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# Appeal Decision

Site visit made on 11 December 2023

**by Juliet Rogers BA (Hons) MA MRTPI**

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

**Decision date: 08 January 2024**

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**Appeal Ref: APP/N1920/D/23/3327383**

**227 Darkes Lane, Potters Bar, Hertfordshire EN6 1BX**

- 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 Vishal Shah against the decision of Hertsmere Borough Council.
  - The application Ref 23/0520/HSE, dated 6 April 2023, was refused by notice dated 19 July 2023.
  - The development proposed is a loft conversion with front and rear dormers.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

## 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 comprises a detached, two-storey dwelling set back from Darkes Lane located in a row of properties of a similar scale, plot size and relationship to the highway. Limited uniformity of design or use of architectural detailing and features are present in the street scene, although some similarities in roofscape exist. This includes dwellings with a roofline that sweeps down from the ridge to below the first-floor level. However, this is not a feature of the appeal property.
5. The appeal scheme comprises dormer windows to the front and back roofscapes. The front dormer would be located centrally within the roofscape and not in alignment with either the first-floor windows or the spaces between them. Furthermore, the spacing between the dormer and the proposed roof lights would not be equal. This would have an unbalancing effect on the front elevation of the host property, to the detriment of the character and appearance of the dwelling and the street scene.

6. Whilst I observed a few dormer windows on the front elevations of other properties within the street scene, including 197a Darkes Lane, these comprised unobtrusive features with a balanced relationship to the host building's roofscape and fenestration positioning. Their presence neither dominates nor represents an original feature of the street scene. Therefore, regardless of the changes made to the proposed dormer window size and roof design from the refused planning application<sup>1</sup>, the introduction of the proposed front dormer would be an incongruous feature in the street scene.
7. In the wider area, my attention was drawn to the front dormers of the properties of 16 Billy Lows Lane and 113 Mount Grace Road. Although varied in scale and design, nevertheless these dormers are also unobtrusive features in the roofscape and either centrally positioned or aligned with the spacing of the windows in the floor below.
8. I conclude that the proposed development would harm the character and appearance of the area, contrary to Policy CS22 of the Core Strategy<sup>2</sup> and Policy SADM30 of the SADMP<sup>3</sup>. These policies, amongst other things, require development to result in a high quality of design which makes a positive contribution to the built environment and recognises the local character of the area. It also conflicts with the Design Guide<sup>4</sup> which resists dormers within the front roof face unless they are a dominant or original feature of the street scene and Chapter 12 of the Framework which requires development to be visually attractive and add to the overall quality of the area.
9. The Council refer to Policy SP1 on the decision notice. However, as this relates to development contributing to delivering the spatial vision of the area by prioritising the efficient use of brownfield land and focusing development on existing built-up areas, it is not determinative in this case.

### **Other Matters**

10. A Grade II Listed Building known as Tiverton and the Darkes Lane Conservation Area (the DLCA) are located on the other side of Darkes Lane from the site. Therefore, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the DLCA and preserving the setting of the listed building.
11. Tiverton is one of five houses designed by Sir Banister Fletcher and one of a group of individual yet well-designed buildings that form part of the early layout of the Potters Bar Garden Estate<sup>5</sup>, now known as the DLCA. The significance of the DLCA, and the special interest of Tiverton, is derived from the architectural detailing present and the garden estate pattern of development.
12. Between the appeal property, Tiverton and the DLCA, generous front gardens, verges, pavements and the carriageway are located. Substantial mature trees positioned to the front of Tiverton limit the visual relationship between the listed building and the appeal property. Therefore, the physical and visual

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<sup>1</sup> Council ref: 22/1783/HSE

<sup>2</sup> Development Plan Document Core Strategy (the Core Strategy)

<sup>3</sup> Site Allocations and Development Management Policies Plan (the SADMP)

<sup>4</sup> Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations Supplementary Planning Document (the Design Guide)

<sup>5</sup> Proposal for the Designation of Darkes Lane west Conservation Area, Potters Bar

relationship between the appeal property and the heritage assets means the proposed development would preserve the setting of both the DLCA and the listed building.

### **Conclusion**

13. The proposed development would conflict with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR