



Appeal Decision

Site visit made on 26 September 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/N1920/D/22/3302089

4 Kemble Close, Potters Bar, Hertfordshire EN6 5EG

- 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 Krzysztof Falczyński against the decision of Hertsmere Borough Council.
 - The application Ref 22/0642/HSE, dated 11 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as 'the provision of a single storey 6.0m wide x 8.0m long non habitable outbuilding to be built within the rear garden of 4 Kemble Close, Potters Bar. The building constructed with blockwork walls and dual pitched tiled roof to be used as an office and part gymnasium'.
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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 properties in Kemble Close are predominantly arranged in two storey semi-detached pairs, which are set back from the road around this cul de sac. The host property forms one of a group on this side of the road, whose long rear gardens slope down to Oakmere Avenue. I observed on my visit that those rear gardens are largely free of substantial development, and typically contain small scale domestic structures, such as sheds or garages.
4. At 6 metres wide, the proposed outbuilding would span much of the width of the plot, and it would be 8 metres long. As evidenced by the submitted drawings, it would have a much larger footprint and a greater height and scale compared to the garage that formerly stood on part of the site. As a result of its size and its crown roof, it would also have a considerably greater bulk than other structures in the nearby rear gardens of Kemble Close.
5. Given its proportions and its siting close to the end of the plot, along with the local topography, the proposed outbuilding would be highly prominent above the boundary fence and gates in the Oakmere Avenue streetscene. In those views it would jar with the largely open character of the nearby gardens, and with the more modest scale of their outbuildings.

6. The harm that it would cause would be exacerbated by its high crown roof which would be at odds with the typically gabled or lower flat roofed form of nearby structures; and by its white render which, whilst it may reflect the materials used in the former garage, would draw attention to this much larger building, and would respect neither the prevailing brickwork on the houses, nor the predominantly timber construction of many of their sheds and outbuildings.
7. The appellant states that a broadly similar scheme to that proposed could be constructed utilising permitted development rights. In support of that stance, he refers to an approved Lawful Development Certificate (Ref: 22/0204/CLP) for an outbuilding at the property ('LDC'). However, this proposal has a significantly greater bulk than the LDC scheme, which has a smaller footprint and a fully pitched roof, and it would therefore be more harmful than it.
8. I have no drawings to enable me to fully assess the impact of the other alternative schemes that the appellant says could be erected utilising permitted development rights. However, I note that drawing no. 157-22a Sheets 1 and 2 are annotated to indicate that the proposed outbuilding would be just 1.175 metres from each side boundary; and to increase that distance to 2 metres would require more than the stated 15cm reduction from each side boundary. I therefore attach very limited weight to these claimed fallbacks.
9. I have had regard to the garage that formerly stood on the site, and to a timber and felt roof structure which would also be removed. However, for the above reasons, the scheme would significantly harm the character and appearance of the area. It would thus conflict with Policies SP1 and CS22 of the Hertsmere Core Strategy 2013, and Policy SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016, which require high quality design, and development which is appropriate in scale, appearance and function to the local character and context.
10. It would also conflict with Part D (Draft) and Part E of the Hertsmere Planning and Design Guide Supplementary Planning Document (2016) which set out the need to respect development patterns and to be sensitive to local character. Whilst this proposal is for an outbuilding not an extension, its general stance that crown roofs can add considerable bulk, and be out of keeping with the character of a streetscene, holds true here.
11. For similar reasons it would conflict with the National Planning Policy Framework ('Framework') requirement for good design, taking account of local design guidance.
12. In its favour, the scheme would provide the appellant and future occupiers, with a suitable space to work from home. It would make an efficient use of the land and provide some work for local builders and trades persons. However, those modest benefits, which find support from the Framework and the development plan, do not outweigh the significant harm that it would cause.
13. The scheme attracted no objections from neighbours. However, it would conflict with the development plan when considered as a whole and, having considered the scheme on its planning merits, the appeal is dismissed.

Chris Couper

INSPECTOR