
Appeal Decision

Site visit made on 28 April 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/C1950/W/22/3309087

8 Hill Rise, Cuffley, Potters Bar 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 Moe Harissa against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/0079/FULL, dated 10 January 2021 was refused by notice dated 22 June 2022.
 - The development proposed is the retrospective planning application for a 5 bedroom, 3 storey family dwelling following alterations to application 6/2018/0383/FUL.
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Decision

1. The appeal is allowed, and planning permission is granted for a 5 bedroom, 3 storey family dwelling following alterations to application 6/2018/0383/FUL at 8 Hill Rise, Cuffley, Potters Bar, EN6 4EE in accordance with the terms of the application ref 6/2021/0079/FULL, dated 10 January 2021, subject to the following condition: -

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 die within a period of 5 years from the completion of the development 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.

Procedural Matter

2. The appeal is made retrospectively for development already constructed.

The Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal property is located within a residential area comprising differently designed dwellings set within a mature landscape. Two and three storey buildings predominate within the immediate area, set within a similar building line and set back from the road. These features add positively and distinctively to the character and appearance of the area.
5. Planning permission has previously been granted for a 5-bedroom detached dwelling and to which I afford very significant weight¹. However, what has been built varies from the approval and the appeal relates to a 5-bedroom dwelling which includes differences from the previous approval. The local planning authority (LPA) itemises the differences 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.
6. I consider that the above differences from the previously approved dwelling, neither individually nor collectively, adversely affect in any significant way the character and appearance of the area. In particular, the overall height of the appeal proposal is compatible with the surrounding properties, as is its size and scale. Window openings and details, by their design and the use of materials, are not inappropriate within the setting of the building. The size of the rear patio is larger than the previously approved scheme, but it is set within a large rear amenity space and does not detract significantly from the overall character and appearance of the area.
7. There are differences to the boundary walls from the previously approved scheme but, when seen from the public domain, they are not so high or so prominent as to detract from the character and appearance of the area.
8. Therefore, I conclude that the proposed development would accord with policies D1 and D2 of the Welwyn Hatfield District Plan 2005, with the Council's Supplementary Design Guidance 2005 and with paragraph 130 of the National Planning Policy Framework 2021, all of which require good design appropriate to the character and appearance of the area.

¹ 6/2018/0383/FUL

Other Matters

9. An objection is made that the rear patio will add to flood risk in the area. However, the patio is set within a large rear amenity space where any surface water can be drained to the soft landscaping areas if necessary.
10. Reference has also been made to the possible instability of boundary retaining walls. However, I have no evidence before me to indicate that such walls present a danger.
11. These matters do not outweigh my conclusion on the main issue.

Conditions

12. The proposed changes to the previously approved scheme include changes to the approved landscaping plan. Therefore, I have included a condition relating to this matter in order to ensure that the character and appearance of the site is suitably retained.

Conclusion

13. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR