



Appeal Decision

Site visit made on 10 June 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2025

Appeal Ref: APP/W1905/W/25/3362296

Land Adjacent 36 Garner Drive, Turnford EN10 6AS

- 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 S Miroiu (C/o Ken Judge & Associates Ltd) against the decision of Borough of Broxbourne Council.
 - The application Ref is 07/24/0579/F.
 - The development proposed is construction of a detached two-bedroom dwelling with amenity/garden space, cycle storage and refuse area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the local area.

Reasons

3. The site is an area of open grass with a single small tree located between the side wall of 36 Garner Drive and the public highway. The proposal is seeking a single detached dwelling on this space.
4. Within the wider street scene there are several areas of grassed spaces with a variety of different sized trees, with two of these spaces being found on the opposite side of the road. These green spaces range from enlarged verges to small areas of public open space that create a sense of openness that makes a positive contribution to the character and appearance of the local area.
5. From the information provided within the appeal, the space is an undesignated amenity space and not a Local Green Space as defined with the National Planning Policy Framework (Framework). While the site is a relatively small area of open space it serves to provide an important visual break in the street scene and could provide a small area of informal play space for children.
6. While there are other spaces of various sizes in the local area, this does not materially diminish the importance that this space. Most specifically as a space that creates an important visual gap in built form in the street scene.
7. The dwellings in the local area are all a similar architectural style and form blocks of terrace properties, though noting that some of these terrace blocks have an almost semi-detached dwelling appearance. The dwellings are set back from the public highway either by areas of soft landscaping or by driveways located in front

of the dwellings. The dwellings in the street scene have regular building lines that generally form either a relatively straight line or regular pattern.

8. In the Council's reason for refusal, it states that the bulk, scale and location causes the harm to the street scene. However, in the officer report the Council's argument focuses on its location and layout and accepts that the design is generally sympathetic with the local area.
9. The proposed dwelling is of very similar design to the adjacent property of 36 Garner Drive, which is of similar design to many other dwellings in this street. Given this the bulk and scale of the proposal on their own are not considered to be detrimental to the overall character and appearance of the street scene.
10. The side wall of the dwellinghouse of 36 Garner Drive is approximately in line with the front wall of the dwellinghouse of 38 Garner Drive, which is typical of the layout of the dwellings in the local area. The proposed detached dwelling would unduly disrupt this building line and by being detached, as well as being immediately adjacent the public highway, it would create an unduly prominent and incongruous feature in the street scene. In addition, the loss of a substantial amount of the soft landscaping in the street scene would erode the openness of the area. The maintaining of the existing tree and the potential for additional landscaping does not overcome the overall loss of this green space.
11. It is concluded that the proposal would cause harm to the character and appearance of the street scene. On this basis the proposal does not comply with Policies DSC1 and ORC3 of the Broxbourne Local Plan 2020 (Local Plan), which seek a high standard of design that enhances local character and distinctiveness taking into account existing pattern, building lines, landscaping and increasing access to public open space; and protect amenity spaces that still provide for the local area and/or form a visual break.

Planning Balance

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
13. The Council accepts that they cannot demonstrate a deliverable five-year supply of housing land as required by Paragraph 78 of the Framework. In a recent appeal decision¹, the Inspector found there to be a 4.5 years supply. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
14. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan, with the harm to the character and appearance of the area. For these reasons, the proposal conflicts with the

¹ Appeal Decision APP/W1905/W/22/3300254

development plan as a whole and should be refused unless other material considerations indicate otherwise.

15. The Framework promotes residential development in sustainable locations. The benefit of the single dwelling in supporting both services within the settlement is limited. There are also likely limited economic benefits during the construction phase.
16. However, I have concluded that there would be significant harm on the character and appearance of the area that significantly weighs against the application.
17. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

18. For the reasons set out above the appeal does not succeed.

A Phillips

INSPECTOR