



Appeal Decision

Site visit on 3 December 2007

by **J M Turner** LLB SOLICITOR

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
e-mail: enquiries@pins.gsi.gov.uk

DATED:
17 December 2007

Appeal ref: APP/C1950/C/07/2048619

Land at 23 Kingswell Ride, Cuffley, Potters Bar, Herts EN6 4LH

- The appeal is by Mr D Ambler. It is brought under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice served by the Welwyn Hatfield Borough Council.
- The notice is dated 21 May 2007.
- The breach of planning control alleged in the notice is without planning permission, the erection of a two storey rear extension and alteration to roof to provide side dormers and a front gable.
- The requirements of the notice are to demolish the front gable, side dormers and two storey rear extension, and remove all resulting materials from the land.
- The period for compliance with these requirements is three months.
- The appeal is proceeding on ground (a) set out in section 174(2) of the 1990 Act.

Summary of decision:

The appeal is allowed, the notice is quashed and planning permission is granted on the deemed application.

Assessment

GROUND (a) AND THE DEEMED APPLICATION

1. The Council's concern is with the appearance of the dwelling extension the subject of the notice, which is actually as yet uncompleted. But enough has been done to establish its eventual proportions, and I am in a position to make an assessment in this respect accordingly. If that were not so, I should have to consider quashing the notice on the ground that the alleged breach had not occurred. In my deliberations, I shall take full account of the emphasis properly placed on design matters in the Welwyn Hatfield District Plan, Policies D1 and D2, and the Supplementary Design Guidance, which derives its authority from the Plan.
2. Of particular relevance is Policy D2's requirement that development should respect and relate to the character and context of its setting. I saw that Kingswell Ride consists mainly of dwellings which originally would have been quite small bungalows of an appearance best described as utilitarian. The form would have suited the function of providing modest accommodation, without any aim to achieve noteworthy architecture. I noted some examples illustrating that original concept.

3. However, considerable change has taken place. It was apparent to me that much extension and conversion work has been carried out, to maximise the possibilities of providing increased accommodation on restricted curtilages by enlarging small bungalows. Descriptions which occurred to me for some individual cases were striking, ingenious, or, I have to say, noticeably overdeveloped.
4. In this context, I consider it would be quite unreasonable, and indeed probably unrealistic, to expect of any extension of the appellant's premises that it should enhance or improve the character of its surroundings, as ideally Policy D2 would seek. It is appropriate, in the circumstances, to test the work in question against the Policy's minimum yardstick, that it should maintain, or not harm, the prevailing character of the setting.
5. Although the appeal dwelling would have a significantly increased bulk, resulting from the rearward extension, this would not be open to public view. What can be seen as an element in the street scene has been established by the work already carried out. The roof alterations have increased the height of the dwelling to provide further accommodation at upper floor level.
6. That has commonly happened in the area and in the case of the notice work, the treatment has been quite sympathetic to the original design, not to be seen as a disproportionately large, or unduly prominent, addition to the dwelling. It is not for me to single out other development for criticism, but it is necessary for me, so as to set the appeal scheme in context, to make the point that the degree of harmony which it achieves with its host building and its environment exceeds that of some other extensions in the locality.
7. In summary, I find no harm results, or is likely to result, from the appearance of the notice development, and permission should not be withheld on that score. Having considered too all further relevant matters raised, I have found no other overriding objection to it. Accordingly, the ground (a) appeal succeeds, and permission is to be granted on the deemed application.

Decision

8. For the above reasons, I allow the appeal, direct that the notice be quashed and grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act. The application is for the development already carried out, namely the erection of a two storey rear extension and alteration to roof to provide side dormers and a front gable on land at 23 Kingswell Ride, Cuffley, Potters Bar, Herts EN6 4LH shown edged red on the notice plan.

signed:

J M Turner

J M TURNER