
Appeal Decision

Site visit made on 30 July 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/C1950/D/19/3223885
44 Heron Way, Hatfield AL10 8QX

- 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 Ionut Daniel Apetrei against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/2741/HOUSE, dated 23 October 2018, was refused by notice dated 12 February 2019.
 - The development proposed is for an outdoor barbecue.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading is taken from the application form, but it is misleading and omits important features. The area for the barbecue is not outdoors and open to the elements. Instead it is enclosed by a brick built structure on three sides with a solid roof and bi-fold doors along the rear elevation that create an enclosed space and room. The extension is joined to the main house with connecting doors. Even if the bi-fold doors are fully open the brick three-sided structure and solid roof remain. Furthermore, the submitted plans show and annotate the area as a 'BBQ room' rather than an outdoor area. Moreover, the description does not refer to the erection of the chimney. "Erection of a single storey extension and installation of brick chimney for a barbecue room" more accurately describes the proposed development and what has been built. Therefore, I have used this description in my decision, notwithstanding the description above taken from the application form.
3. The application is retrospective as the extension and chimney have been built. The development that has been carried out is the same as that shown on the submitted plans and therefore what has been applied for. Notwithstanding it has already been built, I have dealt with the appeal on its merits.
4. The emerging Welwyn Hatfield Local Plan 2016 is still undergoing examination and has not yet been adopted. Therefore, I attach limited weight to its Policies SP9 and SADM11 that are cited in the refusal reasons.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and the living conditions of occupiers of nearby properties with regards to outlook.

Reasons

Character and appearance

6. The appeal site is a modern detached dwelling that occupies an irregular shaped plot on a spacious housing estate of similar designed dwellings. It is located towards the end of a row of like houses, to the side of an area of grassed open space with some mature trees. As such, access to the house is by a pedestrian path with parking/garaging accessed from the rear off Minster Close. Due to its location in relation to the open space, it is set back from the prevailing building line of the row. The rear garden is irregular in shape making it wider and less rectangular than the prevailing gardens in the row. The site is not within a conservation area.
7. The proposal involves the erection of a single storey flat roof extension and the installation of a brick chimney approximately 5m in height above the ground. The extension has filled in the irregular shape between the dining room, the rear of the store building and the angled boundary, creating an approximately triangular area. The rear elevation has bi-fold doors that open across the width of the extension. There are two sets of patio doors, one leads into the dining room and the other to the driveway. Inside, along the boundary wall of the extension, is a brick-built chimney with an oven and barbecue (BBQ). The chimney is located approximately half way along the side of the extension that runs along the boundary with 46 Herron Way.
8. Despite the irregular shaped footprint of the extension, its rear elevation is in line with the existing single storey rear extension of the house. The flat roof and eaves also align and the bricks match. It therefore reads as a continuation of the house and blends in. Whilst the proposed extension together with the existing extension combine to create a large footprint similar to the footprint of the original house, they are not out of scale or disproportionate to the host dwelling in the context of the shape and alignment of the garden. The extension is to the rear of the property and not visible from the street. I find the extension is compatible with the host dwelling and does not harm the character and appearance of the area.
9. The chimney is a stand-alone isolated structure set some distance apart from the built form of the house and the neighbouring property. This detachment reduces the associated function of the chimney from the dwelling. As a result, the chimney appears as an incongruous and discordant feature in relation to both the host dwelling and the wider street scene. The height of the chimney also serves to exacerbate its prominence, in spite of the roof top chimneys that prevail around the estate and the proposed chimney not being higher than the roofs of the adjacent dwellings. There are views of the chimney from both sides of Heron Way as one approaches from the south. The open space in front of the dwelling gives the chimney more widespread visibility, although when the trees are in leaf some views would be partly obscured.
10. The red brick of the chimney matches neither the buff coloured brick of the store building it rises up from, nor the dark brown/grey brick of the appeal dwelling and the flank wall of the adjacent house against which it is viewed. The light coloured mortar further exacerbates the prominence of the chimney. The bricks and mortar would weather over time and a condition could be imposed to stain the mortar a darker colour, but neither of these measures would overcome the harm already identified.

11. To conclude, whilst the extension cannot be seen from the street, the chimney is visible and for the reasons above would harm to the character and appearance of the host property and area.
12. I have the powers to issue a split decision should I find parts of the appeal scheme to be acceptable and others unacceptable, provided the different elements are clearly severable, both physically and functionally, from each other. The chimney is attached to the extension as an integral design and function of the BBQ and oven. For this reason, I am unable to split the decision, even though I find the extension on its own to be acceptable.
13. Accordingly, the proposal would be in conflict with Policy D1 of the Welwyn Hatfield District Plan 2005 (DP) that seeks to promote high quality design that takes account of character and context, in association with the Supplementary Design Guidance. It would also conflict with the design guidance in the National Planning Policy Framework (the 'Framework').

Living conditions

14. The chimney can be seen from a number of properties but the occupiers of the adjacent property, 46 Heron Way, would be most affected due to their proximity to the chimney along the common boundary. Whilst the chimney can be seen and is an unusual sight, it is not close to and directly in front of a window. Furthermore, the narrow amount of brickwork would not have an unduly dominant and overbearing effect that would create an unsatisfactory outlook.
15. Whilst some of the single storey extension may be visible above the tall close boarded timber boundary fence, including the pointing of the wall, this would not result in an overbearing structure that would cause harm.
16. I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of 46 Heron Way with regards to outlook. Accordingly, the proposal would not be in conflict with DP Policy D1. It would not conflict with the SPG or the Framework on this matter.

Other matters

17. The enclosed 'indoor' nature of the proposal would mean the BBQ could be used more often throughout the year than a conventional outdoor one. The Council has not raised this as a concern and I have no information or substantive evidence before me to come to a different view.

Conclusion

18. The proposed development would not have harmful effect on the living conditions of the occupiers of 46 Heron Way. However, it would have an unacceptable effect on the character and appearance of the host property and area. On balance, my findings on the second main issue do not outweigh the findings on the first main issue above. Having regard to all matters raised, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR