



Appeal Decision

Site visit made on 9 July 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/C1950/W/24/3338169

3 Hangman's Lane, Welwyn, AL6 0TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs A Leake against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2023/1449.
 - The development proposed is the erection of new dwelling to include replacement garage for donor property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the surrounding buildings, the streetscene and the wider pattern of development.

Reasons

3. The appeal site is part of the private garden area, triangular in shape, serving No.3 Hangman's Lane. The existing property is set back and located across the top end of the garden, which falls markedly away from the house downwards towards Hangman's Lane. The garage serving the property is at the bottom of the curtilage, immediately visible on entering the area from the main road. From the existing house, the garden slopes down, with an abrupt level change approximately 20m from the garage. A retaining wall exists at this level change which marks the proposed boundary of the development site.
4. Hangman's Lane continues uphill to the right of the appeal site where the scene is primarily of hedges, fences and trees, with the occasional view or glimpse of other properties or gardens nearby. The footpath of Roundabout Lane runs uphill on the other side of the appeal site before curving around the estate to eventually re-join Hangman's Lane itself.
5. The character of the surrounding area is provided by suburban houses located on generously sized and well landscaped plots. However, 'suburban' in this particular context does not entirely reflect the arcadian character of the narrow roads and paths and the amount of landscaping that dominates the public spaces. Most of the properties in the vicinity are bungalows or dormer chalet style bungalows.

6. Within this setting, the appeal proposal is a dormer bungalow placed in the widest area of the site. The existing garage would be demolished, and the proposed dwelling would be served by 2 parking spaces accessed from Hangman's Lane. There are 7 trees on the site. The proposal includes the removal of one 'Retention Category C tree: T8'. This is described (in the Arboricultural Report by Crown Consultants) as *"a semi-mature hornbeam with poor form due to the adjacent larger hornbeam which has suppressed its growth. T8 is located within a rear garden and is barely visible from public vantage points. Consequently it is considered to have a low amenity value. Its removal shall not have a significant impact on the visual amenity of the locality and it is not considered to be a material planning consideration"*. There is vegetation close to the site boundary that has screening value.
7. The appeal documentation refers to a dismissed appeal of November 2021 which was for similar development, but with the bulk of the proposed chalet bungalow much closer to Roundabout Lane. The scheme before me is materially different to the previous appeal scheme, and I treat it on its own merits.
8. As far as I could see at my site visit, Nos. 3 and 5 Hangman's Lane are the 2 dwellings that have larger than average gardens, and the appeal proposal would leave both No.3 and the proposed dwelling within plots that are characteristic of the general area. What is important is that any new building should not impact on the Roundabout Lane footpath. The current scheme also benefits from the removal of a garage and its lengthy drive from Hangman's Lane that was part of the appeal scheme. A benefit of the current proposal is that the highly conspicuous double garage at the bottom of the site would be removed.
9. I conclude that the siting of the dwelling in the current scheme would not be harmful to the character of the area, with the plot boundaries that are currently demarked by fencing and dense planting largely being retained. The short driveway to the garage proposed for the existing dwelling and the parking spaces for the new dwelling, both proposed off Hangman's Lane, would not disrupt the existing feel and character of the area. Any permission would require a landscaping condition to enable any necessary enhancement of the boundaries to be achieved.
10. It is now necessary for me to turn to the design of the proposed new dwelling. The National Planning Policy Framework (the Framework) places great emphasis upon achieving good quality design. Paragraph 131 of the Framework clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. The policies of the Welwyn Hatfield Borough Council Local Plan 2016-2036 reflect those of the Framework.
11. I find that the design of the proposed chalet bungalow does not meet this fundamental requirement. In particular the proposed dormer windows, set high in the north elevation roof slope and projecting above the ridge would represent incongruous additions of low design quality. I cannot see any design purpose that drives these elements. These high level dormers would introduce prominent features of the roof that would have the impact of visibly increasing its massing and scale, especially when viewed from the east (front)

and west elevations where they would be of a noticeable, harmful height above the main roof slope, and are not characteristic of the area.

Conclusions

12. For the reasons that I have given, I find that the siting of the proposed dwelling is acceptable in relation to the surrounding buildings, the streetscene and the wider pattern of development. However, the design of the dwelling, particularly with regard to the proposed dormer windows, would be incongruous additions to the roof form and therefore not good design. This means that the design of the building would not meet the expected quality as required by the Framework and development plan policies, and overall, would have a harmful impact on the surrounding buildings, the streetscene and the wider pattern of development.
13. My decision must take account of the fact that the Council cannot demonstrate a five-year supply of deliverable housing land and therefore the provisions of paragraph 11(d) of the Framework must be considered. However, it is not the principle of the housing development that is the basis of the conclusion that I have reached. Having taken all matters into account, the shortcoming of the design means that the appeal must fail.

Terrence Kemmann-Lane

INSPECTOR