

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 16 JUNE 2022  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2021/0079/FULL

8 HILL RISE, CUFFLEY, POTTERS BAR, EN6 4EE

ERECTION OF DWELLING. REVISIONS TO PLANNING PERMISSION  
6/2018/0383/FULL (RETROSPECTIVE)

APPLICANT: MR MOE HARISSA

## **1 Site Description**

- 1.1 The application site is situated on the north-eastern side of Hill Rise and comprises a three-storey detached dwelling (inclusive of habitable roof space) set back from the road behind a large driveway.
- 1.2 This part of Hill Rise slopes steeply uphill from its junction with Sutherland Way/Tolmers Avenue to the junction with Plough Hill and the site is located approximately halfway along this section of the road.
- 1.3 Hill Rise contains chalet style dwellings, two-storey dwellings and three storey dwellings (three storey dwelling being inclusive of habitable roof space) on a similar building line on both sides of the road. Two and three storey dwellings are in the significant majority and many have been extended or redeveloped. The character and appearance of dwellings in the immediate locality are varied.

## **2 The Proposal**

- 2.1 Retrospective planning permission is sought for the existing dwelling. Planning permission was granted in April 2018 for the erection of a new dwelling on the plot following demolition of existing (application number: 6/2018/0383/FULL). The dwelling which has been built however is not as per the approved plans. The key changes are summarised as follows:
  - Reduction in depth of dwelling by approximately 0.3 metres;
  - Increase in depth of rear patio by 4.6 metres and increase in width of rear patio to span the full width of the plot;
  - Setting of dwelling into the ground by approximately 0.65 metres, increase in eaves height by 0.282 metres and increase in ridge height by 0.673 metres;
  - Insertion of additional first floor window on Right Side Elevation;
  - Skylights added to single storey rear element;
  - Reduction in overall height of front hard boundary treatment;
  - Change of windows from uPVC to aluminium; and
  - Alterations to openings

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor George Michaelides.

### **4 Relevant Planning History**

- 4.1 Application Number: 6/2019/0306/COND  
Decision: Granted  
Decision Date: 29 July 2019  
Proposal: Submission of details pursuant to condition 3 (hard and soft landscaping) on planning permission 6/2018/0383/FULL
- 4.2 Application Number: 6/2019/0653/COND  
Decision: Granted  
Decision Date: 23 May 2019  
Proposal: Submission of details pursuant to condition 2 (tree protection) on planning permission 6/2018/0383/FULL
- 4.3 Application Number: 6/2018/2386/COND  
Decision: Granted  
Decision Date: 05 November 2018  
Proposal: Submission of details pursuant to condition 1 (Details of crown roof and cross section drawing) on planning permission 6/2018/0383/FULL
- 4.4 Application Number: 6/2018/1411/COND  
Decision: Refused  
Decision Date: 08 August 2018  
Proposal: Submission of details pursuant to condition 1 (details of crown roof) on planning permission 6/2018/0383/FULL, dated 24/04/2018
- 4.5 Application Number: 6/2018/0383/FULL  
Decision: Granted  
Decision Date: 24 April 2018  
Proposal: Erection of a three storey detached house with a raised patio following demolition of existing dwelling

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

6.1 The site lies within the specified settlement of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

7.1 The application was advertised by means of neighbour notification letters. Three representations have been received, all objecting to the proposal. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Out of character with area
- Too large
- Development does not maintain character of stepped ridges along Hill Rise
- Trees/hedges and shrubbery were removed which were to be retained to reduce the visual impact of the building
- New windows make the building look more imposing and doesn't blend in with the street
- Harm to living conditions of No.6 Hill Rise and No.10 Hill Rise with regard to the proposed raised rear patio
- Further harm caused to the living conditions of No.10 Hill Rise by the insertion of new window openings, not shown on the approved plans, into the southeast side elevation of the dwelling at 8 Hill Rise
- The dwelling appears disproportionately tall and unduly prominent and obtrusive in the street scene
- Overdevelopment of the plot
- New retaining wall adjacent to No.6 Hill Rise, at almost 2 metres high, is far more substantial than that shown on the approved plans. This is both unsightly, as it results in an incongruous and obtrusive landscape feature, and potentially very dangerous insofar as it creates a significant unexpected drop in levels. The same problem applies to the retaining wall between Nos 8 and 10, which suffers from a 2.5m high drop, and is also in breach of planning control as the safety barrier shown on the approved plan has not been installed.
- Roof tiles and windows do not ensure a satisfactory standard of visual amenity
- The driveway has not been landscaped in accordance with the approved plans and condition No 3, to the detriment of the visual amenity of the street scene.

## **8 Consultations Received**

8.1 Call-in from Councillor George Michaelides states as follows:

*“The size of the construction has already exceeded what was approved and its effect is harmful to the character and appearance of the locality.*

*It affects the privacy enjoyed by the houses on either side of the property.*

*Safety issues resulting from the construction of the retaining walls adjacent to both neighbouring properties”.*

## **9 Parish Council Representations**

9.1 Northaw & Cuffley Parish Council raised an objection to the development for the reasons set out below:

*“At the Planning Committee held 3rd February 2021 the Committee unanimously resolved to submit an objection this application - the technical response from WEHBC was noted and the Committee were supportive of the contents. The grounds for objection are confirmed as overdevelopment of the plot, the height of the shared/adjoining wall, that the roof height would be out of line with the adjoining properties and that the additional side elevation and patio doors contain additional windows causing technical issues with this application”.*

## **10 Analysis**

10.1 The main planning issues to be considered in the determination of this application are:

- 1. Quality of design and impact on the character of the area**
- 2. Impact on living conditions of neighbours**
- 3. Car Parking**
- 4. Highways and parking considerations**
- 5. Other considerations**

### **1. Quality of design and impact on the character of the area**

10.2 Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality, and that the design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the SDG.

10.3 One of the design principles is character and Policy D2 (Character and Context) states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed and that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.

10.4 The SDG outlines that development must be sympathetic to local character and sets out main issues to be taken into account in considering how a development may affect the character of the area. The issues of particular relevance to this development are: ensuring adjacent buildings relate to one another; that new development responds to building forms and patterns of existing buildings to reinforce a sense of place; the use of materials to enhance local distinctiveness;

and that the scale, height, massing, and space around the new development in relation to the adjoining buildings, topography, general heights in the area are taken into account.

- 10.5 The above approach is broadly consistent with the NPPF. Paragraph 134 of the NPPF says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 10.6 Dwelling heights along Hill Rise are stepped to respond to the topography of the land and this is a key characteristic of the area. Whilst the as-built dwelling is greater in height than the previously approved dwelling, its eaves and ridge height would remain below that of 6 Hill Rise.
- 10.7 The width (and spacing from the side boundaries) and building line of the as-built dwelling is the same as the previously approved dwelling and its depth of the dwelling itself has been reduced by 0.3 metres.
- 10.8 The size of the rear patio has been notably increased but a large rear garden area beyond the patio would still remain. The development does not appear cramped within its plot.
- 10.9 Having regard to the above factors, and taking into account longer range views along Hill Rise with particular regard to the building's height and massing, it is considered that the dwelling does not result in overdevelopment of the plot or appear unduly prominent in the street-scene.
- 10.10 The external appearance of dwellings in the immediate locality varies and this includes the facing materials and windows. The external materials of the as-built dwelling acceptably relate to the area's character.
- 10.11 Due to the reduction in site levels, a new retaining wall has been constructed along the side boundary with No.6 Hill Rise and the retaining wall has been heightened along the side boundary with No.10 Hill Rise.
- 10.12 The retaining wall adjacent to No.6 is in two parts. Forward of the dwelling it is built with brickwork and has a height of up to 1.65 metres. Along the length of the dwelling the retaining wall is built with blockwork and has a height of 1.5 metres. The increase in height of the retaining wall adjacent to No.10 is notably less than the height of the retaining wall adjacent to No.6 as there were less alterations to the land levels on this side of the plot.
- 10.13 From the street, views of the brickwork retaining wall adjacent to No.6 are partially screened by the front boundary wall, piers and railings at the site. Only glimpsed views of the blockwork retaining wall are possible. Views of the heightened retaining wall adjacent to No.10 are also partially screened by a similar front hard boundary treatment at No.10.
- 10.14 The brickwork/blockwork retaining wall and heightened retaining wall do not appear excessively tall or obtrusive when passing the site and, therefore, are considered to not detract from the area's character.
- 10.15 Policy D8 of the District Plan requires developments to include landscaping as an integral part of the overall design. Paragraph 130(b) of the NPPF outlines that

planning decisions should ensure that developments have appropriate and effective landscaping.

- 10.16 The approved dwelling was subject to a soft landscaping scheme – and full details of that scheme were agreed under discharge of condition application 6/2019/0306/COND. The approved landscaping scheme covered the frontage and rear garden area. Much of the approved landscaping works have been implemented to the site's frontage. The rear garden has yet to be landscaped and it is noted that the as-built patio would mean that the approved landscaping scheme would need to be altered. Nevertheless, an updated soft landscaping details and implementation period can be suitably secured by condition.
- 10.17 Having regard to all of the above, and subject to the suggested condition, it is considered that the development maintains the area's character and represents an acceptable standard of design in this regard.

### **3. Residential amenity**

- 10.18 Policy D1 of the District Plan, in conjunction with the SDG, outlines that development will be required to provide a good standard of amenity for buildings and external open spaces. Development should not cause loss of light or be unduly dominant from adjoining properties, as a result of either length of projection, the height or proximity of the extension. Development should also be designed, orientated and positioned in such a way to minimise overlooking.
- 10.19 The NPPF requires high quality design for buildings and places and protecting the living conditions of neighbouring properties is a key part of this.
- 10.20 The properties most likely impacted by the development are the two next door neighbours at No.6 and No.10 Hill Rise. All other neighbouring properties are considered to be sufficiently separated from the development to ensure that their living conditions would not be adversely affected.

#### No.6 Hill Rise

- 10.21 No.6 comprises a two-storey detached dwelling situated to the immediate south-east of the application site on higher natural ground level. The two-storey element of the dwelling extends approximately 1.8m beyond the nearest two-storey wall of this property. This projection, taken together with the separation distances between the flank walls and relative heights, ensures that the two storey and above element of the dwelling does not appear unduly dominant or results in any adverse loss of light from this property. The dwelling does not project any further back into its site than the pre-existing dwelling. Relative to the siting and scale of the pre-existing dwelling, the single storey rear element is also acceptable in amenity terms.
- 10.22 In respect of overlooking and privacy the as-built patio extends up to the shared boundary with this property and further into the rear garden than the approved patio. However, due to the setting of the dwelling further into the ground, its' surface level is 0.46 metres lower than the surface level of the approved patio. It is also noted that an approx. 1.8 metre tall fence has also been installed along the side boundary and established hedge and tree screening is present along much of the length of the boundary on the side of No. 6. Having regard to all of these factors, there is no adverse overlooking or loss of privacy from the as-built patio toward this neighbouring property.

10.23 All upper floor side windows facing No.6 serve non-habitable rooms, are obscure glazed and non-opening below 1.5 metres (top hung and top opening only). The roof lights facing No.6 are installed high in the roof slope. The degree of overlooking from the first floor rear windows and rear dormer toward No.6 is consistent with a neighbouring relationship generally expected between residential properties. To this end, the development does not adversely overlook this neighbouring property, nor result in any adverse loss of privacy.

#### No.10 Hill Rise

10.24 No.10 comprises a two-storey detached dwelling situated to the immediate north-west of the application site on lower natural ground level.

10.25 The two storey element of the dwelling extends approximately 3m beyond the nearest rear wall of this property. This depth taken together within the separation distances between the flank walls ensures that this part of the dwelling does not appear unduly dominant or result in any adverse loss of light from this property. The dwelling does not project any further back into its site than the pre-existing dwelling. Relative to the siting and scale of the pre-existing dwelling, the single storey rear element does not result in any harm in amenity terms.

10.26 In respect of overlooking and privacy the as-built patio extends up to the shared boundary with this property and further into the rear garden than the approved patio. Its' surface level is however 0.46 metres lower than the surface level of the approved patio. An approx. 1.5 metre fence along the length of the as-built patio is effective in restricting views toward the rear windows of No.10 and its' private rear garden. It is also noted that No.10 has recently planted hedging next to the shared boundary where the patio has been built which when established will further screen views from the patio toward this neighbouring property. This planting is also effective in softening the change in land levels between the two sites and ensuring that the boundary fencing does not appear unduly dominant from the rear garden of No.10. Having regard to all of these factors, there is no adverse overlooking or loss of privacy from the as-built patio toward this neighbouring property.

10.27 All upper floor side windows facing No.10 serve non-habitable rooms, are obscure glazed and non-opening below 1.5 metres (top hung and top opening only). The roof lights facing No.10 are installed high in the roof slope. The degree of overlooking from the first floor rear windows and rear dormer toward No.6 is consistent with a neighbouring relationship generally expected between residential properties. To this end, the development does not adversely overlook this neighbouring property nor result in any adverse loss of privacy.

10.28 Concluding on the above, it is considered that the development does not harm the living conditions of any neighbouring properties and, therefore, is acceptable in this respect.

#### **4. Parking**

10.29 The proposed dwelling would serve five bedrooms. A 5-bed dwelling in location is expected to accommodate a guideline level of three off-street car parking spaces having regard to the Council's SPG and Interim Parking Policy.

10.30 The front driveway of the property can accommodate the parking of three cars and the dwelling also includes an integral garage. The development complies with the Council's parking guidance and is acceptable in this regard.

## **5. Other considerations**

### *Safety of retaining wall*

10.31 During the course of the application officers have been made aware of a dispute between the applicant and the next door neighbour at No.6 Hill Rise regarding the safety of the retaining wall constructed on the site and conflicting submissions from both sides have been made to the Council on this issue.

10.32 Matters of safety are capable of constituting material planning considerations and the weight to be attached to issues raised by third parties is a matter of planning judgement.

10.33 In this case, officers consider that this matter would be appropriately dealt with under the building control regime and/or litigation between neighbours as a matter of private law. The Council need not be the arbiter between the competing claims and it would be unwise for the Council to exercise its powers in a manner that could be seen as intervening in a private law neighbour dispute.

10.34 Having regard to the above, the Council does not consider that planning consent should be refused on the basis of the issues raised, and does not consider it necessary for the matter to be dealt with by way of a planning condition or planning obligation.

## **11 Conclusion**

11.1 Subject to a condition required an amended landscaping scheme to be implemented, the development would accord with all relevant design policies. The development protects the living conditions of neighbours and an acceptable level of on-site parking provision is provided. Accordingly, it is recommended that planning permission is granted subject to the below conditions.

## **12 Recommendation**

12.1 It is recommended that planning permission be approved subject to the following conditions:

1. Notwithstanding drawing number A106-B, within one month from the date of this decision, full details on a suitably scaled plan of soft landscape works must be submitted to and approved in writing by the Local Planning Authority. The landscaping details to be submitted must include: planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following approval, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.



REASON: To ensure that the development has appropriate and effective landscaping; and to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

