



Appeal Decision

Site visit made on 20 March 2018

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 April 2018

Appeal Ref: APP/C1950/W/17/3187182

6B Hill Rise, Cuffley, EN6 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Vasos Vasiliou against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/1934/HOUSE, dated 15 September 2016, was refused by notice dated 28 July 2017.
 - The development proposed is described as 'Detached garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted by the Council on 6 April 2016 for '*Retention of detached garage, and alterations to roof to reduce the height*' (Ref 6/2016/0038/HOUSE). The total height of this approved scheme was approximately 3.5 metres. The proposal here seeks to alteration of the garage roof including its change to a crown roof and altering the roof pitch of the side storage/covered area. The Council's officer report indicates that this would result in the height of the garage being roughly 3.9 metres from the highest ground level.
3. I note the comments made by third parties in that they consider the garage was built without permission. I also note the concerns raised by the Appellant in respect of the Council's handling of the proposal. However, my role is to consider the planning merits of the proposal before me, which I have done below.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of adjoining buildings, with specific regard to Nos 7 and 8 Orchard Close.

Reasons

5. During my site inspection, I was able to see that there is a significant and noticeable difference in ground levels between 6b Hill Rise and the dwellings on Orchard Close to the east. The proposal seeks a garage with a total height of around 3.9 metres. However, when this height is considered in the context of

- rear gardens of Nos 7 and 8 Orchard Close, the result is an outbuilding that would dominate the outlook from these properties.
6. This is further exacerbated by the proximity of the garage, which would be very close to the shared boundaries with these dwellings. The Appellant has sought to mitigate the visual impact of the garage through the use of an evergreen *Ilex* style hedge. However, I share the Council's concerns over controlling this hedge in the long term. What is more, such a hedge is unlikely to provide effective long-term screening without either growing to the height of the garage and/or blocking out day and sun light.
 7. The combination of the garages height of 3.9 metres (almost twice the height of a typical close boarded fence panel height), the difference in ground levels to the east which would be especially compounded for the occupiers of No 7 due to the width and length of the garden serving that dwelling, and the proximity to the shared boundary results in a proposal which would have an adverse impact on the occupiers of the dwellings at Nos 7 and 8 Orchard Close. In particular, these features would result in a building which would unduly dominate the outlook from the rear of these dwellings and are likely to unacceptably reduce both sun and day light into them and their gardens.
 8. I therefore conclude that the proposal would have an adverse impact on living conditions of neighbouring occupiers. The proposed development is therefore contrary to Saved Policy D1 of the *Welwyn Hatfield District Plan 2005*, which seeks to ensure high quality design, as supported by the *Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005*. It would also conflict with one of the key principles of the *National Planning Policy Framework* in that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.
 9. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR