
Appeal Decision

Site visit made on 24 January 2017

by Alex Hutson MATP CMLI MARborA

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

Decision date: 2 February 2017

Appeal Ref: APP/C1950/W/16/3162934
71 Great North Road, Hatfield AL9 5EN

- 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 Oakbridge Homes Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/1574/FULL, dated 29 July 2016, was refused by notice dated 11 October 2016.
 - The development proposed is creation of 2 two-bedroom flats following alterations to Flat 5 and storage area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The development has been carried out as shown on the submitted plans. I have determined the appeal on this basis.

Main issue

3. The main issue is whether the development would provide adequate living conditions for any future occupiers with particular regard to daylight and outlook.

Reasons

4. 71 Great North Road is a large, 3 storey building which benefits from a change of use from office to residential to provide 27 flats. This was established under a prior notification application¹. The works to convert the building are largely complete. However, one of the flats and an area of ancillary storage as shown on the approved plans associated with the prior notification application have been altered to create 2 self-contained flats, identified on the submitted plans as Plot 5 and Plot 5a. It is these flats to which the appeal relates. These flats are located at ground floor level to the rear of the building.
5. Plot 5 comprises a living room/kitchen, two bedrooms and a bathroom. The living room is served by a large window which faces a wire fence and a railway line beyond. Each bedroom is served by a skylight of a modest size. I observed that the window in the living room/kitchen allows long distance views through the wire fence and across the railway lines towards buildings and trees

¹ Ref S6/2014/1620/OR

- beyond and would provide a reasonable level of outlook in respect of this room for any future occupiers.
6. However, the skylights within the bedrooms, which are obscure glazed to prevent overlooking from other flats and communal areas within the building at a higher level, provide very limited outlook. This would be the case even if they were not obscure glazed given their small size and positioning within the ceiling. Moreover, the modest size of these skylights provides very little natural daylight into these rooms. I observed that this is the case even though the sky was clear and bright at the time of my site visit. This is particularly noticeable in respect of bedroom 2, given the location of the skylight at the edge of this room. Whilst bedrooms might not be used on such a frequent basis during the day as other living areas within a dwelling, in this case they would comprise two of the three main habitable rooms of this flat.
 7. Therefore, given the poor level of outlook and natural lighting to these bedrooms, I consider that this would result in a poor quality living environment and oppressive sense of enclosure overall for any future occupiers of Plot 5.
 8. Plot 5a comprises a living room/kitchen, 2 bedrooms and a bathroom. Each bedroom is served by a large window with a similar aspect to the living room/kitchen of Plot 5 and the living room/kitchen is served by 2 skylights. On the same basis as above, a reasonable level of outlook would be provided in respect of the bedrooms of this flat for any future occupiers.
 9. Nevertheless, the skylights within the living room/kitchen, which are also obscure glazed to prevent overlooking from other flats and communal areas within the building at a higher level, provide very limited outlook. Again, this would be the case if they were not obscure glazed. Moreover, the modest size of these skylights and their off centre positioning provides very little natural daylight into this room. This room provides the main living space within this flat and would likely be used on a regular basis throughout the day. Whilst this room may be generously proportioned and may have been finished to a high specification, this does not adequately mitigate the poor level of outlook and natural lighting.
 10. Therefore, given the poor level of outlook and natural lighting to the living room/kitchen, I consider that this would result in a poor quality living environment and oppressive sense of enclosure for any future occupiers of Plot 5a.
 11. I therefore conclude that the development would provide inadequate living conditions for any future occupiers of Plot 5 and Plot 5a in respect of outlook and daylight.
 12. I acknowledge that these flats would otherwise provide an adequate level of internal space for the intended number of occupiers and might reflect the internal space levels of a recently consented development² on an adjacent site. However, this is not particularly relevant on the basis that daylight and outlook are different matters to internal space provision.
 13. The development would therefore be contrary to saved Policy D1- Quality of Design, of the Welwyn Hatfield District Plan 2005, which requires, amongst other things, development to be of a high quality. The development would also

² Ref 6/2015/1774/MAJ

be contrary to the broad aims and objectives of the National Planning Policy Framework which seek to secure a good standard of amenity for all future occupants of land and buildings.

14. In addition, the development would conflict with the guidance of the Council's Supplementary Design Guidance 2005, which seeks a satisfactory level of daylight to new development.

Other matters

15. The Council raises a concern that the proximity of Plot 5 and Plot 5a to a railway line would result in a harmful level of noise and disturbance for any future occupiers were they to open any windows. However, any noise from trains would likely be intermittent and over a short duration. Moreover, the situation would not be materially different to the situation of other flats within the building where any windows face the railway line. As such, I do not consider that this weighs against the development.
16. The appellant alleges that Plot 5a is currently under offer from a prospective buyer who likes the feel of 'loft style' living. I have also had regard to a letter from a local estate agent which suggests that offers have been made on both flats. However, no substantive evidence has been provided to support these claims. As such, I afford these matters limited weight. Moreover, even if this were the case, it would not alter my opinion in respect of the inadequate living conditions that would be provided.
17. I note the appellant's argument that the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 is to allow the change of some uses to residential quickly and without excessive scrutiny or restriction. However, this matter has little relevance in an appeal under s78 of the Town and Country Planning Act 1990 where any development needs to be considered in the context of local and national planning policy.
18. I recognise that any future occupiers would have a good level of access to local services, facilities and public transport routes. However, this matter does not outweigh the inadequate living conditions that would be provided for any future occupiers.

Conclusion

19. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR