



Appeal Decision

Site visit made on 8 February 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/C1950/W/21/3283086

50 Holloways Lane, Welham Green, Hatfield AL9 7NS

- 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 Naughton against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/1946/FULL, dated 24 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is conversion of a detached double garage to a two-bed house with off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016. However, since there is no certainty that it will be adopted in its current form, I attribute the Policies within limited weight.
3. The Appellant has submitted amended drawings as part of the appeal which show additional details such as an existing streetlight and obscured glazing to some first-floor windows. Since they do not substantially alter the proposed scheme, they would not deprive those who would have been consulted on the opportunity of such consultation and I have had regard to them in my assessment of the appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers with regard to outlook and privacy.

Reasons

Character and appearance

5. The site lies to the rear of No 50 Holloways Lane (No 50) and would be accessed from Nash Close. Holloways Lane is largely characterised by detached and semi-detached dwellings on large plots with moderate setbacks such that the street has a pleasant spacious character and appearance. Nash Close is primarily characterised by two storey dwellings in a mix of types on smaller

plots such that the character is less spacious than that of Holloways Lane. However, the dwellings are of a similar traditional style, form and fenestration styles that give the area a pleasant feel.

6. Given the change in pattern of development from Holloways Lane to Nash Close, the site provides a spacious aspect to the area and a pleasant setting for the more densely built up area. The proposal would result in a dwelling that is close to the boundary on two sides with a private amenity space that would be significantly smaller than many others in the area. The dwelling would therefore appear overly large for the size of the plot, harmfully diminishing the spacious aspect that the site provides to the area.
7. The proposed conversion would include a roof extension that would increase the height of the building while maintaining its footprint. The proposed increase in height would be significant thereby adversely affecting the spacious aspect of the area.
8. The upper floor of the front elevation would have a large window extending from the floor level of the first floor to the top of the gable end. Furthermore, the roof treatment would wrap around the upper part of the building, including the first floor such that this feature would appear dominant when approaching the site from both directions along Nash Close. In addition, the large windows on the side elevations at upper level would also extend vertically from the walls to the roof. Overall, these elements would result in a scheme that would appear out of keeping with the traditional character and appearance of the area.
9. Therefore, while I acknowledge the Supplementary Design Guidance and I acknowledge that the building would include similar materials to those used in the locality, there is little evidence before me to demonstrate that the form or design, including fenestration, has been influenced by the character of the locality or wider area.
10. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 Adopted April 2005 (DP) which seek high quality design and development that respect and enhance the character and context of their area. The proposal would also conflict with the National Planning Policy Framework (Framework) in this particular respect.

Living conditions

11. Bedroom 1 on the first floor would be a dual aspect space. The window facing west would look towards the rear windows of No 50 and the rear garden space at close proximity, thereby unacceptably harming the privacy of these neighbouring occupiers. The window facing north across the street would overlook the first-floor windows of Nos 1a and 1b Nash Close (Nos 1a and 1b). Given the siting of Nos 1a and 1b close to the pavement, along with the siting of the upper floor windows and the narrow width of the road, the window facing north would result in undue breach of privacy of these neighbouring occupiers.
12. The appellant has indicated that the windows facing west could be obscured if required. However, even if these windows were obscured, the window facing

north would have an adverse impact on the living conditions of the neighbouring occupiers of Nos 1a and 1b.

13. The window from Bedroom 2 facing west would also overlook the rear garden of No 50 and the window facing south would overlook the rear garden of No 48 Holloways Lane (No 48). As such, these windows would unacceptably harm the privacy of the neighbouring occupiers. Even one of the windows of Bedroom 2 was to be obscured, the other window would result in undue harm to the privacy of the neighbouring occupiers in any event.
14. I have considered a condition requiring both windows of Bedroom 1 and Bedroom 2 to be obscured. However, this would result in an unacceptable impact on the outlook of future occupiers.
15. The site lies to the rear of Nos 61 and 62 Nash Close. Given its increased height, the building would be likely to be visible from the rear of these properties over the adjacent garage. However, given that the properties would continue to benefit from outlook in other directions, the scheme would not result in an undue effect on the outlook of these neighbouring occupiers.
16. The proposal would also be visible from the rear garden of No 48. Since it would be sited near the end of the garden, and the occupiers would be likely to continue to benefit from outlook in other directions, it would not harm the outlook of these occupiers.
17. The amended drawings indicate obscured glazing to the windows on the east elevation which overlook Nos 61 and 62. Since these windows serve a staircase and landing area, obscuring these windows would mitigate the effect of the scheme on the privacy of these neighbours without harming the living environment of future occupiers.
18. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. Therefore, it would conflict with the aims of DP Policy D1 which seeks to minimise overlooking between dwellings, among other things. The proposal would also conflict with the Framework in this particular respect.

Other Matters

19. I note local concerns regarding light and parking. However, given the harm to the character and appearance of the area and privacy of neighbouring occupiers, these matters have not altered my overall decision.

Conclusion

20. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR