



Appeal Decision

Site visit made on 27 February 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2018

Appeal Ref: APP/C1950/W/17/3185853

Land adjacent to 37-48 Lambs Close, Cuffley, Potters Bar, Hertfordshire EN6 4HD

- 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 Ludgate Property Developments Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2017/1079/FULL, dated 18 May 2017, was refused by notice dated 20 September 2017.
 - The development proposed is the erection of three new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was originally described as being at 37 Lambs Close, but the Council has altered this to Land adjacent to 37-48 Lambs Close. Additionally, the description of the development was changed to the 'erection of 3 x 2 bedroom flats'. The Appellant has also utilised the revised address and description on the appeal form. Given that these accurately reflect the proposed development and its location, I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are
 - (i) whether the development would provide sufficient parking for the existing and proposed residents of Lambs Close; and
 - (ii) the effect of the development on the living conditions of the occupiers of 3 Theobalds Close with particular regard to privacy.

Reasons

Parking Provision

4. The appeal site is located at the end of a driveway where historically there have been garages and parking for the existing flats on Lambs Close. In 2016, planning permission was granted for the erection of two flats which also provided a total of 24 parking spaces within the site¹. There was also a section 106 agreement with this permission which made provision for (amongst other

¹ Reference 6/2015/2173/FULL

matters) 21 free parking spaces for the occupant of Blocks A, B, C and D Lambs Close (including access). From my site visit, this permission is in the latter stages of implementation.

5. From the evidence before me, and what I observed on site, there is a significant amount of parking demand from the existing Lambs Close developments and the provision of 21 parking spaces for the existing residents was a significant factor in the granting of the previous planning permission for two residential units. The Appellant has not advanced a case that this is not the case and I have no reason to disagree with that view.
6. The Appellant has indicated that they would be willing to enter into a similar agreement for the parking spaces. However, no such agreement has been completed. In the absence of such an agreement, there is no mechanism to ensure that the 21 parking spaces are delivered for the existing Lambs Close residents. Given the existing parking pressures in the area, this would result in a serious level of parking stress, with the consequential impact on highway safety and loss of amenity to existing residents.
7. Turning to the number of parking spaces for the proposed development, it is noted that three spaces would be provided for the occupiers of the flats. The previous permission also provided three spaces, so the appeal development would result in any net gain or loss of spaces.
8. The site itself is located close to Cuffley railway station, bus routes, and a number of local facilities including food stores. As such, the site is in a sustainable location. Taking this into account, I consider that the provision of one parking space per flat would be sufficient to cater for the parking demands of the future occupiers of the development. However, that does not outweigh the harm I have already identified.
9. For the above reasons, in the absence of a suitable legal agreement, the development would result in the loss of parking spaces for the existing residents of Lambs Close contrary to Policies M14 and IM2 of the Welwyn Hatfield District Plan (2005) (LP) and the Supplementary Planning Guidance Parking Standards (2004) and the Interim Policy for Car Parking Standards and Garage Sizes (2014) which amongst other matters seek to ensure that developments provide an appropriate level of parking spaces. It would also be at odds with the transportation aims of the National Planning Policy Framework (the Framework).

Living conditions

10. The proposed development includes two full height windows for the proposed second floor flat, one of which would serve a bathroom with the other being a secondary window to the kitchen. The Appellant has suggested that both of these windows could be obscure glazed and of a non-opening design up to 1.7 metres above the internal floor level of the flat.
11. To my mind, any concerns over loss of privacy to the occupiers of 3 Theobolds Close would be addressed through these measures which could be controlled through a suitably worded planning condition.
12. In respect of perceived overlooking, the presence of the windows in the south elevation would have some effect. However, given the presence of trees in proximity to the boundary and the distance between the respective buildings I

consider that such an impact is minimal. Similarly, I consider that when the occupiers of No 3 are utilising their garden there would not be a significant perception of overlooking either.

13. Given that the proposal relates to the whole building, I am also conscious that there may be potential for overlooking from other windows on the first floor. However, I note that the submitted drawings indicate obscure glazed windows to both the north and south elevations which would face the existing residential development in the area. I consider such glazing should be obscurely glazed to protect the privacy of the occupiers of the surrounding developments. This could also be controlled via a suitably worded planning condition.
14. For the above reasons the proposed development would not harm the living conditions of the occupiers of 3 Theobolds Close and would accord with Policy D1 of the LP and the Supplementary Design Guidance (2005) (SPG) which amongst other matters seeks to ensure that all new development has a high standard of design and incorporates the design principles of the SPG including the minimisation of overlooking between dwellings to provide a reasonable degree of privacy. It would also accord with the design aims of the Framework.

Other matters

15. I have also had regard to the other matters raised in the representations including the effect on the character of the area, potential overshadowing of 3 Theobolds Close, maintenance of living walls and the development doesn't provide lifetime homes.
16. In respect of the character of the area, there is a mix of differing styles of properties in the area. The proposed development would add variety to the existing mix and, to my mind, would not appear out of context nor would it adversely affect the amenity of the existing residents of Lambs Close.
17. In respect of the other matters raised, none of these concerns add to the reasons why planning permission should not be granted as outlined above.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR