Supplementary Planning Guidance recommends a minimum separation distance of 12 metres between the main windows of a habitable room and a blank wall of an adjoining property. However, I am mindful that this is guidance provided with the intent of securing acceptable outlook for occupiers. In this instance the combination of the proposed building's relatively modest height and footprint together with the separation distance from the nearest windows to 69 and 69B would result in limited impact to the outlook of neighbouring occupiers.
11. Overall, therefore, the proposal would not be harmful to the living conditions of neighbouring residents. It would therefore accord with policy EQ1 of the LP. This requires, amongst other criteria, that new development avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties.

Other Matters

12. 75 Crossbrook Street is a Grade II listed building. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had special regard to the desirability of preserving the building or its setting. No 75 is a white rendered cottage and I consider its historic significance derives principally from its age and architectural character. It is separated from the appeal site by Longlands Close and the bank of mature trees that stands between No 75 and the road. It is common ground between the main parties that the development would not be harmful to the setting of No 75. Given the distance and clear visual separation I see no reason to disagree.

Planning Balance

13. The proposal would create an employment use in a sustainable location served by public transport. Given the scale of development, the number of jobs created by the development would be small, and this benefit therefore only attracts limited weight in favour of the proposal.
14. I have had regard to 2 recent appeal decisions¹ on the site to which my attention has been drawn, especially the more recent decision given it related to a similar proposal. I note the changes made by the appellant to attempt to address the issues identified with that scheme by my colleague Inspector. Be that as it may, I have determined this appeal on the proposal before me and have found that it would be harmful to the character and appearance of the area.
15. This harm would not be outweighed by the limited benefits associated with the creation of a small number of jobs at the site.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

M Chalk

INSPECTOR

¹ APP/W1905/W/22/3311472 dated 22 June 2023 and APP/W1905/W/23/3322232 dated 21 November 2023