

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

Application No: 6/2017/1079/FULL

Date of Refusal: 20 September 2017

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

Development: The erection of 3 x 2 bedroom flats
At Location: Land adjacent to 37-48 Lambs Close, Cuffley, Potters Bar, EN6 4HD
Applicant: c/o DPA (London) Limited
Application Date: 18 May 2017

1. The second floor south elevation windows, serving a bathroom and kitchen for Flat 3, by virtue of their height, design and positioning, would present both direct and perceived overlooking toward the private rear garden of number 3 Theobalds Close, detrimental to the levels of privacy currently enjoyed by the occupiers of this property. Accordingly, the proposed development would be contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy 2005) and relevant provisions of the National Planning Policy Framework 2012.
2. The provision of three off-street car parking spaces would be inadequate for the proposed three, two bedroom flats, and given the clear demonstrable lack of existing car parking provision for the Lambs Close Development, it is not considered that the shortfall of off-street parking serving the proposed development would be acceptability offset via off-street and on-street parking elsewhere within the immediate vicinity. As such, the proposal development is contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework 2012.
3. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the number of parking spaces and cycle storage units for the use proposed by any method other than a legal agreement and the proposal is therefore contrary to the Policy IM2 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
1139-302	B	Ground Floor Plan	13 July 2017
1139-303	B	First Floor Plan	13 July 2017
1139-304	B	Second Floor Plan	13 July 2017
1139-305	B	Proposed Elevations	13 July 2017
1139-301	B	Site Plan	13 July 2017
1139-300	B	Location Block Site Plan	13 July 2017
1139_600		Refuse Collection Vehicle Access Plan	14 June 2017
1139 308	B	Refuse Enclosure Elevations	14 June 2017

1. 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).



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;
 - 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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.