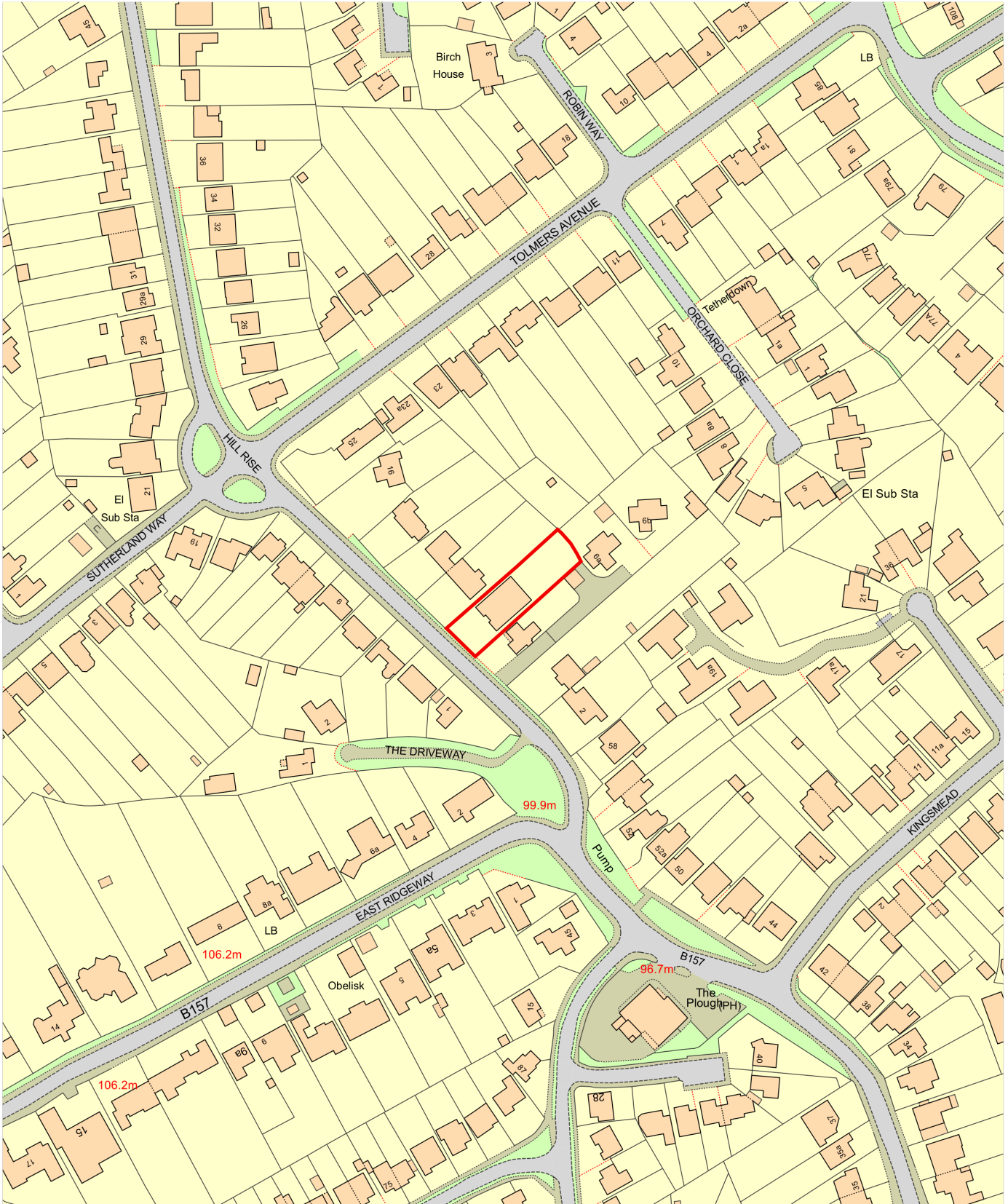
<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A101	G	Location Plan and Existing Plans & Elevations	12 January 2021
A103	G	Site Survey	12 January 2021
A104	G	Proposed Site Plan	12 January 2021
A101-B		As Built Ground & First Floor Plans	
A102-B		As Built Loft & Roof Plan	
A103-B		As Built Front & Left Side Elevation	
A104-B		As Built Rear & Right Side Elevation	
A105-B		As Built Street View & Section	
A106-B		As Built Site Plan	
A109-B		Retaining Wall Elevation	


REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

David Elmore (Development Management)  
Date: 09/02/2022



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	Development Management Committee		Date: 17-02-2022
	6/2021/0079/FULL	Drawn: C Gooding-Williams	
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