



Appeal Decision

Site visit made on 18 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/W1905/W/24/3337689

5-6 The Precinct, High Road, Broxbourne, Hertfordshire EN10 7HY

- 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 Easy UK World Ltd against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0865/F.
 - The development proposed is a single storey front extension with retractable roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents include revised floor plans and elevations omitting the seating area within the extension. The planning appeals procedural guidance¹, confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
3. However, in this case, the change is modest and the revised plans were submitted in response to noise concerns raised by the Council. The parties have had the opportunity to comment on this information through the appeal process. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content. For the avoidance of doubt, my decision on this appeal is based on the revised plans.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site, which is occupied by a grocery store, is a mid-terrace unit located within a parade of other commercial premises with residential accommodation above. The Precinct is a wide, pedestrianised area, which is interspersed with hard and soft landscaping such as low height brick walls with railings, walkways and planters. Two large buildings enclose The Precinct at the sides, creating a focused communal space. While some shops, including the site, are set behind the low height brick walls with railings, fully enclosed front extensions are not characteristic of the parade, so the shop frontages appear

¹ Procedural Guide: Planning appeals – England.

flush. For these reasons, the street scene has an open, attractive public square character.

6. The proposal would introduce a front extension into the street scene and infill the space between the shop front and the brick wall with railings. While the extension would have a light aluminium frame, retractable roof and clear glazing, due to its siting, it would protrude notably into this public open space. Given the see through nature of the railings together with their modest height, they would offer limited screening, so the proposal would appear conspicuous within the public realm. Consequently, by virtue of its size and siting, the extension would reduce the uncluttered space within the public realm, markedly at odds with the spacious and open design of The Precinct.
7. While the nearby restaurant has an awning, its frontage is not fully enclosed and, in addition, it is in a corner, so in a less prominent location than the site. Although at the time of my site visit there were some tables and chairs outside a nearby coffee shop, the frontage of this unit is not fully enclosed. As such, I do not find that the proposal would be justified by these nearby premises.
8. Due to the wide pavement, the proposal would be unlikely to impede pedestrian activity. However, this would not overcome the harm to the character of the area by reason of its size and siting.
9. For the reasons above, I conclude that the proposal would have a harmful effect on the character and appearance of the area, contrary to Policies DSC1, DSC2 and DSC3 of the Broxbourne Local Plan 2018-2033. Amongst other things, these policies seek to ensure that development enhances local character and maintains uncluttered spaces.

Other Matters

10. The appellant references some policies of the London Plan 2021. However, the Council has confirmed that this plan is not applicable to Broxbourne. As such, I do not find these policies to be relevant in the context of this appeal.

Planning Balance and Conclusion

11. The proposal would support a local business and I am mindful that significant weight should be placed on the need to support economic growth and productivity. The scheme would contribute to the viability and vitality of the commercial offer in the area and would remain an active frontage. Further, it would allow the appellant to display fruit and vegetables within an internal space and would improve the customer experience. These benefits attract moderate weight in favour of the proposal, but do not outweigh the harm to the character and appearance of the area arising from the proposed extension.
12. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR