



Appeal Decision

Site Visit made on 20 October 2020

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/C1950/D/20/3254925

16 Robbery Bottom Lane, WELWYN, AL6 0UW

- 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 Heffernan against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2020/0547/HOUSE, dated 26 February 2020, was refused by notice dated 4 June 2020.
 - The development proposed is loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Welwyn Hatfield Draft Local Plan 2016 (the Draft Local Plan) has been submitted for examination but has yet to be found sound and adopted. Therefore, it attracts limited weight as a material consideration.

Main Issues

3. The main issues are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area, and: -
 - The effect of the proposal on the living conditions of the occupiers of 20 Robbery Bottom Lane with particular reference to overlooking.

Reasons

Character and appearance

4. The appeal site lies in an established residential area. The dwellings vary in scale and design but are generally set within generous plots containing mature planting. This planting limits visibility of the individual buildings and gives the area an overall feeling of verdancy.
5. 16 Robbery Bottom Lane (No 16) is a modest semi-detached bungalow set back off the road in a deep plot which rises steeply up from the road. It is typical of the development in the area in as much as the plot is terraced and the building is set into the sloping land.

6. The accommodation of No 16 is laid out in a u-shape, with two wings projecting to the rear. These appear to be later additions to the original building. The proposal would add a rear dormer window to facilitate a loft conversion.
7. The dormer would occupy the majority of the rear face of the roof of the original building, and would extend off the ridge of the dwelling, appearing as a bulky, angular addition to the bungalow roof, out of keeping and incongruous within the buildings already complicated roof form.
8. Whilst, due to the area's topography, views from the public realm would be limited, the roof would be noticeable from the side windows of 20 Robbery Bottom Lane and the rear gardens of neighbouring properties.
9. There is a variety of other dormers on buildings in the surrounding area. They demonstrate a variety of scales and design and, in this regard the proposed dormer is comparable in form and, particularly given the limited visibility of the proposal, would not have an adverse effect on the character and appearance of the wider area.
10. I therefore conclude that, whilst the proposal would respect and relate to the character and context of the area, and so would accord with Policy D2 of the Welwyn Hatfield District Plan -2005- (the District Plan), its design would result in harm to the character and appearance of the site and would, therefore, be contrary to Policy D1 of the District Plan in as much as this requires that the proposal should accord with the advice provided by the Welwyn Hatfield Supplementary Design Guidance -2005- (the SDG).
11. In this regard the SDG expects extensions to be designed to complement and reflect the design and character of the dwelling and be subordinate in scale and the proposal would fail to comply with these expectations.
12. The proposal would also be contrary to those parts of section 12 of the National Planning Policy Framework -2019- (the Framework) which seek to achieve well-designed places which are visually attractive as a result of good architecture.
13. Whilst carrying limited weight the proposal would be contrary to Policy SP9 of the Draft Local Plan in as much as this requires development to deliver a high quality design that fosters a positive sense of place by responding to the site's character and context so that it relates well to its surroundings.

Living conditions

14. The neighbours' dwelling, No 20, is set into the slope adjacent to the appeal site. It is a large dwelling, built over several storeys, and projects to the rear of and above No 16. To the rear of No 20 is a private amenity area.
15. The rear garden of No 16 slopes steeply up from the ground floor level and the boundary between Nos 16 and 20 is formed by a close boarded timber fence, backed for part of its length by a tall dense hedge, which is stepped to follow the profile of the land. The boundary features, together with the pitched roof of the projecting wing of No 16 closest to the boundary and the differences in height, would limit views from the proposed dormer into No 20 so that there would be no harmful increase in overlooking or the perception of overlooking of the rear garden of No 20.

16. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of No 20 with particular reference to overlooking and so would accord with Policy D1 of the District Plan in as much as this requires that the proposal should accord with the advice provided by the SDG.
17. In this regard the SDG expects all new residential development, including extensions, to be designed, orientated and positioned in such a way to minimise overlooking between dwellings, which would affect their private rear gardens or amenity areas, and the proposal complies with this expectation.
18. The proposal would also comply with the aims of those parts of section 12 of the Framework which seek to achieve well-designed places with a high standard of amenity for existing and future users.
19. Whilst, for the reasons given above, carrying limited weight the proposal would accord with Policy SADM11 of the Draft Local Plan in as much as this requires development to provide a reasonable degree of privacy to new and existing private living space and the main private garden area, with overlooking limited to an acceptable degree.

Other Matters

20. The site lies within an Area of Outstanding Natural Beauty (AONB). However, it is visually well enclosed and longer views of the site would be limited. Further, the proposal does not extend the built form of the existing bungalow beyond its existing footprint. The proposal would, therefore, not result in harm to the AONB.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR