# The Planning Inspectorate

Further information on us and the planning appeal system can be found on our website www.planning-inspectorate.gov.uk

For official use only (Date received)

19-Jun-2011 19:29

# PLANNING APPEAL FORM (Online Version)

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application). Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not

received by us within the 6 month period, the appeal will not be accepted.

APPEAL REFERENCE: APP/C1950/A/11/2155240

# A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Appollo Consultants

Address Herewood House, 288 Southbury Road

Phone no.

ENFIELD Middlesex

Fax no

Postcode EN1 1TR

E-mai

Please confirm how you wish to correspond with us:

Electronically, via the email address specified above 🗸

On paper, by post.

# B. AGENT DETAILS FOR THE APPEAL (if any)

Name Osman Ismail

Address 2 Helena Close Hadley Wood

Your reference Cuffley/01

Phone no. 0208 8041022

Fax no. 0208 8042875

Postcode EN4 0JA

E-mail

Please confirm how you wish to correspond with us:

Electronically, via the email address specified above

On paper, by post.

# C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA

Welwyn Hatfield Council

LPA's reference number \$6/2011/0413/FP

Date of the planning application

04 Mar 2011

Date of the LPA's decision (if issued)

16 Jun 2011

# D. APPEAL SITE ADDRESS

Address LAND ADJACENT TO FLATS AT 37- 48 LAMBS CLOSE CUFFLEY HERTS

Postcode

Grid Reference: Easting 0530629 Northing 0202486

Is the appeal site within a Green Belt?

YES

NO 🗸

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES NO ✓

# E. DESCRIPTION OF THE DEVELOPMENT

Area of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

0.06

650

Has the description of the development changed from that stated on the application form?

YES NO ✓

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

ERECTION OF 1 PAIR SEMI DETACHED DWELLINGS WITH ASSOCIATED

PARKING FOLLOWING THE CHANGE OF USE OF THE LAND FROM PARKING,

INCLUDING THE DEMOLITION OF EXISTING GARAGES (WITH THE EXCEPTION

OF THE REAR WALLS) AND REMOVAL OF EXISTING HARD STANDING

# F. REASON FOR THE APPEAL

# This appeal is against the decision of the LPA to:-

Please tick one box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E.
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G.	CH	IQICE OF PROCEDURE					
There caref	are ully v	3 possible procedures:- written representations, hearings and inquire which method suits your circumstances before selecting your preferred.	ies. Yo ed optio	u sho n by t	uld co cicking	nsider the box.	
1.	THE	WRITTEN REPRESENTATIONS PROCEDURE				✓	
	This is normally the simplest, quickest and most straightforward way of making an appear written procedure is particularly suited to small-scale developments (e.g. individual house small groups of houses; appeals against conditions or changes of use).						
	Plea	se answer the questions below.					
	a) b)	Could the Inspector see the relevant parts of the appeal site sufficient to judge the proposal from public land?  Is it essential for the Inspector to enter the site to check measurement.		YES		NO	
	-,	or other relevant facts?					
		If so, please explain below or on a separate sheet.					
		Inspector may want to view the site and trees subject	t to 1	ГРО			
2.		HEARING PROCEDURE					
	This procedure is likely to be suited to more complicated cases which require detailed discussion the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters alrepresented in the written statements and supporting documents. Although you may indicate a proposed in the Inspectorate must also consider that your appeal is suitable for this procedure.						
	Plea	se answer the question below.					
	a)	Is there any further information relevant to the hearing which you reto tell us about? If so please explain below.	need	YES		NO	
3.	THE	INQUIRY PROCEDURE				_	
	This is the most formal of procedures. Although it is not a court of law the proceedings will often seem be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.						
	Plea	se answer the questions below.					
	a)	How long do you estimate the inquiry will last? (Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)	No. of	days			
	b)	How many witnesses do you intend to call?	No. of	witnes	sses		
	c)	Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Please continue on a separate sheet if necessary.		YES		NO	

# H. GROUNDS OF APPEAL

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ✓ NO

The refusal from the LPA is on the basis of the impact of shading on dwelling 1 and the garden of dwelling 1 by the trees that overlook the site and the overall bulk and design of the building as a whole.

In regard to the bulk and design this apears to be point of refusal added by a committee member at a meeting rather than an LPA consideration. The bulk was not an issue when a previous appeal was heard for permission to build 4 dwellings on the site, neither was the bulk a consideration mentioned when the application was for 3 dwellings. In neither previous case was bulk mentioned by the LPA or the inspector who oversaw the appeals for these previous applications. I suggest that bulk of this scheme which is smaller and hidden behind an existing wall that is to remain as part of the scheme is not unreasonable and should be allowed.

The other point is that in the view of the LPA

"there is loss of sunlight and daylight resulting from their close proximity to this dwelling this loss of outlook and residential amenity is likely to result in future pressure from the occupiers of dwelling 1 for the removal of the protected trees"

BS 8206 is the Code of Practice for lighting, paragraph 5.3 of this standard states that "Interiors in which occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours.

The expert shading analysis report shows that proposed design gives dwelling 1 a minimum of 59% of probable sunlight hours more than double the requirement. This clearly shows that the amenity for dwelling 1 will not suffer through the loss of sunlight and daylight due to shading from these trees.

The other objection centres around the garden area of unit 1 in that because of shading a decent lawn and garden could not be cultivated. There is expert exidence to show that the day light and sunlight to the rear garden of dwelling 1 is more than sufficent to cultivate both a lawn and garden. In fact the rear garden of 31 & 29 Theobalds Road (the site of the trees) is evidence to this. Also the garden and lawn that is in Lambs Close and simply the other side of the garage wall and proposed garden of dwelling 1 is further evidence that shading from the tree will not stop a garden being cultivated.

Turning to the possibility that future occupants could apply pressure to remove the trees. The Trees are protected through TPO, they are not on the same land as the site, their effect on loss of sunlight and daylight is proven to be low, there is no case for their removal and any application could easily be dismissed. I also suggest that future occupants would enjoy rather than try to remove this outlook.

All other aspects of the design meet local policies and guidance including external design layout and appearance, there are no potential loss of light or overlooking issues.

It is appreciated that the previous application that was appealed was for 3 untis and that the inspector felt that the most northerly dwelling of the 3 units could have grounds for feeling overshadowed as the garden was smaller and closer to the trees. This application is for 2 units set 3m further from the trees and each having larger gardens with subsequently less shaded areas.

It is felt that the reduction of the scheme from 3 to 2 units and the movement of the whole proposed building further from the trees and subsequent reduction in shading has addressed these concerned. This is further evidenced by the shading analysis that is provided.

The reason that the planning inspector recommended refusal of the previous scheme is now dealt

Continued on Supplementary Sheet

н.	GROUNDS OF APPEAL (continued)
1	

# I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s). and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick one box only

### **CERTIFICATE A**

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

### **CERTIFICATE B**

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served

# **CERTIFICATES C & D**

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

# I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

### OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name

Address at which the notice was served

Date the notice was served

J.	ESSENTIAL SUPPORTING DOCUMENTS	
You i	must send the documents listed 1-7 below with your appeal form. se tick the boxes to show which documents you are enclosing.	
		<b>✓</b>
1	A copy of the original <b>planning application</b> sent to the LPA.	✓
2	A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA	✓
3	at application stage (this is usually part of the LPA's planning application form).  A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.	✓
4	A <b>site plan</b> (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.	✓
5	Copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application.  The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	✓
	Please number them clearly and list the numbers here or on a separate sheet:	
6	Copies of any <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:	✓
7	A copy of the <b>design and access statement</b> sent to the LPA (if required)	✓
You	ı must send copies of the following, if appropriate:	
8	Additional plans, drawings or documents relating to the application but not previously	
	seen by the LPA.  Please number them clearly and list the numbers here or on a separate sheet:	
9	Any relevant <b>correspondence</b> with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.	
10	If the appeal is against the LPA's refusal or failure to approve the <b>matters reserved</b> under an outline permission, please encose:  (a) the relevant outline application;	
	(b) all plans sent at outline application stage;	
	(c) the original outline planning permission.	
11	If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the <u>original permission</u> with the condition attached.	
12	A copy of any <b>Environmental Statement</b> plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	

# K. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

# L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 6 month time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date 19 June 2011

Name (in capitals) Osman Ismail

On behalf of (if applicable) Appollo Consultants

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement.

### M. NOW SEND

# 1 COPY to the LPA

1 COPY for you to keep

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

# WHEN WE RECEIVE YOUR APPEAL

We will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.
- 4) Tell you about the arrangements for the site visit, hearing or inquiry.
- 5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

# YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

# N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to appeals@pins.gsi.gov.uk. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

# APP/C1950/A/11/2155240

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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* The Documents Listed Below Were Uploaded With The Appeal Form *
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======= ESSENTIAL SUPPORTING DOCUMENTS ========
             01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Planning application + docs
FILENAME:
             PP-01223182.zip
             02. A copy of the site ownership certificate and agricultural holdings
TITLE:
            certificate submitted to the LPA at application stage (these are usually
            part of the LPA's planning application form).
DESCRIPTION: See other documents
             See others.pdf
FILENAME:
            04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development
TITLE:
            and its boundary. This plan should show two named roads so as to assist
            identifying the location of th
DESCRIPTION: Plans including Site Plan
             Application02 Plans.zip
FILENAME:
             05. Copies of all plans, drawings and documents sent to the LPA as part of
TITLE:
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA.
DESCRIPTION: Plans including Site Plan
             Application02 Plans.zip
FILENAME:
             05. Copies of all plans, drawings and documents sent to the LPA as part of
TITLE:
            the application. The plans and drawings should show all boundaries and
            coloured markings given on those sent to the LPA.
DESCRIPTION: Tree survey + draingage
             Application02 Supprting Docs.zip
FILENAME:
             05i. A list of all plans, drawings and documents (stating drawing numbers)
TITLE:
            submitted with the application to the LPA.
DESCRIPTION: List of plans sent to LPA
             List of all plans submitted to the LPA.pdf
FILENAME:
             06. Copies of any additional plans, drawings and documents sent to the LPA
TITLE:
            but which did not form part of the original application (e.g. drawings for
            illustrative purposes).
DESCRIPTION: Shade analysis & report
             Shading02.zip
FILENAME:
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Continued on Supplementary Sheet

SUPPLEMENTARY SHEET						
Grounds of the Appeal (cont	inued)					
with and this new scheme should	d be allowed as it is the best use of this empty site.					

## SUPPLEMENTARY SHEET

# **Appeal Documents (continued)**

TITLE: 07. A copy of the design and access statement sent to the LPA (if

required).

DESCRIPTION: Planning design and access FILENAME: planning statement 1.pdf

======= ESSENTIAL SUPPORTING DOCUMENTS =======

\*\* 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).

planning application form).

\*\* 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.