

Appeal Decision

Site visit made on 2 February 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2024

Appeal Ref: APP/C1950/D/23/3330152

5 Mimram Walk, Welwyn, Hertfordshire, AL6 9EZ

- 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 Mrs Gavin against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2023/1556/HOUSE, dated 24 July 2023, was refused by notice dated 21 September 2023.
 - The development proposed is erection of porch to front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed porch on the character and appearance of the host dwelling, the street scene of Mimram Walk and the surrounding area, including the Welwyn Village Conservation Area.

Procedural matter

3. Since the Council determined the original application, the Welwyn Hatfield Local Plan 2016-2036 (LP) has been adopted on 12 October 2023. The policies contained in the Welwyn Hatfield District Plan 2005 and referred to in the Council's refusal notice have therefore been superseded by newly adopted policies. The relevant new policies were referred to (as emerging policies) in the refusal notice. I have had regard to the new policies and in particular SP9 and SADM15 in my determination of the appeal.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Welwyn Village Conservation Area (CA). The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation and that any harm should require clear and convincing justification.

5. In considering the significance of the CA I have had regard to both the consultation response of the Council's conservation advisor and to the Heritage Impact Assessment submitted by the appellant. The appeal dwelling is a simple terraced cottage dating from the nineteenth century. It is constructed of soft red brick with a slate roof. These materials are characteristic of Mimram Walk and this part of the CA. It forms part of a wider group of similar dwellings that make up the street scene of Mimram Walk, a public footpath linking Mimram Road and Mill Lane. The majority of dwellings are flat fronted and situated at the back of the footway or behind small gardens. The appeal dwelling lies on a junction, at right angles to Mimram Walk, facing towards Mimram Road. It is clearly visible in the street scene when approaching from Mimram Road. Together the cottages make a positive contribution to the character and appearance of the CA, mainly through their group value resulting from the similar, simple architecture and close-knit layout.
6. There are a number of Listed Buildings in the vicinity of the appeal site. However, I agree with the Council that their settings would not be affected by the proposed porch.
7. The proposed porch, which has been erected, occupies about half the width of the cottage and is approximately 1m deep. It has solid brick sides. There are low walls and black painted timber posts and fascia boards to the front elevation. It sits under a shallow hipped slate roof. One side of the porch abuts Mimram Walk. Porches are not a characteristic feature of the nineteenth century cottages in this part of the CA and although there are a number in surrounding streets, they are mostly either smaller, set back further from the street or on dwellings of a different character or appearance.
8. The proposed porch therefore forms a prominent and disproportionately large addition to the host dwelling, obscuring and detracting from its simple, flat fronted appearance and jarring with the other similar dwellings in the street. As a result, it undermines the character of the host dwelling and diminishes its contribution to the group value. The appellant suggests that a distinction should be drawn between the effect of a porch on the cottages fronting Mimram Walk and on the appeal dwelling. However, whilst there are differences in architectural detail and position in the street, I do not find these material since all are similar, simple workers cottages forming a cohesive group. In consequence, if the porch was allowed to remain, the character or appearance of the CA would not be preserved or enhanced and the significance of the heritage asset would be diminished.
9. Nevertheless, the harm that would arise to the CA would be less than substantial within the meaning of Paragraph 208 of the NPPF. The harm must therefore be weighed against the public benefits of the proposed development. In weighing the public benefits, the appellant suggests that these would be to the visual amenity of the building. However, although standing at right angles to Mimram Walk and differing in some respects from the dwellings fronting the public footpath, and having regard to the fact that porches on simple dwellings can be found elsewhere within the CA, I disagree with the appellant's

assessment that the porch would enhance the contribution of the appeal site to the street scene and the surrounding heritage assets.

10. Overall, I therefore find that although there would be private benefits, the public benefits of the porch would be limited. As a consequence, they would not outweigh the great weight that should, in accordance with Paragraph 205 of the NPPF, be given to the conservation of the CA which is a designated heritage asset.
11. I therefore conclude on the main issue that the proposed porch would have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Mimram Walk and that the character or appearance of the CA would not be preserved. In consequence, the proposed development would conflict with Policies SP9 and SADM15 of the LP, the NPPF and the Council's Supplementary Design Guidance. Taken together and amongst other things, these expect development to deliver high quality design and architecture that responds to character and context, so that it relates well to its surroundings and to local distinctiveness and, in particular, avoids small scale changes which, if repeated, would lead to a cumulative loss or harm to the significance of a heritage asset.
12. The appellant points out that the porch has been constructed using appropriate materials and by an experienced local builder who has constructed similar porches elsewhere within the CA. No objection is raised to the materials but, notwithstanding the high build standard, this would not outweigh the harm caused by the scale, design and location of the porch.
13. The appellant argues that if the porch was a greater distance from Mimram Walk, which is a designated highway, then even within the CA it would be permitted development. It is therefore suggested that objection should only be raised on highway safety grounds. However, the proximity of the porch to Mimram Walk is of aesthetic concern due to its prominence in the street scene. I cannot therefore agree with the appellant's reasoning.
14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR