

Notice of Decision
Town and Country Planning Act 1990
Town and Country Planning (Development
Management Procedure) (England) Order 2015
Refusal of Permission for Development

Mr D Padalino
DPA (London) Ltd
25 Tudor Hall
Brewery Road
Hoddesdon
EN11 8FP

Application No: 6/2016/0233/FULL

Date of Refusal: 12 August 2016

WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:

Development: Erection of 1no four bedroom dwellinghouse following demolition of existing house

At Location: 7 Orchard Close, Cuffley, Potters Bar, EN6 4QD

Applicant: Mr Ludgate

Application Date: 26 February 2016

1. The proposed dwelling, by virtue of its scale, bulk and prominent forward position beyond the existing building line, would appear cramped on its site and result in an over-dominant building in the streetscape. Consequently, the proposed design and form of development would be out of keeping with the character and appearance of the immediate area and contrary to National Planning Policy Framework 2012, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance (2005).
2. The proposed building would appear over-bearing when viewed from the ground floor habitable windows and the front path, which provides access to the house, at No 6 Orchard Close and so would fail to preserve the living conditions currently enjoyed by the occupiers at this property, contrary to Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance (2005).
3. The proposed development would fail to use the opportunity of redevelopment to maintain or improve access to the site for people with reduced mobility. The development by virtue of the proposed site layout and introduction of 10-12 steps up to the main door would reduce the accessibility of the residential accommodation within the site, contrary to Paragraphs 17 and 57 of the National Planning Policy framework 2012 and Policy D9 of the Welwyn Hatfield District Plan 2005.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

REFUSED DRAWING NUMBERS:

1118/130 & 1084/133 & 1118/134 & 1118/135 & 1118/136 received and dated 11.2.2016 and 1118/141/RevA & 1118/142/RevA received and dated 7.4.2016.

A handwritten signature in black ink, appearing to read 'Colin Haigh', written in a cursive style.

Colin Haigh
Head of Planning

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. •
- If this is a decision to refuse permission for
 - a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - an application for advertisement consent, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice;
 - a tree preservation order application, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice;
 - a certificate for lawful development, there is no time restriction.
- For all other appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. •
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.