
Appeal Decision

Site visit made on 15 December 2020

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11/02/2021

Appeal Ref: APP/C/1950/D/20/3258920
44 Heron Way Hatfield AL10 8QX

- 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 and Mrs J Apetrei against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2020/1359/HOUSE, dated 12 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is the erection of a two storey side and rear extension with canopy roof and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council cite policies from the emerging local plan in their reasons for refusal. From the information before me, it is not clear when the plan will be adopted. I therefore give these policies limited weight in my determination of the appeal.
3. The development, the subject of the appeal, consists of a number of different elements. The Council has raised no concern with regard to the single storey rear extension. I agree with the Council on this matter and am content to deal only with the proposed two storey side and rear extension with canopy roof in my decision.

Main Issues

4. The main issues are (i) the effect of the proposal of the living conditions of the occupiers of 46 Heron Way with regard to outlook and (ii) highway safety as a result of parking provision.

Reasons

Living conditions

5. The appeal property, No 44 Heron Way (No 44), is at the end of a row of similar detached properties, all of which have a gradual set back from the adjoining neighbouring property. No 46 Heron Way (No 46), at the far end of a grassed area of open space, differs in that it is set forward of No 44, and sited

- slightly higher. It shares the same aspect as No 44 with habitable rooms at both ground and first floor level in the rear elevation.
6. The outlook at present from No 46 is towards the garden and the flat roof of the side extension of No 44 with a relatively open aspect. The bulk, and in particular the height and depth of the proposed extension, visible above and close to the boundary fence and extending across a significant proportion of the length of the boundary with No 46 would have an unacceptable overbearing and domineering effect for the occupiers of No 46. Notwithstanding the one metre set back from the side boundary at first floor level, it would give rise to an increased sense of enclosure in the rear garden and to the habitable rooms in the rear of No 46.
 7. I take account of the oblique angle of part of the boundary line between Nos 44 and 46 which would mean that the rear part of the proposed extension would be increasingly away from the boundary. However, the length of the projection of the first floor extension, and in particular the part extending beyond the end of the rear elevation of No 44 and the juxtaposition of Nos 44 and 46 would mean that the depth of the proposed first floor extension would increase the prominence to No 46. This would cause harm to the outlook from No 46. As such, it would fail to comply with the Council's Supplementary Design Guidance (Design Guidance) which specifically requires that extensions should not be unduly dominant from adjoining properties as a result of the length of the projection of the extension. I acknowledge that the Design Guidance is guidance only and not "tramlines". Nonetheless, its general aim in supplementing Policy D1 of the Welwyn Hatfield District Plan 2005 (Local Plan) is for development to be appropriate to its setting. In this instance the proposed scheme would be at odds with the requirement in the Design Guidance that extensions should not be unduly dominant from adjoining properties.
 8. I acknowledge that within built up residential areas there is a level of mutual tolerance to outlook and no right to a view over adjacent land and property, and that No 46 has a reasonably sized garden. However, in this instance it is the juxtaposition of Nos 44 and 46 and the length of the extension projection at first floor level which would mean that the degree of impact to the outlook from No 46 would be greater than that mutually tolerable level.
 9. For the above reasons the proposal would result in unacceptable harm to the living conditions of the occupiers of No 46. Of the policies quoted to me by the Council I find Policy D1 of the Local Plan to be most relevant and find that the proposal would fail to be of a high quality standard of design incorporating the design principles and guidance in the Design Guidance. It would also conflict with the Council's Design Guidance which likewise looks to protect the amenity of occupiers of adjacent properties. The proposal would also conflict with the National Planning Policy Framework which also seeks to achieve a good standard of amenity for current and future occupiers of properties.

Highway Safety

10. The proposed extension would result in a fourth bedroom at No 44. Within the Welwyn Hatfield Supplementary Parking Guidance Parking Standards 2004 (SPG), 3 parking spaces should be provided for a 4 bedroomed dwelling. These standards are to be treated as guidelines rather than maximums under the Council's Interim Policy for Car Parking Standards and Garage Sizes (Car

Parking Standards) 2014. Under this policy planning applications are to be determined on a case by case basis taking account of, amongst other things, the site context and its wider surroundings. The policy also aims to apply a standard size for domestic garages, but specifically this applies to new domestic garages only.

11. On my site visit, Heron Way and other roads in the vicinity were heavily parked. Nonetheless, I note that No 44 has parking/garaging accessed off Minister Close, a cul-de-sac, at the rear of the property. I noted on my site visit, that in addition to the garage, there is sufficient parking space in front of the garage and rear access gate to park two vehicles away from the carriageway. Given these circumstances I do not consider that the proposal would result in unacceptable harm to the safety of highway users. As such the development would not conflict with Policy M14 of the Local Plan and the Council's SPG and Car Parking Standards. Nor would it be in conflict with the National Planning Policy Framework which provides that applications should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other matters

12. I note that the Council considers that the development is acceptable in relation to the character and appearance of the host property and to the area. However, the absence of harm in this matter does not weigh in favour of the development now proposed.
13. Whilst there is no objection to the single storey rear extension, this element is not physically and functionally severable from the proposal. Therefore, I do not consider that a split decision would be appropriate in respect of this particular element of the proposal.

Conclusion

14. I have found that the proposal would cause harm to the amenity of the living conditions of the occupiers of No 46. Whilst I have not found the proposal would cause harm to highway safety, I consider that the harm to the amenity of the living conditions of the occupiers of No 46 to be unacceptable.
15. Accordingly, I dismiss the appeal.

K Winnard

INSPECTOR