

Planning, Development Management
Welwyn Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
AL8 6AE

26 January 2021

Dear Sir/Madam

**Planning Application 6/2021/0079/FULL
8 Hill Rise, Cuffley EN6 4EE**

I write on behalf of Mr C Theodorou, the occupier of the neighbouring property at 6 Hill Rise, to raise objection to the above application seeking planning permission retrospectively for the erection of a dwelling (revisions to planning permission Ref 6/2018/0383/FULL).

You will be aware that this application follows the grant of planning permission for a new three storey detached dwelling with raised rear patio, following the demolition of the original house.

My client feels most strongly that this existing permission already allows for an extremely generously sized dwelling on the site. It is our firm view that any further increase in the size, scale, bulk and massing of the development would demonstrably exceed a clear threshold, beyond which unacceptable harm would result to the character, appearance and amenities of the local area.

This new proposal severely affects my client's living conditions with regard to the proposed raised rear patio. As approved, this structure was of moderate size and, crucially, should have been built away from the common boundary, allowing for an alleyway running at ground level adjacent to the boundary fence. This would have afforded a much needed to degree of physical separation between the adjoining rear gardens.

However, as built, the raised patio extends over the alleyway right up to the boundary fence, thereby removing all physical separation and destroying

what privacy would have remained to my client's private rear garden space. It should be particularly noted that the elevated nature of the patio greatly increases the potential for intrusion. It is therefore critical, in our opinion, that the patio is set away from the common boundary in accordance with the approved plans.

As built, the raised rear patio affords direct views down onto my client's rear garden and towards the rear facing habitable room windows in the dwelling. Equally, users of the raised rear patio can be clearly seen from my client's rear garden, which is itself extremely intrusive within the context of what are supposed to be private rear gardens. The elevated nature of the patio, combined with its increased area and lack of physical separation to the site boundaries, increases the potential for noise and disturbance associated with the use of the patio.

We note that a similar degree of separation should likewise have been provided in relation to 10 Hill Rise. This not only erodes the privacy enjoyed by the occupiers of No 10 but also creates a serious hazard for the occupiers of No 8, owing to the fall of the land and the steep drop to this side of the patio. This problem is compounded by the failure of the applicant to provide a barrier to the side of the patio, as shown on the approved plans, which would at least have afforded users of the patio with a degree of protection.

Overall, we consider the raised patio severely restricts neighbouring occupiers' reasonable enjoyment of their rear garden amenity spaces. Further harm is caused to the living conditions at my client's property by the insertion of new window openings, not shown on the approved plans, into the southeast side elevation of the dwelling at 8 Hill Rise. The approved plans show only a single obscure glazed window. As a minimum, we would expect all new side window to be obscure glazed and, in our opinion, the original plan showing only a single obscure glazed window should be retained in order to minimise potential overlooking of neighbouring properties.

In all these respects, the proposal fails to ensure a high standard of amenity for adjoining occupiers, as required by the National Planning Policy Framework, saved Policy D1 of the adopted Welwyn Hatfield District Plan 2005 and draft Policy SADM 11 of the Council's Draft Local Plan Submission 2016.

Turning to the house itself, you will note that the new dwelling at No 8 has been built out to a significantly higher ridge level than approved. As a consequence of this, the ridgeline no longer steps down in height to follow the fall of the land, thereby disrupting the stepped roofline that is an important feature of the street scene. This is highly undesirable in urban design terms, as it interrupts the pleasing sense of balance that currently exists between the dwellings, whereby the dwellings step down the slope

proportionately. Instead, the dwelling at No 8 appears disproportionately tall and unduly prominent and obtrusive in the street scene. The additional bulk and massing of the development only adds to the impression of overdevelopment to the detriment of local character.

For these reasons, we consider this revised proposal causes substantial harm to the character and quality of the surrounding townscape. As such, the proposal fails to achieve a high standard of design and respond positively to local character and context, as required by the National Planning Policy Framework, saved Policies D1 and D2 of the District Plan 2005 and draft Policy SP 9 of the Draft Local Plan.

It should be further noted that the new retaining wall adjacent to my client's property is almost 2m high and far more substantial than that shown on the approved plans. This is both unsightly, as it results in an incongruous and obtrusive landscape feature, and potentially very dangerous insofar as it creates a significant unexpected drop in levels. Whilst not strictly a planning matter, you will also note that the retaining wall is leaning, which indicates it has not been properly constructed and, in its current form, presumably fails to comply with the relevant requirements under the Building Regulations.

The same problem applies to the retaining wall between Nos 8 and 10, which suffers from a 2.5m high drop, and is also in breach of planning control as the safety barrier shown on the approved plan has not been installed.

We do not consider the development has been constructed using appropriate roof tiles and windows to ensure a satisfactory standard of visual amenity, in accordance with the requirements of condition No 5 on planning permission Ref 6/2018/0383/FULL. Similarly, the driveway has not been landscaped in accordance with the approved plans and condition No 3, to the detriment of the visual amenity of the street scene. This only adds to our concern about the way in which this applicant has disregarded the detailed provisions of the original permission.

Whilst not necessarily a matter that directly affects my client's property, it should also be noted that the rear loft windows/doors should have been fitted with glass balustrades. You will note that these have not been installed, creating a significant risk of falling for the occupiers of No 8. Such an arrangement cannot be acceptable under the Building Regulations.

Overall, we are firmly of the opinion that this proposal would lead to the overdevelopment of the site beyond acceptable limits, resulting in significant demonstrable harm to the character and appearance of the area and the living conditions at neighbouring properties, including my client's private home and rear garden, in clear contravention of national and local planning

policies. We urge the Council to uphold those policies and refuse the application accordingly.

Yours faithfully

Simon Miles

Simon Miles
Chartered Town Planner