

DESIGN AND ACCESS STATEMENT FOR
THE ERECTION OF A THIRD FLAT ON THE AIRSPACE OF TWO GRANTED AND BUILT FLATS.



HERTFORDSHIRE OFFICE:

25 TUDOR HALL, BREWERY ROAD, HODDESDON
HERTFORDSHIRE, HERTS, EN11 8FP
t: 01992 469001 f: 01992 469002
e : info@dpa-architects.co.uk w : www.dpa-architects.co.uk

LONDON OFFICE:

9, DEVONSHIRE SQUIRE
LONDON EC2M 4YF
t : 0207 9792026
f : 01992 469002

ARCHITECTS

INTERIOR DESIGNERS

PARTY WALL SURVEYORS

TOWN PLANNING CONSULTANTS



**DESIGN AND ACCESS STATEMENT FOR
DESIGN AND ACCESS STATEMENT FOR
THE ERECTION OF A THIRD FLAT ON THE AIRSPACE OF TWO GRANTED AND BUILT FLATS**

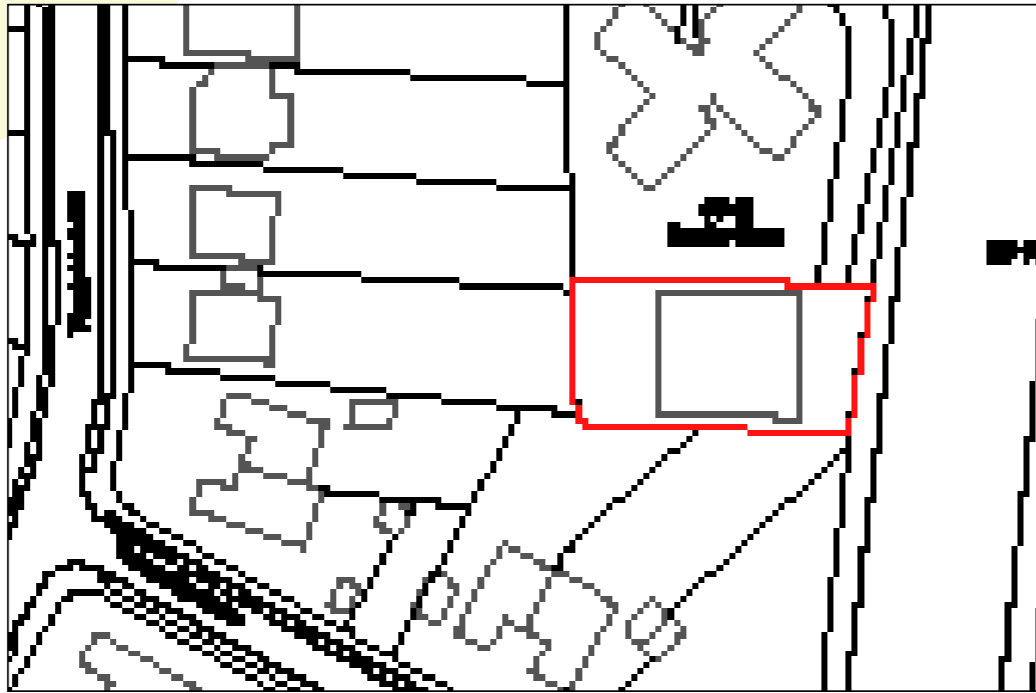


**GARAGES AND LAND ADJACENT TO FLATS
37- 48 LAMBS CLOSE, CUFFLEY,
POTTERS BAR, HERTFORDSHIRE**



CONTENTS

1. INTRODUCTION
2. HISTORY
3. THE PLANNING APPLICATION
4. THE PLANNING CASE
5. SUSTAINABILITY
6. POLICY CONSIDERATIONS
7. CONCLUSION



LOCATION PLAN



AERIAL PHOTOGRAPH

1

INTRODUCTION

- 1.1 This Design and Access Statement has been prepared in support of a full planning application for the erection of a third, two bed flat on top of the two flats granted permission under reference 6/2015/2173/FULL on the site of the garages and land adjacent to flats 37- 48 Lambs Close, Cuffley, Potters Bar, Hertfordshire. These two flats have been built. 24 parking spaces would be provided in total, three for the proposed flats and 21 for the existing flats in Lambs Close. The application is being submitted further to the refused application (ref. 6/2018/1323/FULL) for the same development (although the Council registered the application with the description as 'The erection of 3 x 2 bedroom flats', the two ground floor flats had been granted under ref. 6/2015/2173/FULL and were under construction at the time of that application).
- 1.2 The application site comprises the two built flats above the parking spaces set to the rear of a large block of flats at the southern end of Lambs Close. The plot is well screened on its southern, eastern and western boundaries by mature trees and vegetation. Two of the trees – oaks – are protected by a Tree Preservation Order.
- 1.3 Lambs Close is characterised by four large blocks of flats with parking and landscaping. It is an unremarkable enclosed street scene.
- 1.4 The site is not within a Conservation Area and the garage block is not listed.

2

HISTORY

- 2.1 The relevant history of the site goes back to 1998 when the first of several applications for the demolition of the garages and the erection of a varying number of dwellings or flats were submitted. Each application has been either refused or withdrawn. The applications were refused on a number of grounds – the lack of parking for the development and the loss of the garages on the site, and the impact of the development upon two oak trees the subject of a Tree Preservation Order and the bulk and design of the proposed development.
- 2:2 An appeal following the refusal (application S6/2012/1962/FP) was dismissed on the grounds of the impact of the proposed development upon the protected trees on the site.
- 2.3 However, the Inspector considered that the impact upon these trees and the reasonable ability of the Local Authority to resist any applications to trim those trees was not a reason to have refused the planning application. “The likelihood of harm from such action would not be great and the well- being of the protected trees would not be significantly at risk”, he opined. The Inspector also considered that the development would not have an adverse impact upon the amenities of the occupiers of the neighbouring and surrounding dwellings or flats. The Inspector though considered that the permanent loss of the garages and parking spaces would have a significantly harmful effect on the amenity of the occupiers of Lambs Close. The appeal was dismissed.
- 2.4 An appeal decision on an enforcement notice served on the land regarding condition 5 of planning permission S6/1998/272/FP requires that the land be used for the parking of cars, in connection with the existing flats in Lambs Close.
- 2.5 The planning application for the erection of the two flats on the site (ref. 6/2015/2173/FUL) was accompanied by an application seeking the variation of condition 5 of permission S6/1998/0272/FP to allow the land to be used for the erection of the flats and not purely for parking purposes.
- 2.6 This application follows the refusal of 6/2018/1323/FULL which addressed the reasons for the dismissal of appeal APP/C1950/W/17/3185853. In this appeal the planning inspector raised no concerns with the principal of the development nor the design. The appeal was dismissed on the lack of S106 Agreement in place, this was addressed and dealt with through an Unilateral Undertaking which again will be provided for this new application. The most recent refusal was due to the impact on daylight / sunlight to the ground floor of the neighbouring block of flats in winter months. A daylight/sunlight report has been produced and supplied with this application to address this matter.



PROPOSED NORTH ELEVATION

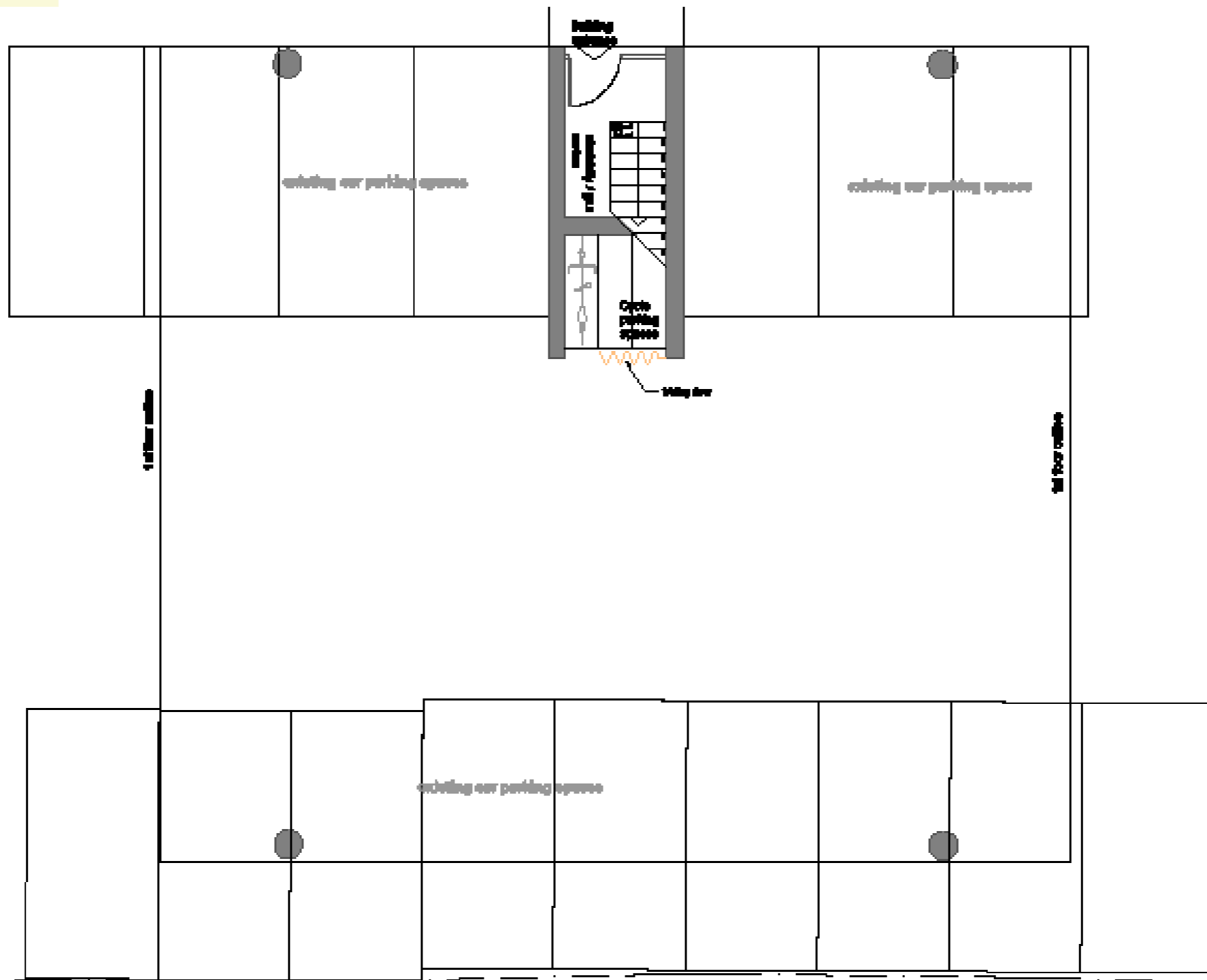
DESIGN AND ACCESS STATEMENT FOR
THE ERECTION OF A THIRD FLAT ON THE AIRSPACE OF TWO GRANTED AND BUILT FLATS

SITE ADDRESS GARAGES AND LAND ADJACENT TO FLATS 37- 48
LAMBS CLOSE, CUFFLEY, POTTERS BAR, HERTFORD
SHIRE





PROPOSED SOUTH ELEVATION

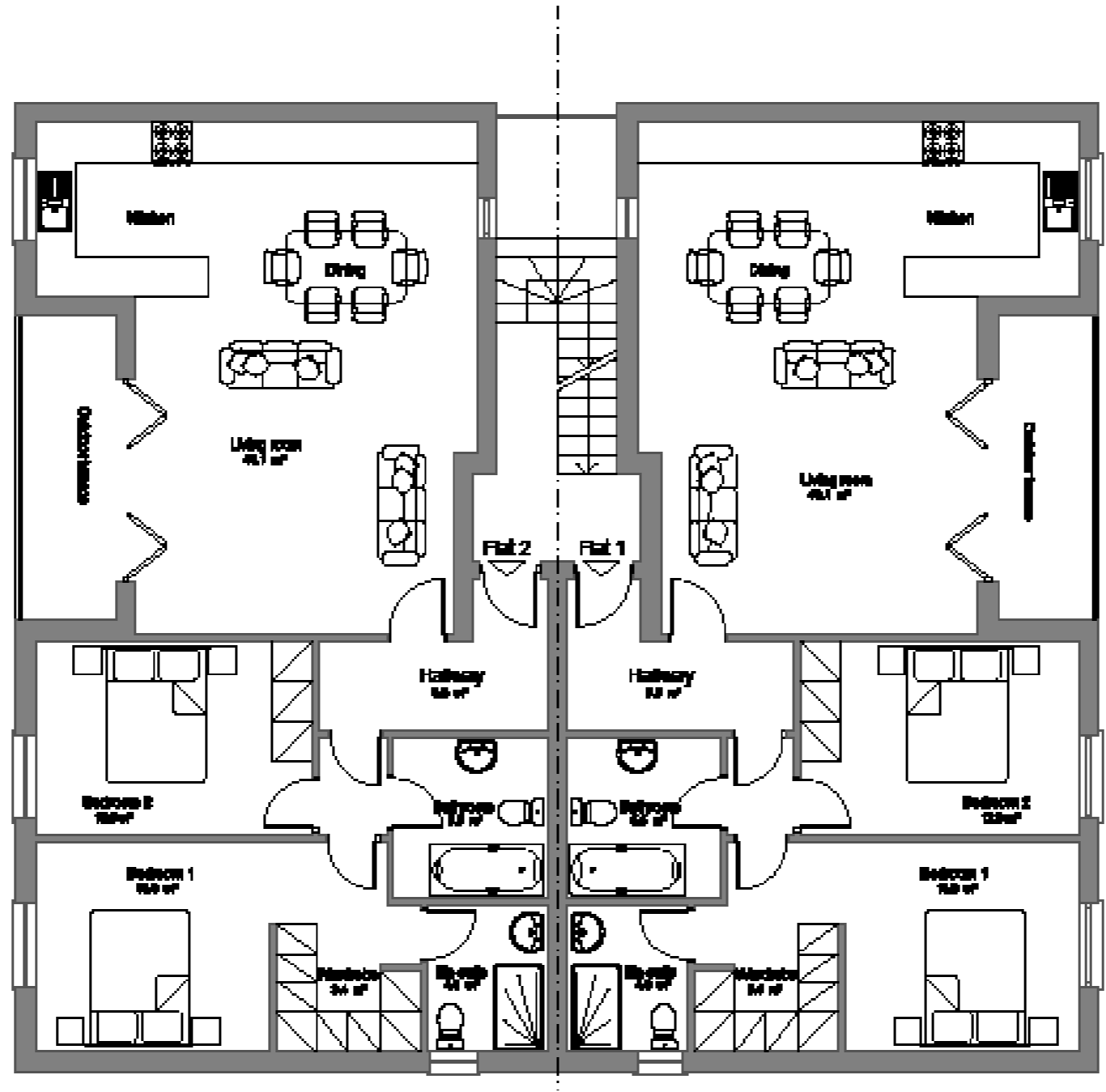


GROUND FLOOR PLAN

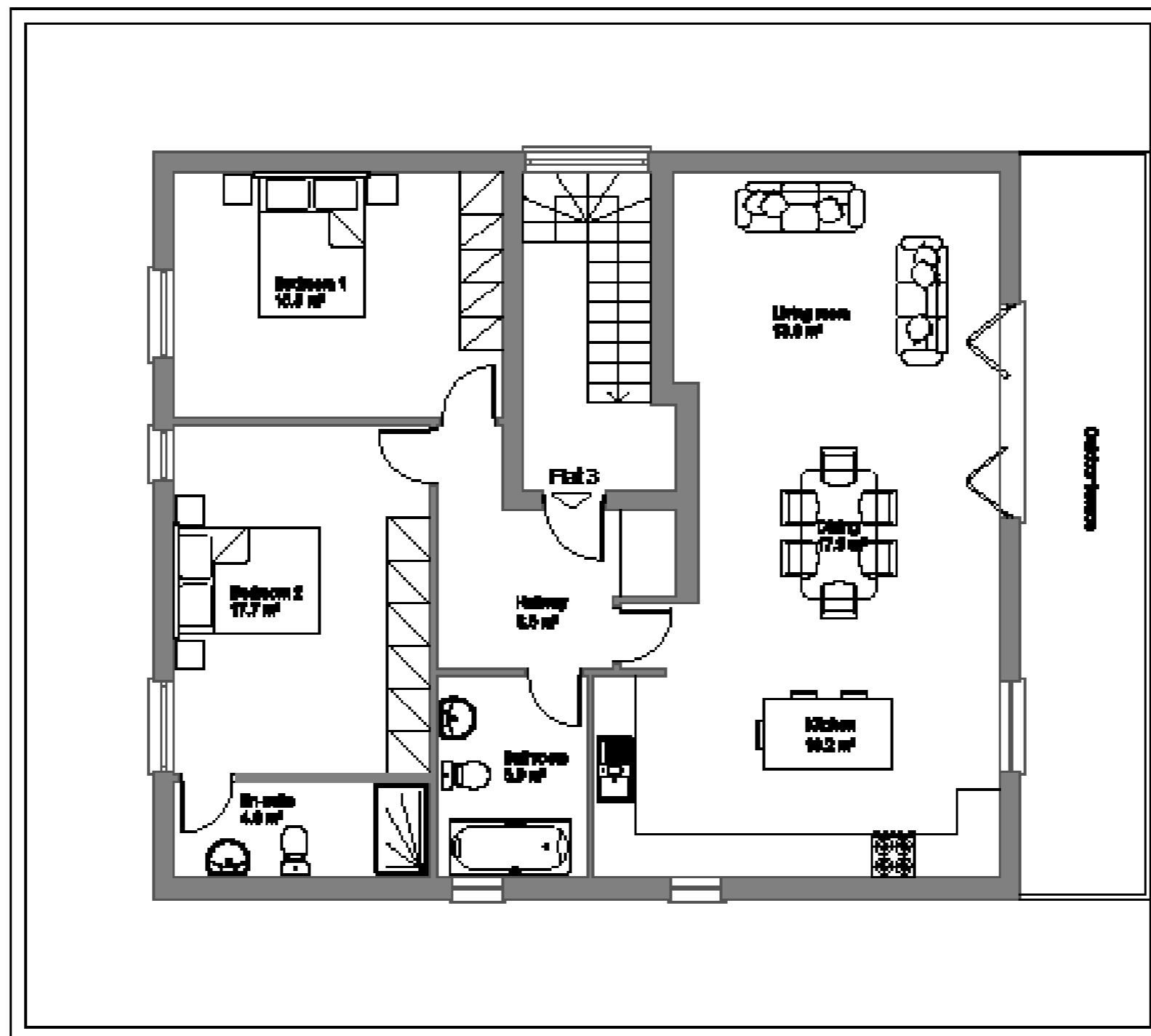
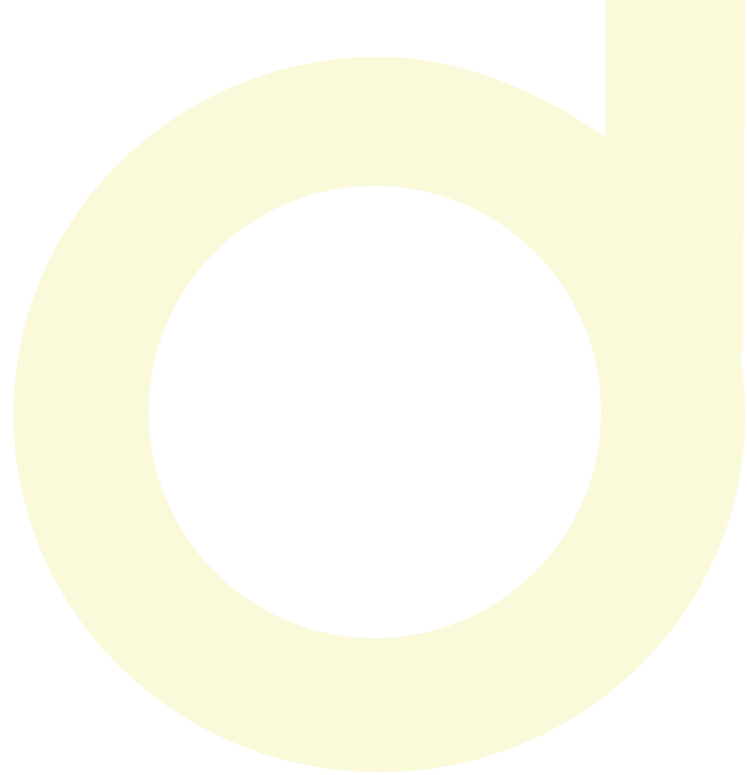
DESIGN AND ACCESS STATEMENT FOR
THE ERECTION OF A THIRD FLAT ON THE AIRSPACE OF TWO GRANTED AND BUILT FLATS

