
Appeal Decision

Site visit made on 4 September 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 SEPTEMBER 2025

Appeal Ref: APP/N1920/W/25/3367473

117 Cranborne Road, Potters Bar, Hertfordshire, EN6 3AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bill Corbett against the decision of Hertsmere Borough Council.
 - The application Ref is 24/1501/FUL.
 - The development proposed is described on the application form as “Erection of new two storey detached dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new two storey detached dwelling at 117 Cranborne Road, Potters Bar, Hertfordshire, EN6 3AQ in accordance with the terms of the application, Ref 24/1501/FUL, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Bill Corbett against Hertsmere Borough Council. This application is the subject of a separate decision.

Main Issue

3. The Council has confirmed that if the appellant had not appealed against non-determination, it would have refused the development for the reason set out in its appeal statement. Set against this context and the evidence in this case, the main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at Nos 115 and 117 Cranborne Road, with specific regard to privacy.

Reasons

4. The appeal site is located within a short cul-de-sac characterised by 2-storey white/cream rendered semi-detached dwellings with dark grey hipped roofs. It previously formed the side and rear garden to No 117 and consists of a large area of hardstanding to its southern end with overgrown scrubland and a mature Sycamore tree to the north. The plot steps down steeply in a northerly direction just beyond the rear elevation of both neighbouring properties.
5. Although some views would be possible from the patio area of the new property towards the rear gardens of both neighbouring properties at Nos 117 and 115, the extent of overlooking would be limited by the existing 1.8 metre high close boarded boundary fencing. As a consequence, I am satisfied that no harm would arise to the privacy of neighbouring occupiers when using their rear gardens.

6. In view of the above, I conclude that the scheme would accord with Policies SADM3 and SADM30 of the Development Management Policies Plan¹ and Policies SP1, SP2 and CS22 of the Core Strategy² which collectively seek, amongst other things, for developments to have a limited impact on the amenity of neighbours in terms of privacy.
7. I also find that the development would accord with;- (a) Paragraph 135 of the Framework³ which seeks, amongst other things, a high standard of amenity for existing users; and (b) Part D of the Council's Design Guide⁴ which seeks, amongst other things, to ensure reasonable privacy for neighbouring occupiers following development.
8. Although the Council has referred to Part E of the Council's Design Guide⁵ in its reason for refusal, this is not relevant to the scheme before me as it relates to residential extensions & alterations and not new dwellings.

Conditions

9. I have considered the various conditions referred to by the Council within the main body of its statement of case. A condition has been imposed to ensure the scheme is carried out in accordance with the approved plans. There is no need for a separate materials condition as I consider those specified on the approved plans to be acceptable.
10. A condition for hard landscaping (to include boundary treatment, bin and cycle store details) is attached to ensure a satisfactory appearance and adequate provision for bin & cycle storage. This condition does not necessitate the provision of specifications for soft landscaping as this is more appropriately left to the personal choice of future occupiers. A condition has however been imposed to ensure that tree protection measures are put in place during construction.
11. To protect the privacy of neighbouring occupiers, I have imposed a condition ensuring that the first floor side elevation windows are faced with obscure glass. By reason of the scheme's proximity to a commercial/industrial site at the rear, I also consider it necessary to impose the unexpected contamination condition requested by the Council's Environmental Health & Licensing Department.

Conclusion

12. For the reasons given above the appeal should be allowed.

Robert Fallon

INSPECTOR

¹ Site Allocations and Development Management Policies Plan, Hertsmere Local Plan, Adopted November 2016, Hertsmere Borough Council.

² Core Strategy, Hertsmere Local Plan, Development Plan Document, Adopted January 2013, Hertsmere Borough Council.

³ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

⁴ Planning and Design Guide, Part D: Guidelines for High Quality Sustainable Development, Draft for DM use and Public Consultation October 2016 V3 (post-Executive), Hertsmere Local Plan, Supplementary Planning Document, Hertsmere Borough Council.

⁵ Planning and Design Guide, Part E: Guidelines for Residential Extensions and Alterations, November 2006, Hertsmere Local Development Framework, Supplementary Planning Document, Hertsmere Borough Council.

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 details:- Drawing Nos 117CR24/01i (location & site plans); 117CR24/02i (proposed ground floor plan); 117CR24/03 (proposed first floor plan); 117CR24/04 (roof plan); 117CR24/05 (proposed elevations-1); 117CR24/06 (proposed elevations-2); TQRQM24254125026491 (site plan); Planning Statement 15580 dated 06/11/24; and TH4442 (Arboricultural Impact Assessment dated 25/01/24).
- 3) For the avoidance of doubt, the external materials and colour finishes of the development hereby permitted shall be as shown on Drawing no 117CR24/05.
- 4) Notwithstanding the submitted plans, no hard landscaping works shall take place until the following details have been submitted to and approved in writing by the local planning authority:
 - a) the hard surfacing materials to all car parking, pathway and patio areas;
 - b) the location, design, materials and colour of all boundary treatments and pedestrian gates;
 - c) the location, design, material and colour all bin storage enclosures;
 - d) the location, design, material and colour of all cycle storage enclosures.

The dwelling hereby permitted shall not be occupied until the hard surfacing works, boundary treatments, bin storage enclosure(s) and cycle storage enclosure(s), have been erected and/or carried out in accordance with the approved details.

- 5) The development and all tree protection measures shall be carried out in accordance with the Arboricultural Impact Assessment dated 25/01/24 (ref TH4442). No site clearance, preparatory work or development shall take place until the approved tree protection measures have been installed and these shall remain in place until completion of the development and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) The dwelling hereby permitted shall not be occupied until the east and west facing first floor side elevation windows have been fitted with obscure glazing. Once installed the obscure glazing shall be retained thereafter.
- 7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not

qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved remediation scheme.

End of schedule