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# Appeal Decision

Site visit made on 30 January 2023

**by G Sylvester BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 March 2023**

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**Appeal Ref: APP/C1950/W/22/3304004**

**44 Tolmers Road, Cuffley, Potters Bar EN6 4JF**

- 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 C Kyriacou against the decision of Welwyn Hatfield Council.
  - The application Ref. 6/2021/3338/FULL, dated 24 November 2021, was refused by notice dated 30 May 2022.
  - The development proposed is the demolition of existing house and erection of two detached houses.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Accompanying the appeal are photomontages showing the appeal site as existing and as proposed. The submitted photomontages do not change the proposal. As such, although interested parties may not have seen them, they would not be prejudiced were I to accept them. Having regard to the principles established in the case of *Bernard Wheatcroft Ltd v SSE* 1982, I have accepted the photomontages and had regard to them in reaching my decision on the main issue.

## Main Issue

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

## Reasons

4. The appeal property is a substantial two storey detached dwelling that is situated within a residential area consisting mostly of detached dwellings of varying architectural styles.
5. The character and appearance of the area is generally defined by tightly spaced rows of large two storey dwellings, some with accommodation in roofs, that are set on discernible building lines fronting Tolmers Road. The large dwellings occupy relatively wide plots and are set well back from the road behind deep front gardens and wide grass verges, where they form a distinctively strong built frontage to Tolmers Road.
6. The appeal proposal is to demolish the existing dwelling and replace it with 2 detached dwellings extending across two storeys on the subdivided curtilage.

7. Although the design and materials of the proposed dwellings would reflect the mixed architectural styles of buildings in the locality, the front facades of the proposed dwellings would be considerably narrower than the relatively wide front facades of the existing dwellings fronting Tolmers Road.
8. Consequently, the relatively narrow front facades of the proposed dwellings would be out of keeping with the broadly consistent scale and massing of the existing wide fronted facades of the dwellings that face Tolmers Road. Furthermore, the proposed dwellings would occupy plots that are considerably narrower than nearly all other plots in the locality. As such, the proposed dwellings would appear incongruous within the street scene and they would erode the characteristic pattern of large wide fronted buildings set within commensurately wide plots that contribute positively to the strong built frontage to Tolmers Road.
9. The substantial mature trees growing along the road frontage would provide a degree of screening of the proposed dwellings in views from the road, particularly when in leaf. However, given the width of the appeal site and the scale of the proposed development, I find that the trees would not be effective in hiding the incongruity of the proposed dwellings.
10. I recognise that the proposed plot widths are comparable to those on the same side of Tolmers Road at Nos 54 and 56, and from No 38 to the junction with Station Road. However, those plots are occupied by semi detached or terraced buildings which, as a whole, have front facades that are considerably wider than those of the proposed dwellings. Although the proposed dwellings would not be dissimilar in scale to those on Tolmers Gardens and Acorn Avenue, the dwellings on those roads are relatively modest in size and set within similar sized plots. They are of a different appearance to those houses on Tolmers Road in the locality of the appeal site. As such, these examples are not comparable to the appeal proposal and they do not weigh in its favour.
11. The spacings between the proposed dwellings and the existing flanking dwellings (Nos 42 and 46), would be narrower than the spacings between the existing dwelling and Nos 42 and 46. However, I find that the proposed spacings would be broadly consistent with the spacings between the existing dwellings in the street scene, which are generally narrow and irregular. Given that the sense of spaciousness in the street scene is derived from the wide grass verges alongside Tolmers Road and the relatively deep front gardens to the properties, and not from the spacings between buildings, I find that the proposed dwellings would maintain the existing sense of spaciousness in the street scene and would not appear cramped.
12. Several properties have expansive hard surfaced vehicle parking areas on their frontages, set back behind boundary treatments and the wide grass verge. In this context, the hard surfacing of the frontages of the proposed dwellings would not be visually harmful, even taking account of the likelihood that an additional dwelling would be expected to increase the number of parked vehicles.
13. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan (2005) (WHDP), which require development to respect its context and maintain the character of the area in which it is located.

14. I also find the appeal proposal to conflict with Paragraph 130 of the National Planning Policy Framework (2021) (Framework), which requires development to be sympathetic to local character, including the built environment, and add to the quality of an area, amongst other objectives.
15. The proposed development would also be contrary to the Council's Supplementary Design Guidance (2005), which as a material consideration requires new development to be sensitive to local character and townscape.

### **Other Matters**

16. References to the proposal being an improvement over the previous refused planning application, which is not before me, are of no relevance to my considerations in the appeal before me.
17. I have no details of the planning permission granted in 2010 for two houses on the site of No 46, and therefore it has no relevance to my finding on the main issue.
18. There is no dispute that the appeal proposal would not harm the living conditions of nearby occupiers. A detailed landscape scheme and measures to safeguard the health and wellbeing of trees could be secured by planning conditions. However, these considerations are neutral and would be requirements of any well designed proposal.
19. The socio-economic benefits of the appeal proposal are that it would make good use of land in a settlement where there is a range of services and facilities for residents, including a rail service to larger settlements, and where housing development is permitted, in principle, by the development plan. It would provide a net gain of one housing unit, through the demolition of the existing house and replacement with two new units of housing, which in turn would generate short term employment opportunities during construction and longer term benefits through the new resident household supporting the economy. However, these benefits would be modest given the small scale of the development and they weigh only moderately in its favour.
20. In addition, the appellant has brought to my attention that the proposed development would reuse or recycle demolition wastes. The proposed dwellings would receive energy from on-site renewable generation and they would be built to modern day building regulations from materials obtained from sustainable sources and with above average insulation values. They would be fitted with energy saving heating and lighting systems, electric vehicle charging points and secure cycle storage. Water usage would be controlled. However, these positive attributes of the development would largely be requirements of any well designed development. As such, these matters do not weigh in favour or against the proposal.
21. I appreciate that smaller sized homes generally have a lower purchase price than larger homes within the same area and are therefore accessible to a broader range of purchasers. However, I have not been provided with any substantive evidence to show there is a shortage of such homes in the area and the appellant refers to recently built smaller homes nearby on Tolmers Gardens and Acorn Avenue. I find that the relative affordability of the proposed dwellings has little bearing on my considerations.

22. Taking account of all the benefits of the proposed development and the harm it would cause to the character and appearance of the area, I find that the harm would outweigh the benefits. As such, the proposal would fail to comply with the development plan when considered as a whole.

*Paragraph 11.d)ii. of the Framework*

23. No information about the scale of the shortfall in housing supply in the area is before me, however the Council states that the presumption in favour of sustainable development set out within paragraph 11.d)ii. of the Framework should be applied. This says that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
24. The provision of an additional dwelling would make a small contribution to the housing supply in the area through efficient use of land for housing, and I have already found that there would be modest economic and social benefits attributed to the construction and occupation of the proposed additional dwelling. Even taking account of the Framework's objective of boosting housing supply, I find there would be conflict with the Framework in so far as the proposal would not be sympathetic to local character or add to the quality of the area.
25. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

**Conclusion**

26. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Accordingly, the decision should be made in accordance with the development plan and the appeal should be dismissed.

*G Sylvester*

INSPECTOR