

Appeal Decision

Site visit made on 22 January 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/C1950/D/20/3260767

45 Robbery Bottom Lane, Welwyn AL6 0UL

- 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 Paul Kline against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0902/HOUSE, dated 17 April 2020, was refused by notice dated 24 July 2020.
 - The development proposed is the conversion of an existing garage to habitable accommodation incorporating a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the proposal set out on the application form includes the phrase *re-submission of application following refusal dated 7th April 2020*. As this reference to the re-submission of an application is not a description of proposed development, I have omitted that phrase above.

Main issues

3. The main issues are the effects of the proposal on:
 - i) Living conditions in the proposed garage conversion, in terms of outlook and natural light; and
 - ii) The character and appearance of the local area.

Reasons

Living conditions

4. Robbery Bottom Lane runs along the floor of a valley, with the ground sloping up on both sides. No 45 is a detached house sitting well back from and well above the lane. At the front of the plot is a double garage, cut into the bank with a tall retaining wall behind. There is an existing planning permission to extend the garage to the side. The appeal proposal is to extend the building as permitted and convert it into habitable accommodation, with alterations.
 5. The appellant states that the proposal is for an annexe, to be occupied as ancillary accommodation to the house. The development would provide a
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substantial level of accommodation, including a kitchen area, living area, bedroom area and an en suite of sufficient size for a bath or shower room. It would also have 2 adjacent parking spaces and a separated garden area to the rear. The Council considers that due to the level of accommodation provided and the separation from the house, the proposal is akin to the creation of a new dwelling rather than an annexe. I do not need to make a determination on this matter in order to consider this issue. Whether the proposed accommodation would be an annexe or a new dwelling it would provide habitable rooms giving out onto an area of garden - and should therefore have a reasonable standard of amenity.

6. The main windows for the proposal would be to the rear, facing north onto a tall retaining wall. I saw at my site visit that the existing retaining wall to the rear is nearly as tall as the garage building, forming an imposing structure. The proposal includes setting this wall back a bit further, so that it would be about 3.4m away from the rear glazing. Together with the higher ground to both sides, it would nevertheless create a hemmed in situation which would be overbearing and would unduly dominate the outlook from the back of the building and its associated area of garden.
7. For the same reason and due to the northern orientation, the accommodation and the garden area would be heavily overshadowed, receiving little direct sunlight for much of the year. The extensive glazing proposed would likely provide sufficient daylight (light from the sky) to the accommodation, but the lack of direct sunlight would make the garden a dark and potentially dank place.
8. Even if the proposal was taken to be effectively for the creation of an independent dwelling instead of an annexe, this would just be a one bedroom property requiring only a small garden. Leaving aside the issue of quality, there would not be an objection purely to the quantity of garden space.
9. I conclude that the proposal would not provide satisfactory living conditions for future occupiers due to inadequate outlook and sunlighting. The proposal therefore conflicts with the aims of Welwyn Hatfield District Plan 2005 (WHDP) Policy D1, the Council's Supplementary Design Guidance 2005 (SDG) and the National Planning Policy Framework (the Framework), to achieve high quality design that creates and protects a good standard of amenity including a satisfactory level of sunlight. It would similarly conflict with Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016 (dLP), but in the absence of any information confirming the current progress of that plan towards adoption, I give its policies only limited weight.

Character and appearance

10. Robbery Bottom Lane is rural in nature, with a variety of detached houses perched above road level, many with garages set down in front. The proposed development would show a relatively blank, unchanged face to the street with the main visible alterations being the addition of some small rooflights to the sides. Although this would represent a degree of change to the simple, functional nature of the existing garage, these minor features would not cause significant harm to the street scene or the rural character of the area. The main change in comparison to the currently approved plans would be the addition of extensive glazing at the back. This would not, however, be seen from the

street and would scarcely be seen from neighbouring properties due to the deep cutting. For that reason, it would not have a significant visual impact.

11. I conclude that the proposal would not significantly affect the character or appearance of the local area. It therefore accords in this respect with the aims of WHDC Policy D2, dLP Policy SP9, the SDG and the Framework, to secure a high standard of design in all developments that is respectful of and in context with its surroundings.

Other issues

12. I have also taken into account the other objections raised by the Parish Council and local residents. The construction works would be temporary and relatively minor in nature so should not cause undue disturbance. The use of this small scale accommodation should not significantly affect local traffic and adequate parking space would be provided. The building is set well away from neighbours so there should be no effect on their living conditions. Finally, this proposal is not for a house in multiple occupation so any concerns in that direction are beyond the scope of this decision.

Conclusion

13. Despite my more positive findings on some issues, the poor standard of living conditions that would be provided by the proposal are sufficient reason for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR