



Appeal Decision

Site visit made on 20 January 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/W1905/W/24/3349434

Land Adjacent 37 Lammasmead, Wormley, Hertfordshire EN10 6PF

- 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 Pascucci (BroxProp Ltd.) against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0807/F.
 - The development proposed is removal of trees and construction of 1 x detached house with associated parking and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a complete site address, nor an accurate description of the site. I have therefore used the site address given by the Council in its decision notice in the banner heading above.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not materially affect the main issues in this case, the parties have not been invited to comment on this. References in this decision to the Framework relate to the most recent version.

Main Issues

4. The main issues are whether the proposed development would result in a loss of open space, whether this is justified and the effect of this loss on the amenity of the locality.

Reasons

5. The appeal site is set within a mid-to-late twentieth century housing estate formed of a mix of dwelling types. These range from flat blocks to terraces and detached houses. The properties are arranged in and amongst various areas of open green space in the form of wide verges, pocket parks, along wide footpaths and between homes. The appellant nominates that there are 15 of these areas in total and I find no reason to disagree with this assessment. These various spaces offer articulation to the estate and provide a pleasing and green open aspect to numerous areas. They further enhance pedestrian linkages and permeability between the various vehicular cul-de-sacs. The appeal site is one of these areas of open spaces between two houses at 37 and 39 Lammasmead.

6. Policy ORC2 of the Broxbourne Local Plan 2020 (BLP) sets out that open spaces, sport, recreational and leisure facilities, including playing fields, allotments and children's play areas, including but not limited to open spaces listed in Appendix A, will be protected from development. The schedule at Appendix A does not list Lammasmead but nevertheless, having regard to the wording of the policy, this is not determinative. The policy sets out that exceptions to this can include where an assessment has been undertaken, which clearly shows the open space, facility, buildings or land to be surplus to requirements. Policy ORC3 of the BLP further sets out that there will be a presumption against the loss of undesignated amenity spaces unless that space no longer provides an amenity to the local area and/or a visual break within the local area. Although it was not referenced by either party, I have also been mindful of paragraph 96 of the Framework that establishes that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, inter alia, promote social interaction, allow for easy pedestrian and cycle connections within and between neighbourhoods and encourage the active and continual use of public areas.
7. The site is an important component of the design and layout of this estate. It provides a visual break, variation in the street scene and a pleasing form of green space that contributes to the overall character of the estate. It comfortably falls within the ambit of policies ORC2 and ORC3 of the BLP. Whilst being a relatively small area, representing just 4% of the 4,290 square metres of open space within the estate, this does not reduce its importance in a local context for immediate neighbours or in the wider area. That similar spaces exist nearby is an unpersuasive argument as it is the value of these spaces both individually and in cumulation that give them this value.
8. Whilst a small gap would be retained for the footpath to the side of the house, this is a notable reduction in open amenity space and would result in the loss of this pleasing area between neighbouring homes. In pure design terms, the proposed dwelling would harmonise with other properties in the street, but this does not overcome the harm created through the removal of the open space.
9. The amenity space is clearly used as there were swings and other informal recreational items present at the time of my site visit. I have noted the evidence and photos provided by neighbours that show this and, even if this was a staged event as has been suggested by the appellant, it does not change that this is evidence of community attachment to it and its value having regard to paragraph 96 of the Framework. In any case, were it not used in this manner, it still contributes from a pure visual perspective and as part of the functional connection between Lammasmead and Buryholme. Residents have highlighted the importance of it in providing a linkage between homes and as a walking route to the local school.
10. I have considered the proximity of the Lea Valley Regional Park and other areas of recreational open space and woodland which are available within a short walking distance of the site. Whilst these are invariably a valuable resource, their function and nature are different insofar as they are too distant to allow for casual exercise, informal recreational or play by children in a semi-supervised context that is close to homes.
11. Overall, I find that the site does form an area of undesignated amenity space which serves the local community and provides an important visual break and an

area of green space in the street scene. Its small contribution to the estate as a whole does not dilute its value and its loss would be of significant detriment to the amenity of the locality. The existence of other areas of similar, and indeed larger, areas of open space nearby do not justify its loss and as such the proposed development fails to comply with policies ORC2 and ORC3 of the BLP.

12. The Sycamore tree on the site is not, in its own right, a high value specimen being multi-stemmed and somewhat unmanaged. However, despite highlighting the proximity to number 37, the Arboricultural Report does not suggest that the tree needs to be removed unless this is required to make way for the proposed dwelling. Any safety concerns regarding the condition of the tree could be rectified by management, replacement or removal and does not form a justification for the construction of a new dwelling that would remove the open space in its entirety.

Other Matters

13. Neither party has made reference to the housing land supply for the Borough, performance against the Housing Delivery Test or other provisions of the Framework. Even so, the proposal would offer some benefits insofar as there would be a net increase of one dwelling within an established built-up area and potential social, economic and environmental gains. However, such gains would not offset the harm I have identified above.

Conclusion

14. 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.
15. The appeal is dismissed.

N Bowden

INSPECTOR