



Appeal Decision

Site visit made on 20 October 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/C1950/D/23/3325119

36 Kingsmead, Cuffley, Potters Bar, Hertfordshire EN6 4AN

- 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 Mrs Gardiner against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2023/0594/HOUSE, dated 15 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is described as 'alterations to an existing house to include basement side extension, ground floor rear extension with internal alterations and side terrace with a full loft conversion'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Welwyn Hatfield Local Plan 2016–2036 was adopted in October 2023 ('LP'). As a result, the policies in the Welwyn Hatfield District Plan 2005, which are referred to in the Council's decision, have been replaced, and I have had no further regard to them. The appellant was given an opportunity to comment on the LP policies during the course of this appeal.
3. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2023 states that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector should be essentially the same scheme that was considered by the Council, and by interested parties, at the application stage.
4. In this case, the appellant submitted drawing no. 2206-PR-200 Rev B as part of the appeal. That 'amended plan' corrects an error on the originally submitted drawing to show that, following the removal of an internal wall and a change in the use of a front room, there would be no bedrooms at ground floor.
5. The amended plan would not change the appearance of the property compared to the drawing the Council's decision was based on. I am satisfied that it corrects minor errors, thus reducing the number of bedrooms in the resultant property from five to three, as it is at present, and that my acceptance of it would not therefore prejudice any parties' interests.

Main Issues

6. The main issues are the effect of the proposed development on:

- The character and appearance of the host property and the area; and
- The convenience of highway users, with particular regard to parking provision.

Reasons

Character and appearance

7. Policy SP 9 of the LP sets out the need for high quality design, which should be informed by an analysis of the site's character and context. The Council's Supplementary Design Guidance 2005 ('SDG'), which is referred to at paragraph 11.12 of the LP, reflects that approach. As a guideline, it sets out, amongst other things, that extensions should be subordinate in scale to the dwelling, and that dormer windows should be subservient to its roof, with their cheeks set in at least 1 metre from the flanks or the adjoining party wall.
8. Northaw and Cuffley Neighbourhood Plan 2022 -2036 ('NCNP') Policy D1 provides limited guidance on this issue, but its Policy D2 and Appendix 2 require that an extension should not overwhelm the building from any given point, and that the original building should remain the dominant element.
9. Viewed from the road, the bungalows in Kingsmead are varied in terms of their form and style, but often have dormers contained within their sloping roofs. The host forms one half of a mainly hipped-roofed, semi-detached pair of dwellings, which are single storey facing the road, but which have basements set into their sloping back gardens, and are thus two storeys high to the rear.
10. The proposal includes a hip to gable extension, and a roof level rear extension whose flat roof would be set down slightly from the host's principal ridgeline, but which would extend from its new flank wall to the party wall of the adjoining property. As a consequence, its scale would not be subordinate to the host, and viewed from the rear it would give the resultant property a substantial three storey bulk, and a very rectilinear form.
11. In those regards, notwithstanding the proposed use of matching materials, the scheme would fail to complement the character and appearance of the host and, seen alongside the two storey rear of 34 Kingsmead it would unbalance this semi-detached pair.
12. Given that most of the proposed alterations would be to the rear, or would be internal, the scheme's impact on the streetscene would be minimal. I also observed that the host's rear garden is currently well screened by trees and other vegetation, such that the harmful impacts I have identified would be only partially visible from some nearby properties and their gardens. However, I cannot be certain that all the landscaping will be retained as it is at present.
13. I do not have all the details, or know the full context, of the schemes referred to by the appellant which were permitted elsewhere in Cuffley, or the one allowed on appeal which is included at Appendix A of her statement. However, the latter included a rear dormer which would be slightly set in from that property's side walls. In any event, each development must be considered on its individual merits. For the above reasons this scheme does not constitute high quality design, and it would have a harmful impact on the character and appearance of the host property and, to a more limited degree, the area.

14. In turn, LP Policy SP 10 refers to the need for sustainable design, Policy SP 3 to the settlement strategy, and Policy SADM 11 to amenity standards. They are thus of little, if any, relevance on this issue. However, the scheme would conflict with LP Policy SP 9, NCNP Policy D2 and Appendix 2, and the SDG; along with the environmental objective of the National Planning Policy Framework ('Framework'), including its requirement for good design as a key aspect of sustainable development, and the creation of high quality buildings and places which are sympathetic to local character.

The convenience of highway users

15. LP Policy SADM 12 and NCNP Policy D1 require vehicle parking to be provided in accordance with the Council's latest parking standards. In its delegated report the Council sets out that, to comply with its Interim Policy for Car Parking Standards and Garage Sizes, a dwelling with four or more bedrooms in this location should have three on-site car parking spaces.
16. The amended plan shows that the resultant dwelling here would have a total of three bedrooms. Consequently, even if there are only two retained parking spaces, this would satisfy that standard. Notwithstanding local on-road parking pressures, the scheme would not therefore have a significant impact on the convenience of highway users, and it would not conflict with those two policies, nor with the Framework's requirement to avoid an unacceptable impact on highway safety.

Other matters

17. In its favour, the scheme would make an efficient use of the land, and a limited contribution to the Framework's economic and social objectives by providing employment for local builders and contributing to the local economy; and by creating a more comfortable family home with extra space for home working. These are modest benefits in its favour.

Planning Balance and Conclusions

18. Summing up, the scheme, as depicted on the amended plan, would not significantly inconvenience highway users. However, I have found that it would not constitute good design, and that it would harm the character and appearance of the host property and the pair, also causing more limited harm to the area. The scheme's modest benefits would not outweigh the harm that it would cause. It would conflict with the development plan when considered as a whole, and it does not benefit from the Framework's presumption in favour of sustainable development.
19. For these reasons, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR