



The Planning Inspectorate

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Mr K S Ellerbeck
69 Northaw Road East
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Hertfordshire
EN6 4LY

Appeal allowed

Your reference

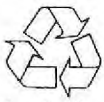
Our reference
T/APP/C1950/A/98/292649/P8

Date 17 JUN 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: S6/0823/97/FP

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine your appeal. This appeal is against the decision of the Welwyn Hatfield Council to refuse planning permission for a frontal detached garage at 69 Northaw Road East, Cuffley. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 28 May 1998.
2. From my inspection of the site and its surroundings and from the representations made I consider that the main issue is whether the garage would be significantly harmful to the street scene.
3. I am referred to policies 47 and 50 in the County Structure Plan and to policy BEV 9 in the adopted Alterations No 1 to the Welwyn Hatfield District Plan. The latter policy says that in a number of settlements, including Cuffley, new development will only be permitted where it reflects the character and quality of the built environment and the existing pattern of development.
4. You refer me to garages built forward of the building line in other parts of Cuffley. I think that these developments have limited relevance to your proposal since the most important factor is the particular street scene in the vicinity of the appeal site.
5. I agree with the Council that the uniform building lines and generous undeveloped frontages contribute to the spacious character of Northaw Road East. Nevertheless I consider that the degree to which the proposed garage would be set below the footpath level and the general maturity and density of the frontage vegetation in its immediate vicinity would soften and ameliorate its visual impact to the extent that it would not be unduly obtrusive. I conclude



that it would conform with the objectives behind policy BEV 9 in that it would not conflict with the character and quality of the built environment or the existing pattern of development.

6. In view of the importance of the existing vegetation I consider it necessary to require the submission of a scheme of landscaping, showing the existing trees, bushes and hedges in the vicinity of the proposed garage, and specifying measures for their protection in the course of development.

7. I appreciate that vegetation could subsequently be felled, pruned or die back, but I must determine the appeal on the basis of probability. In this regard I think it likely that present and future occupiers of this and nearby properties will wish to maintain the density of vegetation which makes such a positive contribution to the street scene. In the unlikely event that the vegetation was lost, the more than one metre difference in floor level between the garage and the pavement and the 5m distance the apex of its roof would be set back from the pavement would prevent it from being unduly prominent.

8. I have taken account of all the other matters raised in the written representations but find that they do not outweigh the considerations which lead me to my decision.

9. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a frontal detached garage at 69 Northaw Road East, Cuffley in accordance with the terms of the application (No S6/0823/97/FP) dated 23 September 1997 and the plans submitted therewith subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter,

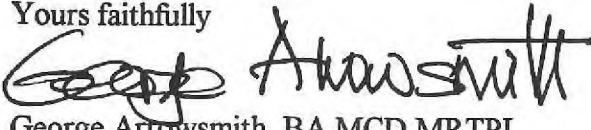
2. the development hereby permitted shall not be begun until details of the materials to be used in the construction of the garage's external surfaces have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details,

3. the development hereby permitted shall not be begun until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees, bushes and hedgerows on the land and in the vicinity of the garage, and details of any to be retained, together with measures for their protection in the course of development.

10. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

A handwritten signature in black ink, appearing to read "George Arrowsmith". The signature is written in a cursive style with a large initial "G".

George Arrowsmith BA MCD MRTPI
Inspector