
Appeal Decision

Site visit made on 16 July 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/C1950/D/19/3228157

9 The Drive, Welwyn, AL6 0TW

- 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 & Mrs J Patwal against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/0270/HOUSE, dated 6 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is erection of first floor side extension with front porch canopy over garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension with front porch canopy over garage at 9 The Drive, Welwyn, AL6 0TW in accordance with the terms of the application, Ref 6/2019/0270/HOUSE, dated 6 February 2019, 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: 4653-OS1, 4653-OS2 rev.A, 4653-P01 rev.C, 4653-E01.
 - 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.
 - 4) The protected pine tree (TPO 518 (2016)) shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until 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.
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Main Issue

2. There is one main issue which is the effect of the proposed first floor extension on the character and appearance of the host dwelling and the street scene of The Drive.

Reasons

3. The Drive comprises an unmade street with dwellings on either side, well separated by verges and generous, well vegetated frontages. The character is semi-rural with mature trees visible both in the street scene and behind dwellings. Most dwellings are detached and many originally comprised modest interwar bungalows. Many of these have been significantly enlarged through lateral extensions as well as major roof alterations to increase height and introduce dormer windows. Gaps between dwellings are characteristic but vary considerably in extent. Both the appeal dwelling and its neighbour, No 7, have undergone large extensions. At No 7 which lies on noticeably higher land, the integral garage extends up to the shared boundary and has habitable accommodation in the roof space above, resulting in a side wall that looms over No 9.
4. The appeal dwelling (No 9) has recently been enlarged under the terms of permission ref 6/2018/0795/HOUSE granted in May 2018. The permitted enlargements include roof extensions and dormers and a side/rear extension behind the original single storey attached side garage and habitable accommodation which lie close to the boundary with No 7. The original garage is shown as being demolished but at present is retained and appears disproportionately small, tucked down between the enlarged host dwelling and No 7.
5. The appeal proposal seeks to retain most of the original garage and build a first floor within a new roof space above it to provide two en-suites and a boiler room. The Council does not object to the ground floor element which would be set back 1m from the main front elevation with a wide eave extending to the front corner of the dwelling. However, the Council objects to the proposed increase in height to provide first floor accommodation, due to the incursion into what is currently a gap above the existing garage.
6. The proposed roof would slope towards the front and rear elevations at the same angle as the main roof but would end in a flat crown at about the height of the side eaves below the semi-hips of the new main roof. The increase in height would be about 1.2m. The roof would remain significantly below the main ridge and noticeably below the highest point of the roof over the garage at No 7. Owing to the differences in ground levels and building height and the difference between the building line of the garages, the dwellings would remain distinct from each other.
7. Nevertheless, with respect to the loss of space above the garage, the Council cites adopted Supplementary Design Guidance (SDG), 2005. This states that extensions should be subservient and not reduce the space around a dwelling to the extent that it appears cramped. Specifically, a 1m gap between the boundary and flank wall of any extension above ground floor is required and the existing spacing in the street scene should be reflected. The aim of this spacing is to prevent over development across plot widths and a terracing effect and to

ensure that the extension of a dwelling does not prejudice the ability of an adjacent occupier to extend without destroying any separation spaces that exist.

8. Although there would be some loss of openness above the garage this would be limited, the roof would remain subservient to the host dwelling and mature trees to the rear would remain visible above it. Moreover, Nos 7 and 9 have historically been much closer to one another than most dwellings in the street with only a 0.2m gap at the front. In addition, at No 7 an increase in roof height above the garage has already been permitted and built, up to the boundary and contrary to the SDG. The situation is thus not typical of the wider street scene and the limited proposed increase in roof height at No 9 would not materially alter the separation or lack of it between the two dwellings or lead to a noticeably more cramped arrangement. Neither would there be a terracing effect since the dwellings would remain distinct. The technical conflict with the SDG would not therefore justify dismissing the appeal in this case.
9. It is concluded on the main issue that the proposed erection of a first floor side extension would have no materially detrimental effect on the character or appearance of the host dwelling, the street scene of The Drive or the surrounding area. In consequence there would be no conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan, 2005, or the National Planning Policy Guidance which, taken together, expect extensions to be of a high standard of design which respects and relates to the character and context of the area and maintains or enhances the character of the area.
10. Turning to other matters, the occupier at No 7 is concerned that the proposed extension would block light to a side bathroom window and dominate their rear amenity space. With respect to the window, this is in a ground floor bathroom and appears to be already substantially hidden by the existing garage. Light to the bathroom is therefore limited. The proposed extension would exacerbate the situation but it would remain possible to open the window to provide ventilation and although some further loss of light would occur I am not persuaded that this would have a significant effect on the need for artificial illumination in the room since this must already be necessary for much of the time.
11. With respect to the rear amenity space, the proposed extension would not project back beyond the permitted rear elevation and would be seen against the higher main roof. Although it would be closer to the shared boundary it would not therefore lead to any increase in overlooking or any material change in outlook from No 7. I am therefore satisfied that the proposed extension would have no materially harmful effect on living conditions at No 7.
12. In addition to the statutory commencement condition, the Council suggests three other conditions. I agree that the proposed extension should be carried out in accordance with the approved plans and in materials which match the existing building. This is necessary to provide certainty and to protect the character and appearance of the area. A third condition is also necessary to protect a large pine tree, the subject of a Tree Preservation Order, in the front garden close to the boundary with No 11. The tree would not be directly affected by the extension but there is a need to ensure that it is not damaged during the construction period. However, the small scale of the development

and limited risk of damage would not justify a full tree protection plan. I have therefore altered the proposed wording to reflect this.

13. For the reasons set out above and having regard to all other matters raised, including the representations of third parties and concerns about future maintenance issues, which is a civil rather than a planning matter, I conclude that the appeal should be allowed.

KE Down
INSPECTOR