



## Appeal Decision

Site visit made on 3 July 2006

by **John Westbrook BSc(Hons) MSc MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date 31/07/06

Appeal Ref: APP/C1950/A/06/2009331

**A1287**

Land adjacent to Flats 1 – 12 Lambs Close, Cuffley, Potters Bar, EN6 4HB.

- 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 Apollo Consultants Ltd against the decision of Welwyn Hatfield Council.
- The application Ref S6/2005/1560/FP, dated 13 December 2005, was refused by notice dated 10 February 2006.
- The development proposed is five two-bedroom terrace houses.

### Procedural Matters

1. The application is described on the application form as five two-bedroom terraced houses. From the submitted plans it would appear that a more accurate description would be four two-bedroom houses and one three-bedroom house. I have dealt with the appeal on this basis.

### Decision

2. I allow the appeal, and grant planning permission for four two-bedroom houses and one three-bedroom house on land adjacent to Flats 1 – 12 Lambs Close, Cuffley, Potters Bar, EN6 4HB in accordance with the terms of the application, Ref S6/2005/1560/FP, dated 13 December 2005, and the plans submitted therewith, subject to the conditions contained in the Schedule below.

### Reasons

3. The appeal site is a plot of land currently occupied by 33 lock-up garages. The site is located on the east side of Lambs Close. To the south of the site is a block of flats and to the north is a row of 8 maisonettes that front onto Station Road. Station Road is a busy shopping street and bus route. The appeal site is located approximately 30 metres from the junction of Lambs Close and Station Road and within about 200 metres of Cuffley Station. The site can be classified as previously developed land and the proposed density of the development approximates to about 50 houses per hectare. For the above reasons, I consider that the proposal meets the main sustainability criteria for new housing developments as outlined in Planning Policy Guidance Note 3: *Housing* (PPG3). The Council accepts that the proposed terrace of houses relate acceptably to the design of neighbouring properties in terms of design, massing and relationship with the street scene. I concur with this view and I find that from this perspective the proposal does not conflict with policies D1 or D2 of the Welwyn Hatfield District Plan (DP) adopted in April 2005 or with the Supplementary Design Guidance (SDG) adopted in February 2005.

4. The proposed dwellings would be situated immediately to the south of the maisonettes numbered 48 – 62 Station Road. The northernmost of the proposed dwellings would appear to be situated some 10.5 metres from the rear elevation of Nos 56 and 58 Station Road at the point of its staircase, with the rest of the northern elevation some 11.5 to 12 metres away. Since this dwelling would be some 0.5 metres below the level of the Nos 56 and 58, and in view of the varied components of this elevation, I do not consider that it would appear over-dominant from the rear of the maisonettes. The Council also raises concerns over possible limitations to sunlight and daylight reaching the maisonettes, but does not present any calculations on this matter. The appellants have provided information on sunlight penetration to Nos 56 and 58. I consider that this information does not adequately take into account the fact that No 56 is a ground floor dwelling with a rear conservatory. Nevertheless, having regard to the height of the proposed dwelling to its eaves, its hipped roof, and guidance in BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice', I am satisfied that the maisonettes would receive adequate sunlight and daylight throughout the year. On this basis, I consider that the proposal would not conflict with policy D1 of the DP or guidance in the SDG.
5. Concern has been raised about the effect of the proposed development on car parking in Lambs Close. The Council acknowledges that the existing garages on the appeal site are not part of the freehold/leasehold interests of the occupiers of nearby flats and there is therefore no means of securing their availability for parking purposes to those occupiers. Furthermore, it would appear that very few of the garages are currently used for parking purposes. Since the provision of car parking spaces within the proposed development meets current parking standards, I am satisfied that the proposal would not significantly exacerbate the existing parking situation in Lambs Close.
6. I have also taken into account comments relating to the removal of trees and shrubs and the effect on property values. However, these issues do not affect my overall conclusions as indicated above.
7. In view of the lack of detail relating to all materials to be used, both in the dwellings and with regard to landscaping, I consider that conditions relating to these issues are necessary in the interests of protecting the character and appearance of the locality. Furthermore, in view of the limited amenity space associated with the proposed dwellings and the proximity to neighbouring properties, I consider that conditions relating to finished levels, boundary treatment, parking provision, windows in the north and south elevations, and restrictions of permitted development rights, are necessary in the interests of the highway safety, and the privacy and visual amenity of the occupiers of neighbouring properties and the occupiers of the dwellings themselves.

*J.D. Westbrook*

INSPECTOR

**Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) Before any construction works commence on site, samples of materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials
- 3) No development shall take place until a landscaping scheme showing details of new trees and shrubs and the programme for their planting, and any existing trees/hedges to be retained, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as approved. If within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 4) No additional windows shall be installed in the first floor north and south flank elevations of the development hereby permitted without the prior approval in writing of the Local Planning Authority.
- 5) The first floor window in the northern elevation of the northernmost dwelling shall be glazed with obscure glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above internal first floor level, and shall be retained in that form thereafter.
- 6) On-site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged in, or having business on the site during construction, in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of works on the site.
- 7) The parking and turning spaces shown on the plans hereby approved shall be provided and marked out prior to the occupation of the development, and shall be retained and kept available for those purposes thereafter.
- 8) Prior to the commencement of the development, plans and details which set out both the existing and proposed levels of the site and the proposed finished floor level of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be implemented in accordance with the approved plans and details, unless the Local Planning Authority gives prior written approval to any variations.
- 9) Prior to the commencement of the development, a scheme showing details of boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order, with or without modification), the provisions of Part 1, Classes A, B, C, D, E and F of Schedule 2 of that Order shall not apply to any dwelling constructed as part of this consent.