SITE ADDRESS GARAGES AND LAND ADJACENT TO FLATS 37- 48
LAMBS CLOSE, CUFFLEY, POTTERS BAR, HERTFORD
SHIRE





SECOND FLOOR PLAN



PROPOSED THIRD FLOOR PLAN

3

THE PLANNING APPLICATION

- 3.1 The application is for the erection of a third, two bed flat on top of the two flats granted permission under reference 6/2015/2173/FULL, they have been built. The resultant building would be constructed on four supporting columns and would in effect be three storeys in height. 24 parking spaces would be provided for the existing and the proposed flats. 21 of the spaces would be for the existing flats in Lambs Close while two of the spaces would be for the two flats already granted on the site and one space for the flat the subject of this application. The parking area would be entirely screened from the surrounding properties by the existing walls and fences around the car parking area. Following the concern of the Planning Inspector at the time of the recent appeal on the site following the refusal of application 6/2017/1079/FULL, the applicant will be submitting a Unilateral Undertaking to ensure that of the 24 parking spaces on the site, 21 will be made available for and retained for the use of the existing flats in Lambs Close.
- 3.2 The proposed third flat would, as with the two approved and built flats, be accessed by stairs from the car parking area.
- 3.3 The third flat would comprise a living/ dining/ kitchen area and two bedrooms (one en suite) along with a bathroom, served by a small entrance hall. The third flat would be set from the edges of the flats on the lower floor.



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION

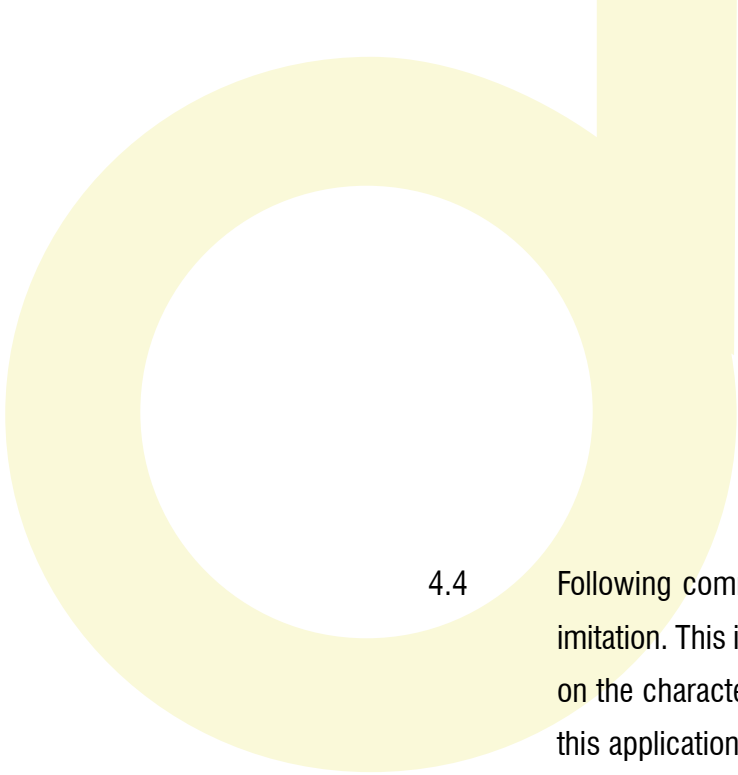
4

THE PLANNING CASE

- 4.1 The application site is located within the built up area of Cuffley where, in accordance with local and national planning policy, there is no in principle objection to the erection of new dwellings or flats, subject to the detailed local and national policy considerations, and attention to the planning history of the site. The two flats granted 6/2015/2173/FULL have been built. The issues to consider in the determination of this application are whether the third flat would have an acceptable impact upon the character of the area; whether the intensified use of the site would be acceptable in terms of the amenity of the occupiers of the site and the amenities of the occupiers of the surrounding land, parking issues and sustainability.

IMPACT ON THE CHARACTER OF THE AREA

- 4:2 The character of the area is mixed with the blocks of flats in Lambs Close and the semi- detached dwellings and bungalows along Theobalds Close. The well- treed nature of the site and the surrounding area is also a significant feature of the area.
- 4:3 The proposed third flat on the site would be built above the existing, built flats but would be set in from the outside wall of these flats. The limited height, bulk and massing of the proposed third flat would not appear cramped within the plot and nor would it appear incongruous within the immediate vicinity of the site considering the size and design of the surrounding built form and the presence of flats there (and their flat roofs). The third flat would be comfortably accommodated on the site and would not appear cramped in any way. It would be built in the style of a 'living- wall' building, giving the impression of plants and vegetation growing on its external walls. The size and bulk of the additional flat, and the development overall, are such that it would respect the character, appearance and overall feel of Lambs Close. The proposed flat would blend in with the wider street scene and would be an unobtrusive addition to the character of the area.



4.4 Following comments made by the planning officer and the council's landscape consultant in the previous application. The "Living-Wall" that is proposed is an artificial imitation. This is due to concerns raised about the maintenance of a living-wall for future residents, if a real living wall is not maintained then this would have a negative impact on the character of the building, therefore to avoid this, an artificial option with very little maintenance required is proposed. Brochures and further details will accompany this application.

4.5 The proposed development would be of a reasonably modern character and appearance, which the Council found acceptable at the time of the previous application on the site. The proposed third flat on the site would have an acceptable impact upon the appearance of the area and would enhance the character and appearance of the overall scheme. The area as a whole is verdant with the existing flats in Lambs Close being well landscaped and the rear gardens of the dwellings in Theobalds Close also having a lot of trees and vegetation in them. The attractive nature of the proposed third flat would blend in nicely with existing well-treed nature of the site and the surrounding area. It would appear as an entirely suitable addition to the area such that the third flat on the site and the development overall would be an appropriate addition to the area.

AMENITY ISSUES

4:6 In terms of the living conditions for the future occupiers of the development, the third flat would provide a high quality living environment. The living accommodation and the bedrooms would be light, airy and spacious. The rooms would be of a suitable size and shape and would permit a flexible layout of furniture. The third flat would not impinge upon the amenities of the occupiers of the two flats already built on the site through overlooking or overshadowing. Noise and disturbance between the flats would not arise through the use of modern noise insulation measures, in accordance with the Building Regulations.

- 4.7 The distance between the proposed third flat and the surrounding flats and dwellings would be sufficient to ensure that the flat would not appear visually intrusive or overbearing when viewed from the surrounding properties or their communal amenity area/ rear gardens. Together with its 'living wall' nature, the well set back nature of the proposed third flat is such that it would not appear intrusive or overbearing in any manner when viewed from the surrounding properties. In contrast, the 'living wall' nature of the development would enhance the view from those properties. The building would be sited at the bottom of the rear gardens of the nearby dwellings along Theobalds Close and Theobalds Road (a minimum distance of 35m). Given the screening provided by the trees on the rear boundaries of these properties and the natural appearance of the proposed 'living wall' third flat, there would not be any intrusion into the outlook of those properties or their rear gardens. The outlook and amenity of those properties would not be unduly impinged upon. The proposed flat would not be intrusive in the outlook from the rooms at the rear of the adjacent bungalows or dwellings. The appearance of the proposed flat would blend in with the surrounding vegetation such that it would not appear intrusive at all. The presence of many trees on the boundaries of the application site would eliminate the possibility of the development having an adverse impact when viewed from the properties along Theobalds Close and Theobalds Road.
- 4.8 The distance between the proposed third flat (and the development overall) and the dwellings along Theobalds Road and Close and the lack of any habitable room windows facing them is such that overlooking and loss of privacy from the proposed third flat would not arise.
- 4.9 The proposed development would not impact upon the amenities of the flats' residents in any adverse manner either. The set back and 'living wall' nature of the additional flat is such it would not appear overbearing when viewed from the flats. The distance between the proposed development and the orientation of the buildings to each other (as well as the angled nature of the windows in the flats of Block D) is sufficient to render the potential impact of the flat upon these flats acceptable. There would not be any overshadowing of those flats' elevations that are nearest to and facing the proposed development. Moreover, as a consequence of the lack of any habitable room windows in the northern elevation of the proposed flats, the development would not result in any overlooking of the existing flats.



EXAMPLES OF ARTIFICIAL LIVING WALLS

ACCESS, HIGHWAY SAFETY, PARKING AND SERVICING

- 4.10 The Planning Inspector's concerns following the refusal of the 2017 planning application on the site (ref. 6/2017/1079/FULL) centred on the inability to secure 21 of the 24 parking spaces on the site for the existing flats in Lambs Close. However, this application is accompanied by a Unilateral Undertaking which would secure the spaces for the flats in Lambs Close. The parking for the residents in Lambs Close would consequently not be reduced by the proposed development the subject of this application. The Council's and the Inspector's concerns over the parking not being retained for the existing Lambs Close residents, resulting in additional on-street parking, are therefore removed.
- 4.11 At the time of the refused application on the site (ref. 6/2017/1079/FULL), the Council did not raise concern to the fact that the three parking spaces on the site would be used by three flats rather than the two flats previously approved. The three spaces on the site would be used in the same manner as previously proposed and there is therefore considered to be no objection to this.
- 4.12 Moreover, the site is in a sustainable location, a matter of a few minutes' walk from the centre of Cuffley with all of the day-to-day facilities that such a village needs. Moreover, the site is very well connected with numerous bus services to the surrounding towns and villages, and the train station, all of which have connections further beyond. The site is therefore very well located in terms of access to means of transport other than the private car. Furthermore, it is likely that given the flats are two bed, that they be occupied by young families. This being the case, it is therefore also likely that the flats give rise to demand for only one parking space each. The provision of the three spaces for the three flats is therefore considered to be acceptable in this case.

- 4.13 It is also relevant to note that the Council has granted permission for residential developments with parking provision at a lower level than its Interim Standards would require. One case is that at 1 Walnut House, Walnut Grove, Welwyn Garden City (ref. 6/2016/0167/MAJ). Permission was granted on this site for the construction of 18 flats following the demolition of the existing 12 flats on the site with a shortfall of one parking space. A further example is that at Green Close, Brookmans Park (ref. 6/2016/0192/MAJ). On this site, permission was granted for the erection of 12 flats (3 x 1 bed and 9 x 2 bed) with provision for one parking space per flat. This level of parking was considered acceptable as the site is sustainably located with access to local facilities and public transport.
- 4.14 In terms of fairness and natural justice and the transparency of the planning system, applications with similar issues – in this case, the level of parking – need to be viewed and treated in a similar manner. It should also be borne in mind that the residents of the existing flats in Lambs Close only have one parking space each. It is therefore entirely appropriate that the flats the subject of this application have the same level of parking provision.
- 4.15 A refuse store would be provided adjacent to the entrance to the site which would be within the minimum refuse carrying distance for the future residents of the site and would be easily accessible by refuse operatives.
- 4.16 Servicing would be undertaken in the normal manner and would raise no adverse issues, as at the time of the previous application on the site.

5

SUSTAINABILITY

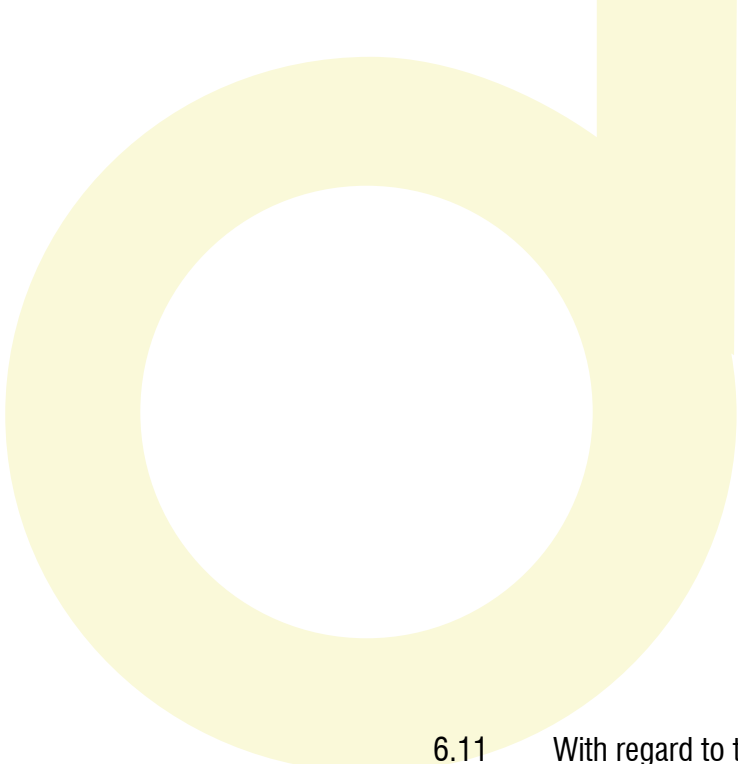
- 5.1 The proposed third flat would be built with sustainability and sustainable technologies in mind. It would be built to meet the requirements of Part L of the Building Regulations through the use of a number of sustainable technologies and energy efficiency measures in their construction. The development would incorporate sustainably sourced construction materials, passive design including natural ventilation, double glazing with high air tightness, low energy lighting and solar photovoltaic panels and water efficient fittings.

6

POLICY CONSIDERATIONS

- 6.1 Policy SD1 of the Local Plan – Sustainable Development – states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Local Plan. The statement accompanying this application demonstrates that the proposed development addresses the sustainability criteria contained in the Council’s Supplementary Design Guidance.
- 6.2 Moreover, the proposal would represent a sustainable form of development in that it would involve a more efficient use of a previously developed site – a third flat – rather than the two flats already provided on the site. The National Planning Policy Framework strongly promotes this approach to the planning, recognising that land is a scarce resource.
- 6.3 Policy R1 – Maximising the Use of Previously Developed Land – states the Council will require development to take place on land which has been previously used or developed. This would be the case with this application. In addition, the development of the size and scale proposed is considered appropriate for the site that may reasonably be permitted on the site without causing adverse issues for the amenities of the occupiers of the surrounding flats and dwellings. The false ‘living wall’ nature of the proposed third flat, set back from the edges of the approved scheme on the site, blending in with the trees and vegetation at the bottom of the rear gardens of the surrounding properties, would ensure that it would not raise any adverse visual or neighbour amenity issues.
- 6.4 Policy R17 – Trees, Woodland and Hedgerows – states the Council will seek the protection and retention of existing trees where applicable. The proposed development would not have any adverse impacts upon the existing surrounding trees given that it would extend no further towards them than the approved scheme on the site. The proposed third flat would be set away from those trees and would accordingly, not have any adverse impacts upon them.
- 6.5 Policy M1 – Integrating Transport and Land Use – states the Council will permit development in locations with accessibility to pedestrian and cycle routes and passenger transport services. This policy would be complied with in that the application site is in a sustainable location, within a ten minute walk of Cuffley High Street which includes a full range of daily shopping requirements, Cuffley Train Station and bus stops with services to the surrounding towns and villages and public transport connections to areas further afield. This further follows the guidance contained within the National Planning Policy Framework of promoting development in sustainable locations.
- 6.6 The proposed parking provision for the three flats of one space per flat is entirely appropriate for the reasons outlined in the previous paragraphs of this statement.

- 6.7 Policy D1 – Quality of Design – states the Council will require the standard of design in all new development to be of a high quality. Policy D2 – Character and Context – requires all new development respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, enhance or improve the character of the existing area. This is the case with the proposed development the subject of this application. The proposed flat has been designed to reflect the character of the blocks of flats in Lambs Close with their flat roofs, and pay heed to the size of the adjacent dwellings and bungalows in Theobald’s Close, and the verdant nature of the area. The relatively modern appearance of the proposed third flat would sit comfortably between the adjacent flats and dwellings. Moreover, its ‘living wall’ nature would ensure that it would blend in well with the verdant nature of the area. The flat would be of a size and bulk similar to that exhibited by the neighbouring dwellings and bungalows, and appreciably smaller than the neighbouring flats and would be entirely acceptable from the point of view of their impact upon the street scene and the character of the area.
- 6.8 The proposed third flat would not appear cramped within the plot within the context of the street scene or result in a cramped form of overdevelopment of the site. The set back nature of the flat is such that neither it nor the development as a whole would appear as an intrusive, cramped form of development. It would instead be one which would be an enhancement to the street scene through the modern, ‘living- wall’ development, which would complement the surrounding buildings and street scene in pleasing manner. The scale and bulk of the proposal is such that it would not appear cramped within the site. The development would instead be comfortably accommodated on the site.
- 6.9 There is a reasonably wide palette of materials present within the vicinity of the site. The materials with which the proposed flat would be constructed would enhance the character of the area. The development would fully respect the character, appearance and overall feel of the area. It would blend in with the wider street scene and would be an unobtrusive addition to the built form present in the area.
- 6.10 Notwithstanding this, the development would have an active frontage with the living/ dining/ kitchen areas of the flat overlooking the entrance to the site. The development would not give rise to opportunities for criminal activity or to a fear of crime.

- 
- 6.11 With regard to the National Planning Policy Framework, the proposed flat would be in accordance with several of the core planning principles, as contained in paragraph 17 of the document. The development would secure a high quality design and would provide a good standard of amenity for the future occupants of the site and those existing in the surrounding buildings. The development would also represent a sustainable form of development, in the use of renewable forms of energy and the use of environmentally responsible building materials. The proposal would represent an effective use of previously developed existing urban land, in proposing the development of the site for what is considered to be the fullest and most efficient quantum of development reasonably possible on the site, whilst retaining the existing use of the land (the parking for Lambs Close), in a sustainable location. Being in a sustainable location, with easy access to public transport, the proposed development would encourage the use of alternative means of transport other than the private car.
- 6.12 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments optimise the potential of a site to accommodate development, respond to local character, create safe environments where crime and disorder, and the fear of crime, do not undermine the quality of life, and are visually attractive. The proposed development the subject of this planning application complies with these criteria. It would optimise the potential of the site and would relate well to local character. It would also be a safe environment for its future occupiers.

7

CONCLUSION

- 7.1 The proposed third flat would have an acceptable impact upon the character and appearance of the area and the street scene. The amenities of the occupiers of the neighbouring residential properties would not be adversely impinged upon. The existing car parking for the flats in the Lambs Close would be retained and would be secured for the existing residents through a Unilateral Undertaking, at a level found to be acceptable by the Council at the time of the previous application on the site. Sufficient car parking would be provided for the proposed flats too. The development would have no adverse impacts upon highway safety.
- 7.2 Accordingly, the proposed development is in full compliance with the relevant Local Plan policies and the guidance contained within the NPPF. Planning permission should accordingly be granted for the erection of the proposed flat, on top of the two existing flats granted permission under reference 6/2015/2173/FULL, on the garages and land adjacent to flats 37- 48 Lambs Close, Cuffley, Potters Bar, Herts.