



Appeal Decision

Site visit made on 28 April 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15th May 2023

Appeal Ref: APP/C1950/W/23/3317895

29 Hill Rise, Cuffley, Potters Bar, Hertfordshire EN6 4EH

- 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 F Boyle against the decision of Welwyn Hatfield Borough Council.
 - The application ref 6/2022/2668/HOUSE dated 22 November 2022 was refused by notice dated 18 January 2023.
 - The development proposed is the erection of a single storey side and rear extension, raising existing boundary wall with metal railings and installation of metal railing sliding gate.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey side and rear extension, raising the existing boundary wall with metal railings and installation of a metal railing sliding gate at 29 Hill Rise, Cuffley, Potters Bar, Hertfordshire, EN6 4EH in accordance with the terms of the application ref 6/2022/2668/HOUSE, dated 22 November 2022, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 4606-OS1 (site location plan); 4606-OS2 (block plan) and 4606-PO1A (plans and elevations as proposed).
 - iii. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr F Boyle against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The local planning authority (LPA) has referred in its notice of decision to the draft Welwyn Hatfield Local Plan 2016. However, as the development plan has not yet been adopted, I can afford it only limited weight.

The Main Issues

4. The main issues are (i) the effect of the proposed boundary treatment upon the character and appearance of the area and (ii) the free flow of traffic and highway safety.

Reasons

Character and appearance

5. The appeal proposal includes a single-story side and rear extension. The LPA raises no objections to the proposed extension, and I have no reason to disagree. Its objection and reason for refusal relate to the proposed treatment of the boundary wall, the addition of metal railings and the installation of a metal gate.
6. Hill Rise is a residential area of mainly detached properties of which the appeal property is one. Property boundaries are largely a mix of open frontages and low brick walls and with an absence of gates across their access points.
7. The proposed development is to raise the brick pillars somewhat to the existing boundary wall and to include metal fencing and a sliding metal gate across the access.
8. Whilst there is a general absence of such boundary walling and fencing on Hill Rise, numbers 19, 21 and 23 do have a boundary treatment of approximately 2 metres in height and as is now proposed for the appeal property. However, the character and appearance of these properties and their boundaries is somewhat different to the appeal property. They have an expanse of grassed open space in front of them whereas the appeal property boundary abuts the road. The result is that those properties which already have such boundary detailing have a more open expanse of a grassed area in front of them and therefore they differ from that of the rest of the area, including the appeal site, where boundaries abut the road, giving a more enclosing effect.
9. The LPA, in its officer report, refers to several applications affecting the appeal property which have included front boundary walling and fencing. Some have been refused on grounds of design and on highway safety, while application 6/2019/1629/HOUSE was approved on 28th of August 2019.
10. The appellant includes, by way of comparison, front elevations of the approved plans and those of the proposed boundary treatment. The LPA has commented that the brick piers to the approved scheme would be 1.7 meters high, the intervening wall/railings would be 1.5 metres high and there would be no gates. In comparison, the appeal proposal is for the brick piers to be some two metres high while the wall/railings would have a total height of approximately 1.8 metres. There would be a sliding gate of approximately 1.7 meters in height.
11. I give significant weight to the above approval in the decision-making process and to which both parties refer.
12. While there would be differences between the two schemes in terms of heights, these would not be so great as to make a significant difference to the character and appearance of the area. I appreciate that the previous approval has lapsed, but I see no reason to disagree with the assessment of the earlier approval in terms of acceptability of its impact upon the character and appearance of the

area. Moreover, while the earlier approval did not include a sliding gate, I do not consider that its addition would have a significant or adverse visual impact.

13. Therefore, I conclude that the proposed development would accord with policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 (DP), its Supplementary Planning Guidance 2005 (SPG) and paragraph 130 of the National Planning Policy Framework 2021 (the Framework), all of which require high quality design which reflects the character and appearance of the area.

Highway safety

14. While the LPA states in its officer report that no comments were received from the highway authority (HA), comments were received, stating that the HA did not object to the proposed development.
15. The application was refused on the basis that the proposed development would adversely affect highway safety by a detrimental effect upon sight lines caused by the design and siting of the proposed gates. In so doing, the LPA relied on comments from the HA relating to earlier applications rather than to those received relating to the appeal proposal. In fact, the LPA, in its officer report, failed to note that such comments had been received from the HA and prior to the decision notice being issued.
16. Moreover, the HA had replied to say that it did not wish to restrict the granting of planning permission on the basis that *'Hill Rise is an unclassified residential road and has a speed limit of 30mph. The existing access is approx. 3.6m wide and the proposal to raise the existing boundary wall to accommodate new metal railing and sliding gate will not significantly alter the existing visibility splays for both drivers and pedestrians'*.
17. On my site visit, whilst it only represented a snapshot in time, I was able to observe that traffic volumes were light and that speeds were low. Furthermore, I was able to note that the proposed addition of the gate and fencing would not alter significantly and adversely the existing sight lines. Therefore, I see no reason to disagree with the observations of the HA, even though these might have varied from earlier comments on previous schemes. I find that the proposal would not give rise to harm to the free flow of traffic in the area or have an unacceptable impact on highway safety.
18. I conclude that the proposed development would accord with LP policy D5 which requires all new development to take account of its impact upon existing and proposed movement patterns, and with paragraph 104 of the Framework which requires that transport issues shall be considered at the earliest stages of development proposals. While the LPA has referred to LP policy D1, this is more concerned with the quality of the design rather than with highway safety.

Conditions

19. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

20. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR