The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/C1950/W/19/3242180
Emmanuel House, Travellers Close, Hatfield, Hertfordshire AL9 7LD

- 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 Ashley Brodin of the Ashley Wilde Group against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2019/1185/FULL, dated 14 May 2019, was refused by notice dated 11 October 2019.
- The development proposed is the installation of a portakabin at first floor over existing with balcony and enclosed staircase structure.

Decision

1. The appeal is allowed and planning permission is granted for the installation of a portakabin at first floor over existing with balcony and enclosed staircase structure at Emmanuel House, Travellers Close, Hatfield, Hertfordshire AL9 7LD in accordance with the terms of the application, Ref 6/2019/1185/FULL, dated 14 May 2019, and the plans numbered 214621-21 Site and Location Plan and 214621-20 Revision C Proposed Plans and Elevations subject to the following condition:

    1) The walkway cover structure enclosing the staircase shown on drawing 214621-20 Revision C shall be retained at all times. No windows other than those shown on that drawing shall be installed.

Procedural Matters

2. I observed on site that the development had been carried out and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The section of Travellers Close nearest to the appeal site comprises primarily of medium and large scale utilitarian industrial buildings. The appearance of the built form, presence of outside storage, palisade fencing and vehicle parking is commensurate with the area's designation as an employment area in the Welwyn Hatfield District Plan, April 2005 (DP). Accordingly, the prevailing

character is of a functional working environment. To the west of the appeal site, there is a palpable change in character due to the presence of residential dwellings. However, the surrounding layout and access arrangements do not encourage integration and the areas feel distinct from each other.

5. The appeal site contains several buildings of functional appearance which are occupied by the appellant's business. These are broadly in an L shaped arrangement with a modern linear, taller building in light grey cladding located nearest to the access onto Travellers Close. An older warehouse is set further into the site which is flanked to the north and south by other industrial buildings. These other structures limit the visibility of the site from the road. The appearance of the buildings at the appeal site are consistent with, and form part of the employment area.

6. Notwithstanding the presence of dwellings to the west, the location of the proposed portakabin is within the employment site and would physically and functionally join an existing industrial building. As such, it is more naturally and closely associated with this area rather than the residential development in Puttocks Drive. It follows that it is appropriate for the design to respect and respond to that industrial character. This is consistent with the requirement of policy D2 of the DP whereby all new development should respect and relate to the character and context in which it is proposed. The policy requires, as a minimum, that character to be maintained.

7. The proposal adds an additional portakabin on top of a similar existing ground floor portakabin and is sited at a corner of the northern elevation of a warehouse building. Relative to the existing industrial buildings at the site, it is of a limited scale and although higher than the eaves level of the existing warehouse, its height is comparable with its roof ridge[1]. The boxlike utilitarian appearance of the portakabin generally accords with the functional appearance of buildings in the surrounding employment area, as well as the existing portakabin at the site. Furthermore, the staircase is screened on the south, west and part of the north facing elevations with light grey metal cladding, not dissimilar to materials seen elsewhere within the appeal site which assists in the visual assimilation of the addition.

8. Moreover, its relatively discreet location mostly along the northern boundary in between the warehouse and the adjacent large-scale building to the north, prevents it from being seen from Travellers Close. The residential development to the west largely prevents it from being seen from Puttocks Drive. As such, it is difficult to discern the development from the public realm. However, it can be seen in private views from the closest houses and rear gardens to the west, some of which I was able to visit. Nevertheless, it appears against the backdrop of larger existing industrial built form.

9. Taking these factors together the proposal has a relatively minor impact on the appearance of the building and industrial site overall and therefore, respects the prevailing character of the area. It is of a sufficiently high standard of design so as to maintain that character. As such, it is reasonably sympathetic to the local character as required by paragraph 127 c) of the National Planning Policy Framework (the Framework).

[1] Drawing 214621-20 Rev C

10. I acknowledge that the character of an area may deteriorate over time as a result of unsympathetic incremental alterations. However, in this case, the modest scale and compatible appearance of the proposal maintains the overall character and appearance of the area and so avoids such harm.

11. In coming to my findings, I have had regard to the Supplementary Design Guidance, February 2005 which refers to Welham Green, the wider area in which the appeal site is located, as having a varied character[2]. This guidance reinforces that the context of a site is crucial in informing design. Moreover, consideration of the surrounding building form and use of materials are cited as factors that influence how development may affect the character of an area. For the reasons outlined above, the development would not conflict with this approach or the general design principles outlined.

12. Accordingly, I find that the proposal is not harmful to the character and appearance of the area and is appropriate to its industrial context. On this basis it accords with policies D1 and D2 of the DP which, amongst other matters, require a high quality design that takes into account design principles and the character and context of the area. On that basis, although it does not yet carry full weight, neither does the proposal conflict with emerging policy SP9 of the Draft Local Plan Proposed Submission, August 2016 which seeks a high quality design that is, amongst other matters, responsive to character and context.

Other matters

13. I have had regard to the representations received from nearby residents and North Mymms Parish Council who are concerned that the proposal is overbearing, generates noise and results in a loss of privacy and therefore, has an unacceptable impact on residents living conditions. I observed the development from 29 and 31 Puttocks Drive at my site visit whose rear elevation windows, especially at first floor, look onto the industrial uses and buildings to the east. However, the structure is approximately 15m from the rear boundary of the dwellings in Puttocks Drive and in the region of 30m from the rear elevation of the houses. Its overall height is comparable to that of a two storey dwelling. Accordingly, this relationship does not have an unreasonable enclosing impact on the nearby dwellings or gardens. I acknowledge that the proposal is seen in views from the rear windows and gardens. However, such views will be seen against the existing context and this is a matter that I have already considered as part of the main issue.

14. Furthermore, the functional and modest nature of the walkway and its associated screening means that it is not an inviting area for people to linger or sit, but rather an area to pass through as a means of access. When this is combined with the separation distance from the dwellings and the orientation of the portakabin and its windows, this prevents an unacceptable degree of overlooking to the houses and gardens to the west. I have seen little substantive evidence to show that the proposal results in unreasonable levels of additional noise or raises safety concerns. Therefore, based on the evidence before me, it is not shown that the development has resulted in significant adverse effects on the living conditions of nearby residents.

[2] Paragraph 2.6

15. It is highlighted that the development took place in advance of planning permission being secured. I acknowledge that this will have added to the concerns of nearby residents and is not ideal. Nevertheless, provision is made whereby retrospective permission can be granted. As such, of itself, this would not be a reason to withhold permission for an otherwise acceptable proposal. Similarly, if the proposal is found to be acceptable on its own merits, the fact that there may be alternatives available that would be preferable to other parties, is not a reason to prevent development proceeding.

Conditions

16. Given that development has already commenced, the standard three year period in which the planning permission may be implemented is unnecessary. For clarity, I accept that there should be reference to the submitted drawings. Therefore, I have referred to these in my formal decision.

17. It will be seen from my reasoning above, that the screening around the staircase assists in protecting the privacy of nearby residents to the west. On that basis, it is justified that it should be retained and that no additional windows should be introduced. A condition is imposed accordingly.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector