



Appeal Decision

Site visit made on 11 April 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/N1920/D/22/3313465

48 Heath Drive, Potters Bar EN6 1EJ

- 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 Ms Tina Apicella against the decision of Hertsmere Borough Council.
 - The application Ref 22/0305/HSE, dated 21 February 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as 'two storey side and rear extensions and new open front porch'.
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Decision

1. The appeal is allowed, and planning permission is granted for two storey side and rear extensions and new open front porch at 48 Heath Drive, Potters Bar EN6 1EJ in accordance with the terms of the application, Ref 22/0305/HSE, dated 21 February 2022, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The drawings were amended during the application process. For clarity the drawings I am considering as part of this appeal are Location Plan, 01, 02, 03 Rev B, 04 Rev B, 05 Rev B, 06 Rev B, 07 Rev B, 08 Rev B and 09 Rev B, since I understand from the submissions before me that those are the versions on which the Council based its decision.
3. I have had regard to the statutory duties set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in reaching my decision.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Potters Bar Darkes Lane (West) Conservation Area.

Reasons

5. The Potters Bar Darkes Lane (West) Conservation Area encompasses a 20th Century Garden Estate which predominantly consists of detached dwellings. The area derives its significance from the variety of house styles set back from tree lined highways on spacious, green plots. The distance between properties varies significantly with no distinct rhythm. Despite the variety there is a visual unity in the immediate locality that results from the use of a limited range of building materials and traditional detailing. While some properties appear

unaltered, there are many examples of sympathetic alterations which are subservient and compliment the original layout of the Garden Estate.

6. Although the proposal would introduce a two-storey mass to one side of the host property, it would be set down from the existing ridge and back from the front building line. It would therefore appear subservient and would not detract from the symmetrical composition of the primary front elevation. Although the sky gap between the host property and its neighbour would be reduced and the property layout would be altered, the historic boundary would be maintained and a significant sky gap would remain, preserving the open, verdant garden estate character. Further, the proposal would be an attractive addition to the street scene, in lieu of the existing, incongruous car port.
7. Concerns have been raised regarding the proposed materials, namely the uPVC windows and the grey roof tiles. While uPVC windows may not be traditional, they are prevalent within the area, including the host dwelling, and their use within the proposal would have a neutral effect on the street scene. While I accept that the majority of roofs in the area are red/brown, there is some variation in colour. Further, it is the consistency of material and size of roof tile which adds to the character of the area; a materials condition would ensure that a suitable tile was chosen, regardless of the proposed grey colour. Consequently, the proposal would preserve the appearance of the conservation area and would not harm its significance.
8. Given the above, I conclude that the proposal would preserve the character and appearance of the Potters Bar Darkes Lane (West) Conservation Area. Therefore, I find no conflict with Policy CS14 of the Hertsmere Local Plan Development Plan Document: Core Strategy (January 2013) or Policy SADM29 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan (November 2016) which collectively seek to ensure that development conserves heritage assets, including conservation areas, considering scale and design. There is also no conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character and history.

Other Matters

9. I have had regard to third-party representations which raise concerns over dominance, the loss of light, outlook and privacy as well as the proposal setting an undesirable precedent. However, these issues have not been raised as a reason for refusal by the Council and I have no technical evidence before me to reach a contrary conclusion.

Conditions

10. In addition to the statutory time limit, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. The Council commented that the Design and Access Statement should be included within the specified documents, however as some images in it have been superseded and it does not expand on the information contained within the approved plans, I have omitted it from the list. A condition relating to materials is also necessary to ensure that the appearance of the development would be satisfactory and in keeping with the conservation area. To ensure that the privacy of the occupiers of the neighbouring properties is preserved a condition is required regarding the appearance and operation of first floor side facing

windows as well as a condition restricting the use of the single storey extension's roof area.

11. The Council have suggested a landscaping condition, however as the proposal would not have a significant impact on the landscaping of the site as a whole or its ecological value the imposition of such a condition would not be reasonable.

Conclusion

12. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan received by LPA 21st February 2022
 - Existing Floor Plans 01
 - Existing Elevations 02
 - Proposed Floor Plans 03 Rev B
 - Proposed Roof Plan 04 Rev B
 - Proposed Elevations 05 Rev B
 - Proposed Elevations 06 Rev B
 - Proposed Block Plan 07 Rev B
 - Proposed Ground Floor Plan 08 Rev B
 - Proposed First Floor Plan 09 Rev B
- 3) Prior to any above ground works, details of the materials to be used in the construction of the external surfaces of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to occupation, the first-floor windows within the side elevations of the dwelling hereby approved, to serve the staircase and bathroom as indicated on Plan No. 03 Rev B shall be fitted with obscure glazing minimum grade 3 and be non-opening below a height of 1.7 metres above the internal finished floor level. The windows shall thereafter be retained obscurely glazed.
- 5) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

*****End of Conditions*****