

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/20/3262163

9 Victoria Close, Welwyn Garden City AL7 4EL

- 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 Andrew Proberts against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/2010/HOUSE, dated 10 August 2020, was refused by notice dated 19 October 2020.
 - The development proposed is a single storey rear side and front extension, new hard standing to form a new drive and a loft conversion with rear and side dormers.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal property's post code is listed as AL7 4HZ on the application form, but this is corrected to AL7 4EL on the appeal form and decision notice.
3. The appeal proposal includes 4 elements: a loft conversion including new dormer windows to the side and rear; a flat roofed, single storey side/rear extension; a small front extension; and an additional car parking space at the front. The Council has approved a subsequent application which includes the same side/rear extension and a replanned loft conversion with the same rear dormer windows. The key differences are therefore the side dormer window, the front extension and the parking space. This appeal decision must deal with the whole of the appeal proposal, however, bearing in mind that there is a new permission.

Main issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area; and
 - ii) The living conditions of occupiers of 9 Victoria Close, in terms of the amount and quality of garden space.

Reasons

Character and appearance

5. Victoria Close is part of a new residential development characterised by a harmonious mix of buildings, with a high degree of uniformity but also with enough variation to create interesting street scenes. This is in line with the description of Welwyn Garden City in the Council's Supplementary Design Guidance 2005 (SDG) as a planned town where careful and varied use of spaces, grouping of buildings, building lines and architectural details such as windows have given the town a unique balance of formality and variety.
6. No.9 is a semi-detached, gable fronted 2 storey house with a large gap to one side formed by the back garden of the next house along. The Council's objection in relation to the issue of character and appearance concerns the proposed dormer window on the side roof, the single storey front extension and the reduced size of the rear garden.
7. Dormer windows are a notable part of the character of Victoria Close, appearing on both front and rear roof slopes. Some of those on rear roof slopes are prominent in views from the street, including those on the 2 houses at the northern end of Victoria Close. Those dormer windows, despite being on rear roofs, have much the same relationship to the street as would the proposed side dormer at No 9. I therefore see no objection to the principle of putting a dormer window on this side roof.
8. This proposed dormer would, however, be substantially larger than the other dormer windows in the local area and would be of a much different design, with just a large, single pane of glass. In this respect, and in this prominent position, the dormer would not represent high quality design and would detract from the harmony of this group of buildings.
9. I recognise that the scale of the proposed dormer is largely dictated by the need for headroom for a stair into the loft space. I also recognise that the proposed dormer would not conflict with the SDG's guidance that dormers should be contained within the roof slope and should be subservient to the roof of the property. The dormer would, however, conflict with the SDG's advice that windows should be in proportion to the existing fenestration of the property.
10. The proposed front extension would bring the garage door further forward. It would be modest in scale and design and would be set back in a recess in the building's form where it would not be seen in angled views. The reduced garden would not readily be perceived from the street and would not be particularly disproportionate to the house or to other gardens in the neighbourhood. I find that neither of these elements would significantly affect the street scene or local character.
11. I nevertheless conclude that the proposed side dormer window would unacceptably harm the character and appearance of the local area. The proposal therefore conflicts with the aims of Policies D1, D2 and GBSP2 of the Welwyn Hatfield District Plan 2005 (WHDP), the SDG and the National Planning Policy Framework (the Framework), to secure a high standard of design in all developments that is respectful of and in context with the surroundings. It

would similarly conflict with Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016 (dLP) Policy SP9, but in the absence of any information confirming the current progress of that plan towards adoption, I give its policies only limited weight.

Living conditions of occupiers of No 9

12. The proposed single storey extension would take up over a third of the rear garden space, leaving only about 7m of depth. Due to the wide plot and relatively open southern aspect of the garden, however, this would still form a useable, good quality, well lit space of sufficient size for a family garden. As this would be a single storey, flat roofed extension it would itself cause little overshadowing to No 9's garden.
13. The SDG advises that whilst it is important to provide adequate amenity space for residents, the Council does not wish to apply rigid standard sizes for gardens. Instead the SDG says that the design and layout of the garden in relation to the built environment should ensure that the garden is functional and usable in terms of its orientation, width, depth and shape. In this case I find that the retained garden would be adequate, taking these factors into account. I note that the Council has not maintained this objection in relation to the subsequent application.
14. I conclude on this issue that the proposal would not significantly or unacceptably affect the living conditions of occupiers of No 9 due to reduced garden size or quality. In this respect, the proposal accords with the aims of WHDP Policy D1, dLP Policies SP9 and SADM11, the SDG and the Framework, to achieve high quality design that creates and protects a good standard of amenity.

Other issues

15. I have also taken account of the comments raised by local residents. The proposed rear extension would create a new wall on the boundary with No 7 to the north, affecting the light to and outlook from that garden. The Council confirms, however, that the single storey flat roofed extension would sit next to No 7's integral garage. It therefore would not have a significant effect on a habitable room or on a patio area directly outside of a habitable room.
16. The proposed side dormer window could be obscure glazed to prevent loss of privacy and the new rear windows would not significantly add to the existing overlooking of neighbouring properties. Increasing the size of the house as proposed should not materially affect the amount of traffic on Victoria Close. Finally, the potential physical connection of an extension to a neighbour's outbuilding is a matter that could be addressed through other legislation.

Conclusion

17. Despite my positive findings on some issues, the harm that would be caused to local character and appearance by the side dormer window is sufficient reason for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR