
Appeal Decision

Site visit made on 30 October 2017

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/C1950/W/17/3180404

11 Bradmore Green, Brookmans Park, Hatfield AL9 7QW

- 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 B Denton against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2017/0697/FULL, dated 4 April 2017, was refused by notice dated 1 June 2017.
 - The development proposed is a two storey rear extension comprising of an extension to an A1 Retail unit at ground floor and one person residential studio unit at first floor, with rear access retained to flats on existing first and second floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect that the proposed development would have on the living conditions of neighbours and whether it would provide acceptable living conditions for its occupants, its effect on the character and appearance of the site and surrounding area, and in respect to car parking.

Reasons

3. I note that there was an appeal decision in respect to the same site made earlier this year for development similar to that now proposed (the Previous Appeal). Given the evident similarities between the two schemes, and that the policy and local circumstances are not significantly changed from when the Previous Appeal was determined and as there is a need for consistency between Inspectors acting on behalf of the Secretary of State, I have had particular regard to my colleague's decision letter for that Appeal while also bearing in mind that all such decisions must be made on their individual merits.

Living Conditions

4. As the Previous Appeal Inspector identified, the site is located within a three-storey shopping parade on Bradmore Green, consisting of commercial units on the ground floor and residential properties above. Upper floors are numbered separately from the ground floor, such that Nos 9/10 and 13/14 refer to the plots immediately either side of the site.
5. The plot to the rear of Nos 9/10 is partly occupied by a large single storey flat roof extension for a complementary therapy business and partly occupied by an enclosed yard. The plot to the rear of Nos 13/14 has a small lean-to extension at the back of a beauty salon. When I visited the site I was unable to gain access

close to the rear of the building as the rear of the site was overgrown. Nonetheless, I note that the previous Inspector stated that the area beyond the beauty salon has the appearance of an enclosed private garden for residential use. From what I have read and seen during the appeal process I have found no reason to believe that there has been any change in that regard.

6. As with the Previous Appeal scheme, the internal ground floor level of the development now proposed would be lower than the internal ground floor level of the existing shopping parade in order to fit the proposed roof beneath the window sills on the rear elevation of the existing first floor residential properties. As the Previous Appeal Inspector observed, this would avoid any significant effects on outlook and light for occupiers of existing residential properties above the ground floor, while obscure glazing on the proposed windows and roof lights would avoid any overlooking to and from the new property.
7. In respect to the Previous Appeal scheme's effect on daylight to and the outlook from the extension to Nos 9/10, the previous Inspector attached limited weight to this given that the effected windows serve rooms associated with a non-residential use, while he also commented that the depth of the extension at Nos 9/10 meant that only the end few metres of the development then proposed would be particularly noticeable from the yard, thereby limiting any negative effect on outlook and daylight. He added that the orientation of the windows and yard to the south-west would avoid any harmful effect on sunlight.
8. The extension currently proposed would project a similar distance from the rear elevation of the host parade of shops compared to the Previous Appeal scheme and be of a similar height. However, it would be located adjacent to that side boundary whereas the previous scheme was proposed to be set a little away from it. Nonetheless, for the reasons identified by the previous Inspector, notwithstanding its closer proximity, the current proposals would not have a significant effect on users of the extension to Nos 9/10 in terms of light and outlook.
9. As the Previous Appeal Inspector observed, in contrast, the development before him would have extended a significant distance beyond the lean-to extension at Nos 13/14 by around 8 metres; the same is true of the current scheme. The roof form now proposed at first floor reduces the extent of mass that would be located close to the boundary with Nos 13/14 compared to the Previous Appeal scheme. Nonetheless, I also agree with that Inspector's assessment that any adverse effect on occupiers of the lean-to in terms of outlook and light would be limited on the basis that it is used for non-residential purposes. Indeed, in this regard the current scheme represents an improvement on the Previous Appeal scheme due to its reduced mass near to the boundary with Nos 13/14.
10. The Previous Appeal Inspector went on to say "However, the rear garden could be used by residents of the upper floors at any time. The upper portion of the development would be very bulky and have an overbearing effect on the outlook for any occupier of the garden. The report on daylight and sunlight produced for the appellant does not consider the effect on light to the garden at Nos 13/14. Nevertheless, given the scale of the development along the boundary, there would be a reduction in daylight to the garden, while the position of the development to the south-west would lessen afternoon and evening sunlight." He then concluded that " ... there would be significant harm to the living conditions of occupiers of 13/14 Bradmore Green from their rear garden with regards to outlook and light."
11. As described above, the current scheme reduces the mass that would be present close to the boundary with Nos 13/14 compared to the Previous Appeal proposal. Nonetheless, the maximum height of the current extension would be similar to that

previously proposed and this would run reasonably close to this neighbouring property such that, while representing something of an improvement in that regard, the upper portion of the development would still appear as a very bulky addition and have an overbearing effect on the outlook for any residential user of the garden to Nos 13/14.

