The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/C1950/D/21/3289994
2 Barlow Close, Hatfield, Herts

- 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 Z Sales against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2021/2501/HOUSE, dated 21 August 2021, was refused by notice dated 17 November 2021.
- The development proposed is a summer house and sliding gate.

Decision

1. The appeal is allowed and planning permission is granted for a summer house at 2 Barlow Close, Hatfield, Herts in accordance with the terms of the application, Ref 6/2021/2501/HOUSE, dated 21 August 2021, and the plans submitted with it.

Preliminary Matters

2. When the appeal was submitted, the proposed development included a sliding gate, which is mentioned in the banner heading above. However, a separate planning application in relation to the sliding gate has subsequently been submitted to, and approved by, the Council[1]. Therefore, the appellant has withdrawn the element of the appeal which related to the gate and I have determined the appeal in relation to the summer house only.

3. The summer house has been erected and therefore I am considering this appeal retrospectively. The summer house is attached to the side of the dwelling and is referred to in the reason for refusal as a side extension. However, I have used the term 'summer house', since that is consistent with the description of development on the application form and decision notice.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the existing dwelling and surrounding area.

Reasons

5. The appeal site is a three storey detached dwelling in an estate of similar properties. The dwelling is constructed in red facing brick with a pitched, tiled roof including flat roofed dormer windows. The rear garden is screened by a wall in matching brickwork along the boundary with The Runway.

[1] Welwyn Hatfield Borough Council Ref 6/2021/3553/HOUSE, approved by notice dated 31 March 2022

6. Being a single storey structure with a flat roof, the summer house is clearly subordinate in scale to the substantial three storey dwelling. It is located largely behind the brick boundary wall, which screens the lower part of the structure from public view. As a result, only the upper section is visible from the street.

7. The use of mid grey composite cladding contrasts with the red brickwork of the adjacent dwelling and boundary wall. However, it is a muted shade which is not unduly conspicuous in the wider street scene. A similar shade is found on the dwelling's dormer windows and porch roof. Some of the surrounding properties also have grey tiled roofs. Therefore, while the mid grey colour contrasts with the adjacent brickwork, it harmonises with and complements other building features, within both the appeal site and the wider estate.

8. While the flat roof contrasts with the pitched roofs of the dwelling and garage, it also ensures that the summer house has a clearly subordinate scale. The dark window frames blend unobtrusively with the grey cladding. The horizontal windows align neatly with the boundary wall below, without being visually intrusive. The quality of the external detailing is reasonably consistent with that of the main dwelling. As such, while the design of the summer house contrasts with that of the existing dwelling in some respects, it is sufficiently complementary to avoid resultant harm to the character or appearance of the dwelling or its surroundings.

9. For the reasons set out above, I conclude that the development does not harm the character and appearance of the existing dwelling or the surrounding area. As such, it would accord with Policies D1 and D2 of the Welwyn Hatfield District Plan adopted April 2005 and with relevant policies in the National Planning Policy Framework July 2021. These policies amongst other things require new development to be of high quality design and to respect and relate to the character and context of the area in which it is located.

10. The development is also consistent with guidance in the Council's Supplementary Design Guidance (SDG), dated February 2005. The SDG requires, amongst other things, that extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. It also recognises that new development need not always mirror local character, but should be sensitive to it and not detrimentally affect the townscape.

Other Matters

11. While the summer house is visible from the property to the rear, the level of physical separation and boundary screening is sufficient to maintain an acceptable standard of privacy. Since there is also street lighting in the immediate vicinity, the estate does not appear to be a particularly dark environment where a high degree of control over external security lighting would be justified. The Council concluded that the summer house would not materially harm the living conditions of neighbouring occupiers and based on the evidence before me I have no reason to reach a different view.

12. Land ownership issues relating to the sliding gate are not relevant to the development before me, since the appeal in relation to the gate has been withdrawn. In any event land ownership is a private matter between the relevant parties and not within my jurisdiction. Any health and safety issues

arising from use of a grill inside the summer house similarly fall outside the scope of the planning system.

Conditions

13. Since the development is being considered retrospectively, there is no requirement to impose conditions in relation to the timescale for implementation or compliance with the approved plans. The Council has not requested that any other planning conditions be imposed and I have not identified any which are required in order to make the development acceptable.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed.

Jane Smith

INSPECTOR