



Appeal Decision

Site visit made on 12 January 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/C1950/D/22/3311156

12 Heathlands, Welwyn, Hertfordshire AL6 0UU

- 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 Dr Michael Henein against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/1401/HOUSE dated 16 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described as first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The site is within a predominantly residential area with properties of varying form and design. The appeal site is a detached property which due to the lower level of the rear garden is two storey at the front and three storey at the rear.
4. The appeal property is not typical in terms of form and design, having been extended historically. The proposed development would be visible from public vantage points when entering Heathlands and would be obvious to surrounding properties given the orientation of surrounding properties and the modest size plots.
5. The proposed development would be a prominent addition to the existing dwelling adding bulk to the rear of the property. The proposed development would not be subordinate to the existing property and would appear incongruous. I conclude that the proposed development would harm the character and appearance of the area.
6. The Appellant has suggested a planning condition could be imposed ensuring that the development would be built using matching materials, this would not

alleviate my concerns with regard to the scale and dominance of the proposed development.

7. There is conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan (2005) (the District Plan) which seek amongst other things to ensure development is of high standard of design responding positively to the character and context of an area.
8. There is also conflict with the Council's Supplementary Design Guidance (the SDG) which seeks to ensure developments harmonise with the existing building and area.
9. There is conflict with the National Planning Policy Framework (2021) (the Framework) which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

10. The existing property is situated on a triangular shaped plot. There are existing windows at first and second floor on the rear elevation of the appeal site which offer opportunities of overlooking towards neighbouring properties.
11. The existing ground floor extension with large glazed area to the rear elevation has limited views of surrounding properties private amenity space due to the height of the shared boundary fencing and landscaping.
12. The proposed development would bring the property closer at first floor to the shared boundaries. Whilst mutual overlooking does exist between properties in this area; the scale, positioning and design of the proposed development would exacerbate the sense of being under surveillance and would diminish the levels of privacy currently experienced.
13. I conclude that the proposed development would harm the living conditions of occupiers of neighbouring properties.
14. There is conflict with Policy D1 of the District Plan and Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission August 2016 which seek amongst other things to ensure development is of high quality which protects the living conditions of occupiers of neighbouring properties, respects neighbouring buildings and the surrounding context in terms of height, mass and scale.
15. There is conflict with the SDG which seeks to ensure developments harmonise with the existing building and area.
16. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

17. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR