
Appeal Decision

Site visit made on 2 September 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Reference: APP/W1905/W/24/3342614

Land at Melvyn Close, Goff's Oak, Waltham Cross EN7 5RR

- 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 Mr. N. Taran against the decision of the Council of the Borough of Broxbourne.
 - The application reference is 07/24/0111/F.
 - The development proposed is described in the application form as the construction of one new-build, three-bedroom, detached house.
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Decision

1. The appeal is dismissed.

Preliminary Point

2. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". The main parties have been given an opportunity to comment. Government policy emphasises the need for new dwellings and I accept that these publications are material to this appeal. I have given them significant weight, although they have not altered the outcome of the appeal.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

4. The appeal site is located in a residential area in the northern part of Goff's Oak, off Newgatestreet Road, which is a significant road that leads northwards away from Goff's Oak. The immediate surroundings are characterised by residential development in a suburban setting, and Melvyn Close is set with conventional two-storey dwellings, predominantly in the form of semi-detached houses, with modest front gardens and larger back gardens.
5. Melvyn Close is a short cul-de-sac, to the east of Newgatestreet Road, with an open space at its far end. There is a wide area of open land to the east of the

Close, beyond a substantial hedge, but this land has a very different character and is clearly outside the built up area of Goff's Oak. The hedge continues alongside the public footpath that links the end of the Close (and the open space) to Crouch Lane and it marks the edge of the built up area in the vicinity of the appeal site.

6. The open space in Melvyn Close makes a positive contribution to the appearance and quality of the Close and it is evidently cared for. It has ornamental trees set in a tended, grassy area and decorative lights have been attached to some trees at least.
7. It is now proposed to construct a new detached house on part of the existing area of open space, retaining the remainder as amenity land.
8. The 'National Planning Policy Framework' (which was revised in December 2023) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change). Nevertheless, it is also recognised that appropriate change may include increased densities.
9. Of course, the aim of achieving good design standards includes protecting existing residential amenities as well as providing good standards of accommodation in new dwellings.
10. The 'Broxbourne Local Plan' (which is dated June 2020) forms part of the Development Plan and it also promotes these basic principles. Notably, Policy DSC1 is aimed at encouraging "a high standard of design for all development". Policy ORC3 is specifically aimed at protecting amenity spaces, "unless that space no longer provides an amenity to the local area and/or a visual break within the local area".
11. In this case, the existing open space has a well-used appearance. It is set with ornamental trees and laid to grass which has clearly been maintained. In the representations, some points have been made about formal rights over the land but it is not for this decision to determine such land ownership matters. Nevertheless, the open space evidently provides a local amenity in planning terms.
12. In any case, the open space provides a significant visual break within the townscape, even though the trees on the land are not currently protected. It relieves what would otherwise be a somewhat bland suburban streetscene and it creates an important feature for the locality. Even though it lies at the end of the cul-de-sac, with open land beyond, it is bounded by a belt of dense vegetation. The loss or significant reduction of the open space would cause real harm to the character and appearance of the surroundings and would harm the existing environmental quality and attractiveness of Melvyn Close itself.
13. Thus, the proposed development would be contrary to national policies and to the Development Plan. Specifically, would conflict with Policies DSC1 and ORC3 in the 'Broxbourne Local Plan'.

14. The appeal site lies within an established urban area, which is “sustainable” in planning terms. The proposed new house would be modest in scale and a smaller area of open space would be retained as part of the overall scheme, to the rear of and alongside the new house. Moreover, it is acknowledged that there is a general need for new houses, which weighs in favour of the appeal. Nevertheless, the significantly harmful impact of the proposed development on the surroundings would not be outweighed by the creation of a single new dwelling in this case and I have concluded that the scheme before me ought not to be allowed.
15. In reaching my conclusions, I have considered all the matters that have been raised in the representations, including, for example, the implications for traffic generation and the impact of the proposal on the amenities of nearby houses. I have found nothing to cause me to alter my decision, however.

Roger C. Shrimplin

INSPECTOR