



Appeal Decision

Site visit made on 8 February 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/N1920/W/21/3279295

323 Mutton Lane, Potters Bar EN6 2AY

- 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 J Greaney against the decision of Hertsmere Borough Council.
 - The application Ref 21/0220/FUL, dated 27 January 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described as, 'new dwelling house'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The area surrounding the site is largely characterised by semi-detached dwellings in a traditional style. The site is part of a group of dwellings on the north side of Mutton Lane which have a similar form, height and set back from the pavement such that this area has a spacious uniform character and appearance.
4. The site lies on the corner of Mutton Lane and Laurel Fields where there are dwellings with other forms, siting and plot sizes. However, given the close proximity of the site to No 323 Mutton Lane and that it would be accessed from this road, the site has a closer relationship with Mutton Lane than Laurel Fields in terms of character and appearance.
5. The proposal consists of a single storey dwelling with accommodation in the roof space that would be sited in close proximity to the front boundary of the site. There would also be a limited distance from the rear of the building to the rear boundary of the site such that the proposed private amenity spaces would be at the sides of the building and significantly smaller than many others in the area. Therefore, the building would appear overly large for the size of the plot and would significantly diminish the spacious character of the area. Accordingly, the proposal would harmfully depart from the prevailing pattern of development.
6. I acknowledge that the site is at a lower ground level than the street, the single storey form of the proposal, and the grass verge adjacent to the pavement. I also note that the building would not project beyond the building line on Laurel Fields. However, given its siting close to the front boundary, the proposal would nevertheless appear out of keeping, given the uniformity of the adjacent dwellings.

7. The playing field opposite the junction provides a pleasant spacious aspect to the area which is echoed by the undeveloped nature of the site. I also recognise that the site does not lie within a conservation area or within the setting of any heritage assets. However, given the siting, form and plot size of the proposal, the scheme would nevertheless unacceptably diminish the spaciousness of the area.
8. I note the single storey dwellings on Aberdale Gardens, and the evidence regarding the development on Windmore Avenue. However, these cases are a significant distance from the site and do not lie in the same views such that they are not directly comparable with this appeal in terms of character and appearance. In any event, each case must be determined on its individual merits.
9. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan Adopted November 2016 (SADMP) which together seek development of a scale and design which respects its immediate surroundings including the local pattern of development and makes a positive contribution to the built environment.
10. The scheme would also conflict with Policies SP1, CS1, CS2, CS12 and CS22 of the Core Strategy Adopted January 2013 (CS) which together seek high quality development that is appropriate to the local context, character and pattern of development and maintain and improve environmental quality.
11. SADMP Policy SADM40 relates to Highway and Access Criteria for New Development and CS Policy SP2 relates to the presumption in favour of sustainable development. These Policies are therefore not directly relevant to this main issue.

Other Matters

12. I note the evidence regarding the effect of the proposal on the trees along the boundary of the site, including the Tree Survey submitted as part of the appeal. However, since I am dismissing the appeal for other reasons, and this issue is not determinative for its outcome, I have not considered the matter further.
13. I note that the scheme was reduced in size following pre-application advice. I also acknowledge that the proposal would contribute a dwelling to the local housing supply and the evidence regarding effective use of under-utilised land. However, given the harm identified above, these matters have not altered my overall decision.

Conclusion

14. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR