

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

Mrs C Apcar  
Kinetic House  
Theobald Street  
Borehamwood  
WD6 4PJ

**Application No:** 6/2016/1855/VAR

**Date of Refusal:** 30 March 2017

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

**Development:** Variation of condition 2 (obscured glazed dormer windows) on planning permission 6/2016/0391/VAR

**At Location:** 45 Northaw Road East, Cuffley, Potters Bar, EN6 4LU

**Applicant:** Mrs K Anklesaria

**Application Date:** 9 September 2016

**REFUSED DRAWING NUMBERS**

1.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
nor/plan/15	4A	Elevations	17 January 2017

2. **REASON FOR REFUSAL**

The proposal by virtue of the introduction of an opening mechanism and the reduction in the level of obscure glazing in the wording to the revised condition would result in an unacceptable impact on the living conditions of neighbouring properties resulting in a loss of privacy by way of overlooking. Accordingly, this would fail to respect the living conditions currently enjoyed by the occupiers of these properties contrary to the provisions of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Chapter 7 of the National Planning Policy Framework.

## 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).

A handwritten signature in black ink, appearing to read 'C. 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 «[acknow\\_text](#)» of the «[legal\\_heading\\_1](#)».
- 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 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](http://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.