
Appeal Decision

Site visit made on 19 May 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/W1905/W/25/3361515

1 Southmead Crescent, Cheshunt, Hertfordshire EN8 8UT

- 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 Turfan Arslan against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0951/F.
 - The development proposed is rebuilding and relocation of boundary wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site comprises a dwelling located on the corner of Southmead Crescent with Russells Ride, in a predominantly residential neighbourhood. The rear garden of the appeal site is flanked by the garden of 144A Windmill Lane (No. 144A) to the north and is defined by a high brick wall to the west. This wall sits alongside a strip of grassland, devoid of development, adjacent to the public footpath of Russells Ride and follows the same alignment as the fence which bounds the garden of No. 144A. This grassland extends north beyond the appeal site adjacent to No. 144A and accommodates two concrete bollards just north of the appeal site. On the opposite side of Russells Ride is a wider, tree lined grass verge.
4. Whilst in isolation the strip of land is not remarkable, together with the tree lined verge opposite and the remainder of the grassland strip to the north, they provide a pleasant entrance to the neighbourhood from the north. Similar grassed verges are prevalent alongside the highway further south. These verges, in addition to the distinct lack of frontage boundary treatments on many plots, coupled with occasional tree planting, provide a sense of spaciousness and visual relief to the surrounding built form, giving the area an open, verdant character and appearance. Whilst not all of these green spaces are useable amenity spaces, they do in combination perform an important visual function of contributing to the sense of place.
5. The appeal proposal would enclose the strip of grassland alongside the western boundary of 1 Southmead Crescent, with a wall of the same height as existing, incorporating it within its garden. The proposed wall immediately adjacent to the

hardstanding of the footpath, would erode the verdant sense of spaciousness in this prominent location. Moreover, the new alignment would also disrupt the linear strip of grassland on this side of the road by visually severing it into two. This would leave the strip adjacent to No. 144A open, in stark contrast to the appeal site. This would result in a jarring, visually incoherent and awkward arrangement of boundary treatments in the public realm, diminishing the spatial and verdant qualities of the area.

6. I therefore find the proposal would harm the character and appearance of the area. It would be in direct conflict with Policy DSC1 of The Broxbourne Local Plan (2020) (Local Plan). Amongst other things, this expects a high standard of design that, where possible, enhances local character and distinctiveness, takes into account existing patterns of development including building lines and other setbacks and landscaping. It also conflicts with Policy ORC3 of the Local Plan which sets out a presumption against the loss of amenity spaces unless the space no longer provides an amenity and/or a visual break within the local area.

Other Matters

7. My attention is drawn to a number of examples of what the appellant considers to be similar decisions that support their case. Limited information has been provided. However, it appears that many of the examples cited were given consent under a previous development plan years ago and unlike the appeal site, do not share the same prominent context. Whilst more prominent than the others, unlike the appeal before me, the example at 36 Southmead Crescent¹ does not appear to have changed alignment. Therefore, I do not find that these examples are directly comparable based on the evidence. These examples coupled with my observations on site of the wider area, have not altered my findings.
8. The proposal would provide for an enlarged garden, although it is not before me that the existing garden is inadequate in size. This would be a private benefit to the occupants of the dwelling which does not outweigh the public harm identified in respect of character and appearance.
9. The poor structural state of the wall is cited in support of the appeal. Whilst the appellant indicates the existing wall is a safety risk, the wall appears stable and it was not immediately obvious on site that there is an imminent risk of collapse. Nevertheless, this appeal does not prevent the wall from being rebuilt on the same alignment to remedy any defects.
10. Anti-social behaviour has also been given as a reason why the appeal should be supported, albeit with limited evidence to demonstrate this. Even so, this would unlikely have persuaded me to alter my findings as it is a matter that could be repeated elsewhere to the detriment of the character and appearance of the area, when other remedies exist to tackle such issues.
11. Finally, the imposition of conditions would not overcome the fundamental harm I have identified in respect of the harmful effect of the development on the character and appearance of the area.

¹ Pictures 5a & 5b in the statement of case

Conclusion

12. For the reasons given above the appeal is dismissed.

C Walker

INSPECTOR