
Appeal Decision

Site visit made on 13 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/N1920/W/17/3167529

45A, The Broadway, Darkes Lane, Potters Bar, Hertfordshire, EN6 2HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Terry Driscoll against the decision of Hertsmere Borough Council.
 - The application Ref 16/1647/FUL, dated 12 August 2016, was refused by notice dated 31 October 2016.
 - The development proposed is the formation of a one-bedroom apartment at first floor level above the existing detached office building, and the removal of the existing roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council made its decision, the Site Allocations and Development Management Policies Plan (SADM) has been adopted. There have been no material changes to the relevant policies of the submission version, which the Council referred to in its decision. Therefore, the appellant has not been prejudiced by its adoption.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the character and appearance of the area; and (ii) the living conditions of occupiers of flats at Potters Court, in respect of light and outlook.

Reasons

Character and Appearance

4. The existing building is single storey with a tall hipped roof. The existing roof is an attractive feature of the building due to its tall and tapering profile. I acknowledge that the single storey building is uncharacteristic of the taller buildings amongst which it stands, but I do not consider that the building detracts from the appearance of the street-scene.
 5. The proposed roof would be squat and stubby in comparison to both the eaves height of the proposed extended building and also in comparison to the roofs of the buildings to either side. In addition, the front window would line up with a window on Potters Court, but this would result in the window looking too high up and too small in comparison with a large expanse of hanging tiles. This
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would make for a bland principal elevation. Overall, I consider that the resultant building would look unattractive within the street-scene.

6. I therefore conclude that the proposed development would harm the character and appearance of the area. Consequently, I find conflict with SADM Policies SADM3 and SADM31; Policy CS22 of the Core Strategy 2013 (CS); and the *Guidelines for Development Part D* Supplementary Planning Document (SPD). In combination, these policies seek to ensure that new development is of an appropriate scale, mass and design, which takes advantage of opportunities to improve the character and quality of an area. In addition, Paragraph 17 of the National Planning Policy Framework says that planning should always seek to secure high quality design.

Living Conditions

7. The existing building is very close to the side elevation of Potters Court. Whilst the overall height of the building would not be significantly increased, its eaves would be raised substantially, and the first floor would be extended to the rear. This means that the heightened walls of the resultant building would be far closer to the windows of the flats in Potters Close than the existing sloping roof.
8. The increase in height and massing of the building would result in a loss of direct sunlight and daylight coming through the side windows of the flats. At my visit, I was able to see inside of two of these flats:- a lower ground floor flat and an upper ground floor flat. The extension would restrict the amount of sunlight and daylight coming through the sole kitchen window of the upper ground floor flat. Furthermore, the outlook from the window would become even more enclosed than it is at present.
9. The side window of the lounge of the lower ground floor flat would also be overshadowed. I recognise that the side window is not the sole window to the lounge. However, the lounge is a little dark and I noticed at my visit that direct sunlight was shining through the side window. In my judgement, the increased height and massing of the extension would reduce this light and therefore exacerbate the existing darkness of the lounge.
10. I therefore conclude that the proposed development would harm the living conditions of the occupiers of Potters Court. Consequently, the proposal would conflict with SADM policy SADM31, and the SPD. In combination, these policies seek to protect the amenities of neighbours. In its second reason for refusal, the Council has referred to CS Policy CS22 and SADM Policy SADM3 but I do not consider that these policies are directly related to living conditions.

Other Matters

11. I note the appellant's comments about procedural matters associated with the planning application, including that significant pre-application consultation took place with the Council and that an objection was received after the appellant had granted the Council more time to consider the application. However, I must consider the appeal solely on its planning merits. I have considered all other matters raised, including the representations from interested parties, but none outweigh the conclusions I have reached.

Conclusion

12. For the above reasons, I dismiss the appeal.

Siobhan Watson

INSPECTOR