12. A new report on daylight and sunlight has now been produced for the appellant. In contrast to the report prepared for the Previous Appeal scheme, it makes an assessment of the effect on light to the garden at Nos 13/14. It concludes that the reduction of sunlight to this amenity area resulting from the appeal development would be to 83% of the former value and that this is better than the minimum of 80% recommended by a BRE Guide¹.
13. However, the Council has raised unchallenged concerns about the new report on the basis that the assessment is limited to between 10am and 12noon and contends that the main loss of light would occur in the afternoon through to the early evening. On this basis and having regard to the wider evidence before me, this aspect of the new report on daylight and sunlight can carry only very limited weight. Given its overall mass and its proximity and orientation to the side boundary, the proposed development would be likely to have a significant overall effect on light to the garden at Nos 13/14 to the detriment of the living conditions of residents.
14. For these reasons, therefore, the current appeal development would harm the living conditions of occupiers of Nos 13/14 due to its effect on outlook and light to the rear garden. Consequently, in that regard, it would conflict with Policy D1 (Quality Design) of the Welwyn Hatfield District Plan 2005 (the District Plan), as well as with the Council's Supplementary Design Guidance 2005 (the SDG) and with the National Planning Policy Framework (the Framework).
15. However, I have found that the proposed flat would provide an acceptable living environment for its occupants given that reasonable levels of natural light and ventilation could be secured to each room. Moreover, reasonable outlook would be provided from the principal living space bearing in mind that the flat would have only one bedroom such that occupants would be unlikely to spend a significant amount of time in the bedroom other than while asleep or at times when the curtains are likely to be drawn, such as while getting dressed.

Character and Appearance

16. I agree with the Previous Appeal Inspector's comments that "To the rear of the parade are a variety of extensions and outbuildings, in different materials, shapes and sizes. Given the scale of the main parade, these structures maintain a subservient relationship with the original building. This area is visible from Peplin's Way due to the corner location, and presents a mixed architectural character for passers-by. The view from the private access road at the rear of the parade is similar. The large single storey extension to the restaurant at Nos 15/16 and the detached garage at the bottom of the plot are prominent in views from Peplin's Way, and partly block views to the rear elevation and plot of the appeal site."
17. The proposed roof form of the current appeal scheme would be asymmetric and unlike anything I observed when I visited the area. However, within the context outlined above, my assessment of the scheme is similar to that of the previous Inspector's view of the scheme before him. Given the design, scale and siting of existing extensions and outbuildings, the current proposals would also have little

¹ Site layout and planning for daylight and sunlight, a guide to good practice, second edition, Building Research Establishment, 2011

negative effect on the mixed architectural character of the rear elevation. Views from Peplin's Way would still not be altered dramatically given the extension and garage at Nos 15/16 and the street scene would not be significantly affected. The height and position of the extension beneath the first floor rear windows would also mean that it would have a subservient relationship with the host building.

18. For these reasons, therefore, the current appeal proposals would not have a significant effect on the character and appearance of the site and the surrounding area. Consequently, in that regard, it would accord with Policy D1 (Quality Design) of the District Plan, as well as with the SDG and with the Framework.

Parking

19. The Previous Appeal Inspector concluded that the effect of development on parking provision would be acceptable. The current proposals are for a very similar form and scale of development to that which was before that Inspector. However, from the information before me it appears that that Inspector's conclusion in that regard was based, at least in part, on the understanding that occupants of the proposed dwelling would be able to obtain a street parking permit. In contrast, the current evidence indicates that occupants would not qualify for such a permit.
20. The evidence also indicates that the area is reasonably well served by public transport, but I acknowledge that a new residential use of this type is likely to give rise to some car use. I agree with the Previous Inspector's comment that the development would not accord with the parking standards of District Plan Policy M14 and the associated guidance in terms of not providing off-street parking space, but also note - as he did - that these standards are intended to be used as guidelines.
21. While street parking in the area surrounding the site may be problematic there is no clear evidence that the appeal development would give rise to a significant increase in the demand for street parking, or that any such increase would necessarily cause any material harm. I also note that the local highway authority has not objected to the current scheme. For these reasons, therefore, withholding planning permission on the basis of the scheme's effect on parking would be unjustified.

Other Matters

22. While I have taken into account the other matters raised by interested parties these have not altered my overall decision.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

G D Jones

INSPECTOR