



Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/C1950/W/19/3238498 51 School Lane, Welwyn AL6 9PL

- 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 Mrs Pattison against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/1064/FULL, dated 30 April 2019, was refused by notice dated 19 August 2019.
 - The development proposed is the change of outbuilding to a self contained one bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council contend that the proposed change of use has already commenced. At the time of my site visit the subject building comprised two main rooms, each containing two single beds, one with an en-suite; a separate bathroom; and a utility/storage area containing fitted cupboards. I also noted that the proposed driveway and turning area had been completed and boundary fencing had been erected, dividing the property from the host dwelling, in accordance with the proposed drawings submitted.
3. Therefore, despite there being no evidence that the building is currently being occupied as a separate dwelling, I consider that work has commenced on its subdivision from the host dwelling. Nevertheless, I have determined the appeal based on the proposed details submitted, not what is present on the ground.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area; whether it would provide adequate living conditions for future occupants, with regard to the amount of outdoor amenity space and outlook; and, the effect on the living conditions of the occupants of 51 School Lane, with regard to outlook and light.

Reasons

Character and appearance

5. The appeal site is located within a predominantly residential area comprising a variety of house types and designs. The set back position of dwellings from the highway and the generous rear gardens create a spacious, leafy setting.
6. The appeal building is a single-storey building located to the rear of 51 School Lane. Access to the building is via a driveway that leads through No 51, under a first-floor element of the dwelling. The building has a narrow, paved area around its immediate perimeter with the remainder of the front of the site occupied by the driveway and turning area and a small artificial grassed area.
7. The subdivision of the site has resulted in both the rear garden area of No 51 and the overall amenity space of the appeal building being significantly smaller than other properties in the vicinity, in particular those on School Lane. This marked contrast in plot sizes results in the site appearing cramped and overdeveloped when read in the context of the more generous plots of the surrounding properties, diminishing the overall spaciousness of the area.
8. I acknowledge that the building already exists and benefits from planning permission. However, its use as being incidental to the enjoyment of No 51 would have less of an impact on the character and appearance of the area than that of a separate residential unit. A separate residential use would increase the amount of domestic paraphernalia and general comings and goings and domestic activities, highlighting the overdevelopment of the overall site in comparison to the neighbouring properties.
9. I also acknowledge that the building would be largely screened from public views. However, the siting of the dwelling behind the existing dwelling would be in marked contrast to other properties on the road which all have well-defined frontages that embrace the street. The dwelling's lack of frontage with the road would appear incongruous and fail to engage with the streetscene.
10. I note there are other developments within the locality that have been the result of the subdivision of plots. However, these have a better relationship with the streetscene, being visible from the public realm, rather than being almost completely hidden from view.
11. I find therefore that the proposal significantly harms the character and appearance of the area, contrary to saved Policy D1 of the Welwyn Hatfield District Plan 2005 (the WHDP), which seeks to ensure that development is of a high quality. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions of future occupants

12. The appeal building has a limited amount of outdoor amenity space, much of which is occupied by the driveway and turning area. Furthermore, whilst there is the paving around the perimeter of the building, given its narrow width and its proximity to high boundary fencing, its usability is very limited. Therefore, the only space that could be permanently usable is the small paved area adjacent to the bi-fold doors and the artificial grassed area, both areas of which are small.
13. Nevertheless, the proposal is for a one-bedroom dwelling and therefore the it would likely only be occupied by a single person or couple. Although limited, the usable outdoor space would be sufficient for outdoor seating, the use of a

clothes maiden and other small-scale domestic activities necessary for one or two people.

14. I note that the boundary treatment is generally high, close boarded timber fencing. The boundary fence between the artificial grassed area and the rear garden of No 51 is particularly high. Due to the southerly orientation of this grassed area, the high fence limits the amount of direct sunlight serving it. However, at the time of my site visit, which was approximately midday in the middle of winter, the grassed area was sufficiently lit by natural light to ensure that it did not appear unacceptably gloomy.
15. With regard to the outlook from the building, whilst the windows are within proximity of the boundary fencing, they are of a significant size to ensure that this proximity does not create an overbearing sense of enclosure that would be detrimental to the living conditions of the occupants of the dwelling.
16. I find therefore that the proposal would provide adequate living conditions for future occupants, with regard to the amount of outdoor amenity space and outlook. As such, it would comply with Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission (the DLP) 2016, which, amongst other things, seeks to ensure that external private or communal garden space, in its extent and design, meets the reasonable needs of its users. It would also accord with the Framework which similarly seeks to ensure that development provides adequate residential amenity.

Living conditions of the occupants of 51 School Lane

17. The retained garden space for No 51 is significantly smaller than the original available space. It is a largely artificial grassed area in an approximately square shape. Whilst the dwelling is a 3 bedroomed property, and therefore could reasonably be occupied by a family with children, the remaining outdoor amenity space is of a sufficient size to enable adequate provision for outdoor play, outdoor seating, hanging clothes out to dry and other activities associated with family living.
18. Although the high boundary fence would reduce the outlook from the rear of No 51, there is sufficient garden depth to ensure that adequate outlook from the rear windows in No 51 is retained. Furthermore, although there would be some loss of light as a result of the high fence, based on the observations I made on site, I do not consider that this is to such an extent that it creates an unduly oppressive or enclosed environment for its occupants.
19. I find therefore that the proposal would ensure that adequate living conditions are retained for the occupants of 51 School Lane, with regard to outdoor outlook and light. As such it would comply with Policy SADM11 of the DLP and the Framework.

Other Matters

20. In their reason for refusal the Council cite their Supplementary Design Guidance Statement 2005. However, I have not been directed to any specific parts of the guidance that the proposal would conflict with. Consequently, I find no conflict with this guidance.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR