
Appeal Decision

Site visit made on 19 December 2016

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th January 2017

Appeal Ref: APP/C1590/D/16/3160373

18 Georges Wood Road, Brookmans Park, Hatfield, AL9 7BT

- 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 Safaoglu against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2016/0610/HOUSE, dated 20 March 2016, was refused by notice dated 21 July 2016.
 - The development proposed is Two storey side, single storey rear, two storey front. Two dormers to the front and four dormers to the rear.
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Procedural Matter

1. As phrased in the application form the description of the proposal is slightly confusing since it does not include the word 'extensions', which is clearly what is intended. In my decision I have therefore substituted the phrasing used by the Council in their decision notice which does not change the intention of the proposal but avoids any ambiguity.

Decision

2. The appeal is allowed and planning permission is granted for the erection of two storey front, two storey side and single storey rear extensions, incorporating three dormers to the front and four dormers to the rear at 18 Georges Wood Road, Brookmans Park, Hatfield, AL9 7BT in accordance with the terms of the application, Ref 6/2016/0610/HOUSE, dated 20 March 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos: GW-2016/001 - Existing Plans and Elevations & GW -2016/001 - Proposed Plans and Elevations.
 - 3) 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.

Main Issue

3. The main issue is whether the side extension would unacceptably restrict the outlook from the neighbouring residential property at 20 Georges Wood Road and the natural light it receives.

Reasons

4. The neighbouring dwelling at 20 St Georges Wood Road has a number of windows and a glass panelled door in the ground floor elevation facing the appeal site. These serve a study, a bedroom, a bathroom and, in the case of the door, a kitchen. The windows are the only sources of natural light to the rooms they serve and are therefore more important to residential amenity than many windows in side elevations. The kitchen however has a window in the dwelling's rear elevation.
5. There is an extant planning permission for the erection of a new detached dwelling on the appeal site following the demolition of the existing dwelling (Ref: S6/2015/0001/FP). This permission constitutes a credible fall-back position.
6. Both the permitted replacement and the extended dwelling now proposed would come close to No 20's side elevation. The replacement would be larger overall than the extended dwelling now proposed and would sit further forward on the site. Although it would be predominantly a two storey structure the integral garage at its south west corner, the part closest to No 20's side elevation, would be single storey. The part of the dwelling to the rear of the garage would have two storeys. The extended dwelling now proposed would set further back. It would be marginally closer to No 20 and it would have no single storey element; however most of the second storey, including the part nearest No 20, would be set into a hipped roof and served by dormers. In addition the eaves height would be a little lower than those in the two storey part of the replacement dwelling. Taking all these factors into account I am satisfied that the impact of the proposed extensions on the light and outlook enjoyed by No 20 would be no greater than that resulting from the construction of the replacement dwelling already permitted. As such the appeal proposal does not conflict with the objectives of the National Planning Policy Framework or saved policy D1 in the Welwyn Hatfield Local Plan 2005.
7. I have read the extensive representations from No 20's occupants. I note their view that the current proposal would cause more harm to their outlook and natural light than the permitted replacement dwelling but for the reasons described above I have taken a different view. I am also aware that much of the neighbours' concern relates to a comparison between their existing situation and what it would be if No 18 was extended as now proposed. I must however consider the practical effect of any decision I might make. Given the conclusion I have reached above, any direct comparison with the existing situation would amount to revisiting the Council's assessment of the permitted development. This would serve no useful purpose. Importantly I consider it overwhelmingly likely that the permitted scheme, or something similar, will be implemented if this appeal is dismissed especially since I am told that this is the appellant's intention. I therefore consider it appropriate to base my assessment on a comparison between the appeal proposal and the permitted scheme.
8. The appellant has produced two daylight assessments based on the BRE publication 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. These support the appellant's case but there is the problem that the photographs forming part of the window schedules in both reports appear to be

mislabelled as relating to 16 St Georges Wood Road. Moreover the reports constitute detailed technical evidence which is difficult to assess in the context of a written representations appeal. Since neither report affects my decision I give them little weight.

Conditions

9. I have imposed standard conditions governing the timing of development, specifying the approved plans and requiring matching materials. These are necessary in the interests of visual amenity and for the avoidance of doubt.

George Arrowsmith

INSPECTOR