
Appeal Decision

Site visit made on 28 January 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/C1950/D/19/3240092

170 Crawford Road, Hatfield, Herts, AL10 0PA

- 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 S Begum against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2019/1130/HOUSE dated 3 May 2019, was refused by notice dated 6 August 2019.
 - The development is two-storey rear, two-storey side, single storey front extensions and loft conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the loft conversion. The appeal is allowed insofar as it relates to the two-storey rear, two-storey side and single storey front extensions and planning permission is granted for two-storey rear, two-storey side and single storey front extensions at 170 Crawford Road, Hatfield, Herts, AL10 0PA in accordance with the terms of the application, Ref: 6/2019/1130/HOUSE dated 3 May 2019, and the plans submitted with it; Site Location Plan, Location and Block Plan 05A/05 and Existing 01/10, and with the appeal; referred to as CR/01A but still titled CR/01, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. From the evidence before me and my observations during my site visit the development has already taken place. This application is therefore retrospective and I have determined the appeal on this basis.
3. The Council's reasons for refusal refer to policies of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 (DLPPS). From the evidence before me, the DLPPS was submitted for examination in May 2017 and the examination is ongoing. Paragraph 48 of the National Planning Policy Framework (the Framework) explains that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the Framework.
4. Although the DLPPS has reached an advanced stage in its preparation the independent examination has yet to be concluded. Whilst emerging Policies SP9 and SADM11, which are cited in the reasons for refusal, are broadly consistent with the Framework, I have not been advised whether or not there

are any unresolved objections to those policies. I can therefore only give limited weight to these emerging policies in my determination of this appeal.

5. The Council's second reason for refusal refers to insufficient and inaccurate drawings having been submitted with the application to adequately assess the size, siting and design of the alterations to the existing extensions. The appellant contends that a revised drawing, referred to as CR/01A but still titled CR/01, was not accepted by the Council during the determination of the application but has submitted this with the appeal. As this revised drawing reflects some elements of the development as built, having regard to the 'Wheatcroft Principles'¹ I do not believe that to accept and consider the revised drawing now would disadvantage the Council or third parties. I have thus accepted and had regard to the revised drawing in my determination of this appeal.
6. From my observations during my site visit, the revised drawing accurately shows the positioning of the windows in the front elevation and shows the rooflight in the side elevation. However, the rooflights as shown on the drawing of the front elevation still appear smaller than those, I observed during my site visit and as shown on the floor plans.
7. The revised drawing also fails to show the projection of the dormer window beyond the rear roof slope on the drawing of the proposed side elevation. The revised plans therefore still contain some inaccuracies. Nevertheless, my observations of the development as built allow me to determine this appeal with sufficient certainty about the development to be able to consider its effects.

Main Issue

8. The main issue is therefore the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

Background

9. There have been a number of planning applications for extensions to the appeal property in recent years. Of particular relevance to the appeal before me are the permission granted for a two-storey rear extension, two-storey side extension and single storey front extension on 5 January 2017 under Ref 6/2016/1555/HOUSE; the refusal of permission for the retention of rear dormer on 21 December 2018 under Ref: 6/2018/2553/HOUSE; and the refusal of permission for the retention of replacement roof and first floor front elevation wall and retention of first floor side extension, side elevation window and rear dormer on 9 April 2019 under Ref: 6/2019/0327/HOUSE.
10. The appellant explains that the appeal development differs from that granted permission in 2017 in that the side extension is flush with the front elevation rather than being set back and the ridge level is at a uniform height across the side extension rather than being set down slightly. Other changes include the addition of a rear dormer, the insertion of 2 roof lights in the front roof slope and one to the side, changes to the fenestration in the side elevation and a different shade of red for the roof tiles.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

Character and appearance

11. Crawford Road is a mature residential area with predominantly two-storey, semi-detached dwellings set back from the road on regular long, narrow plots. The dwellings are of a simple uniform original design having pitched roofs with full hips. I observed during my site visit that some of the properties have front and / or side extensions and although at least two of the properties have rear dormer windows, that the roofscape which is a characteristic of the dwellings and the street largely remains unaltered.
12. The single storey extension to the front of the appeal property and the two-storey extension to the rear are relatively simple in their form and appearance and are therefore not harmfully at odds with the form and appearance of the original dwelling or of other properties in Crawford Road. Although the proposed side extension is not set back or down from the original dwelling, a gap between it and the garage of the neighbouring property remains. The full hip gable end is retained such that the extension does not result in an unsatisfactory lack of symmetry in the front roofscape for this pair of semi-detached dwellings.
13. The windows in the side elevation are of an acceptable appearance. The roof lights in the front and side elevations are visible from Crawford Road but are modestly sized relative to the roof and are not materially harmful to the street scene.
14. However, the dormer in the rear roof slope is of a contrived form and design that relates poorly to the simple hipped roof form of the appeal property. I do not consider therefore that it is an 'attractive aesthetic solution' as contended by the appellant. None of the extensions to other properties on Crawford Road to which the appellant draws my attention are to the roof. Although there is some variation in the properties at ground floor level, from my observations there is a consistency of simple roof forms that is a characteristic of Crawford Road. The variety the dormer adds to the rear elevation is at odds with the predominant character of these roof forms.
15. Although the dormer is not prominent in the street scene of either Crawford Road or Homestead Road to the north-east, I observed during my site visit that it is partly visible from both roads. It is also visible from the rear gardens of the neighbouring properties. Its form and design in relation to the main roof detract from both the character and appearance of the host dwelling and the area.
16. I acknowledge that, from the evidence before me, the appeal property is not a listed building or within a Conservation Area or subject to other specific 'protectionist' policy. However, this does not mean that design and appearance are not important considerations having regard to the policies of the development plan and the National Planning Policy Framework (the Framework), which are not limited in their scope to designated areas or buildings.
17. I therefore conclude that, as regards the dormer window, the development is contrary to Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Policy SP9 of the DLPPS which, in summary, in combination and amongst other things, require new development to be of high quality design and to respect and maintain the character of the existing building and area.

18. Paragraph 5.2 vi) of the Council's Supplementary Design Guidance (2005) (SDG) sets out that dormer windows should be set in at least 1 m from the party wall with an adjoining property. From the evidence before me, the dormer is approximately 0.4 m from the party wall with the adjoining property, 168 Crawford Road. The development is therefore contrary to the SDG, although this is only guidance and the weight, I can attach to it is less than that of a development plan policy.
19. In addition, the dormer window is contrary to paragraph 127 b) and c) of the Framework which requires planning decisions to ensure that developments are visually attractive and sympathetic to local character. The dormer window is of a poor, rather than ingenious, design and, from the evidence before me, it is not of an outstanding or innovative design which promotes high levels of sustainability, nor would it help raise the standard of design more generally in the area. I therefore find no support for the dormer window in paragraphs 130 or 131 of the Framework.
20. However, I find no conflict with Policy SADM11 of the DLPPS in respect of character or appearance as this policy principally seeks to protect the living conditions of the future occupiers of proposed developments and existing occupiers of neighbouring properties.

Other Matters

21. The appellant has drawn my attention to paragraphs 117, 118, 122 and 123 of the Framework which require, amongst other things, planning decisions to promote an effective and efficient use of land in various ways. However, the appeal property is already in use as a dwelling and whilst the addition of a bedroom in the loft would benefit the appellant and her family, it would not significantly increase the effective and efficient use of the appeal site.
22. Furthermore, paragraph 117 requires the safeguarding and improvement of the environment and paragraph 122 requires planning decisions to also take into account the desirability of maintaining an area's prevailing character. For the reasons given above, the development does not do that, and I have found conflict with paragraph 127 of the Framework in this respect.
23. I note that objections have been made to the development by Hatfield Town Council and the occupier of the neighbouring property, 172 Crawford Road. I have considered the matter of inaccurate drawings and the effect of the development on the character and appearance of the appeal property and the area above. As regards the other matters of concern raised by the occupier of No. 172, notwithstanding the outbuilding in the rear garden of the appeal property that I observed during my site visit, given the length of its rear garden the property retains a reasonable open garden area for the appellant and her family.
24. Although the side extension to the appeal property has narrowed the gap between it and No. 172, a significant gap between the two properties remains. The rear extension to the appeal property has extended it beyond the rear elevation of No. 172 but this is to a limited extent relative to the length of the garden of No. 172, particularly at first floor and roof level. I observed during my site visit that the windows in the side elevation are obscure glazed as indicated on the submitted drawing which precludes overlooking.

25. The extended property therefore does not materially harm the living conditions of the occupiers of No. 172. I note that the Council concludes that these living conditions would be maintained to an acceptable level and that the effect on the living conditions of either the appellant and her family or the occupiers of No. 172 did not form a reason for the refusal of the application.

Conditions

26. The Council has requested the standard condition regarding the time-limit for commencement and conditions requiring the materials to be used in the construction of the external surfaces of the development to match those of the existing building and the development to be carried out in accordance with the approved plans.
27. However, as the development has already taken place, these conditions are not appropriate in their standard form. Furthermore, although the roof tiles of the appeal property are a different shade to those on other dwellings on Crawford Road, they are not materially harmful to the street scene and the materials used in the development are of an acceptable appearance. I have referred to the relevant plans in my decision to make it clear on which plans my decision is based. Although these are inaccurate as regards the depiction of the rooflights and dormer window as I note above, I am satisfied that they are sufficiently accurate in respect of the front, side and rear extensions. I therefore do not consider it necessary to attach any conditions.

Conclusion

28. For the reasons given above and having regard to the other matters raised, I conclude that the appeal should be allowed insofar as it relates to the two storey rear, two storey side and single storey front extensions, but dismissed insofar as it relates to the loft conversion.

Martin Small

INSPECTOR