



Appeal Decision

Site visit made on 17 November 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/C1950/W/21/3280605
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 P. Kilne against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/0950/HOUSE, dated 22 March 2021, was refused by notice dated 15 June 2021.
 - The proposed development is for erection of single storey side garage extension to facilitate garage into habitable space.
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THIS DECISION IS ISSUED IN ACCORDANCE WITH SECTION 56 (2) OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004 AS AMENDED AND SUPERSEDES THAT ISSUED ON 22 DECEMBER 2021.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposals upon the character and appearance of the area and the living conditions of occupiers of the garage conversion.

Reasons

3. Robbery Bottom Lane serves this residential enclave that has the character of a semi-rural, suburban area with the lane itself running along what appears to be the bottom of a shallow valley. Houses are generally situated slightly uphill from the lane within relatively generous gardens with properties being well spaced from each other. The lane itself is commonly bounded by trees or hedges and several properties have garages adjacent to or near to the lane giving it a partially ancillary character where they occur.
4. The existing garage appears to have been constructed within the long garden of number 45 and the Ordnance Survey plan submitted as part of the application confirms that the garage is relatively recent and that it was constructed in an area that was once rear garden area.
5. I saw on my site visit that the garage is located some way below the present rear garden of the parent property that is reached either by an adjacent shared driveway or by steps that lead alongside the existing garage. The garage itself

is a simple rendered structure with two garage doors giving access onto an area of vehicle hardstanding that leads directly onto Robbery Bottom Lane itself. To the rear of the garage there is a retaining structure with hedges and fence that demark the extent of the existing rear garden to the host property. The height of this garden is almost as high as that of the existing garage.

6. The appeal property has planning permission for a single storey hipped roof side extension to the garage¹ and this application includes this element as part of the proposal here. There has also been another recent planning and Appeal Decision on this site for a similar proposal to convert the garage².
7. The proposal before me would contain a living, dining and kitchen area with a single en-suite bedroom. The proposal differs from the previous scheme through having windows serving both north and south elevations to the garage and, whereas the previous scheme retained the existing garage doors, this proposal will replace them with a window and a pair of French doors.

Impact of the Proposal Upon the Character and Appearance of the Area

8. In assessing the impact of the proposal upon the character and appearance of the area it is important to understand the defining character as outlined briefly above. That being the generally suburban, rural character of the area with houses situated in relatively good sized plots, often with substantial landscaping and space between dwellings and Robbery Bottom Lane itself. Where garages exist, they are identifiable as being subservient to the houses they serve and more traditional garages are much smaller and more recessive structures in relation to their plots.
9. The proposal before me, through both the extension combined with the insertion of windows into the garage frontage, would change this structure from what is clearly an ancillary and functional building into something that appears much more like a standalone dwelling. The exception being that this proposal would be without the separation, space, landscape or generous gardens being around it. The result would be a dwelling like building upon a small and tight plot with very little in the way of landscape or space to enable it to integrate into the area. The building would therefore appear cramped and cause harm to the character and appearance of the area as a whole.
10. Although I recognise the potential improvement to this plot through the replacement of an existing car parking space on the driveway to that of garden with hedge, I am unconvinced that this is sufficient enough to outweigh the harm I have identified above.
11. I consider therefore that the proposal would fail to meet the requirements of Policy D2 of the Welwyn and Hatfield Local Plan and would undermine the overriding suburban character of the area.

Impact Upon the Living Conditions of Occupiers of the Garage Conversion

12. As the previous Inspector pointed out the proposal should expect a reasonable standard of amenity and although this proposal maintains the very enclosed

¹ Planning Application N6/2010/2868/FP

² Planning Application N6/2020/0902/HOUSE and subsequent Appeal APP/C1950/D/20/3260767

space to the rear of the garage adjacent to the retaining wall of the parent property, the proposal would also include an area of garden to the front as well as having use of the gardens belonging to the parent property itself.

13. I agree with the previous Inspector that the area to the rear of the garage would be a cramped, dark and damp space and therefore not useable as amenity space. I do consider however that the extra area of garden provided in this application to the existing parking area and the ability to use the garden of the main house would result in a sufficient level and quality of amenity space for residents.
14. In light of this I consider that the requirements for a reasonable level of amenity space have been met for this building as an ancillary habitable space to the main house and that Policy D1 of the Welwyn and Hatfield Local Plan has been met. However, even though I find in favour of the proposal (with regard to Policy D1), the harm which I have identified in relation to Policy D2 and the effect on the character of the area, far outweighs any favourable finding with regard to Policy D1.

Conclusion

15. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR