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## 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: 29<sup>th</sup> July 2024**

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**Appeal Ref: APP/C1950/D/24/3342411**

**38 Parkway, Welwyn Garden City, AL8 6HQ**

- 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 Michael Bearman against the decision of Welwyn Hatfield Council.
  - The application Ref is 6/2023/2392/HOUSE.
  - The development proposed is the installation of railings on extension flat roof.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of railings on extension flat roof at 38 Parkway, Welwyn Garden City, AL8 6HQ in accordance with the terms of the application, Ref 6/2023/2392/HOUSE, and the plans submitted with it, subject to the following conditions:
  - 1) There shall be no door provided from the internal accommodation of the house onto the flat roof of the extension, and this roof shall not be used as a balcony without the prior approval from the Local Planning Authority, although it may be used as access for maintenance purposes.
  - 2) The railings hereby approved shall be painted in black paint in perpetuity.

### Main Issue

2. The main issue in this case is the effect of the proposed railings on the character or appearance of the host dwelling or the Conservation Area

### Reasons

3. No.38 Parkway is a detached dwelling with a garage. The dwelling has been extended recently with a single storey rear extension. This application seeks planning permission for railings around the flat roof of that single storey extension. The railings have already been installed, and therefore the application was retrospective.
4. As far as the effect of the railings on the character and appearance of the dwelling itself, it is situated on Parkway which is lined with some of the Garden City's best examples of neo-Georgian architecture, and the appeal property is indeed an attractive house. The railings have been erected around the flat roof of a recently approved substantial single-storey rear extension, the design of which, it appears to me from the drawings, does not relate to neo-Georgian architecture (this is not a criticism of the extension or the decision to allow it).

5. The railings are of simple form painted black, with double rails at the top, supported on plain vertical square pickets. They appear to have been erected behind the brick parapet. The parapet is nicely detailed, but to my eye the railings provide an appropriate embellishment to the flat roof. I consider that the railings do not have an adverse effect on the character or appearance of the dwelling.
6. The appeal property is within the Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The railings are at the back of the house, and being set on the top of a substantial single-storey extension, potentially may be conspicuous from beyond the private garden. The neighbouring house to the south is set at the junction of Church Road with Parkway, so that it might be anticipated that it could be in full view from the side road. In fact this is not the case, due to the high and thick hedge and trees at the back of the footpath to Church Road. Depending on height of eye, it may be possible to glimpse the railings over the hedge, but the only real glimpse that I was able to see was across the entrance to the garage serving No.50 Church Road. I appreciate that hedges can be reduced in height, but strong planting is characteristic of the Parkway area, and I consider that it is unlikely that this would occur.
8. There are other opportunities to glimpse the railing, from the more important frontage to Parkway. Here there are oblique views across the gap between dwellings – between No.40 and No.36 and the appeal dwelling. These are narrow views that are passed by in 2 or 3 steps of a pedestrian. I therefore consider that the railings can barely be seen from within the public realm of the conservation area. Furthermore, as the appellant points out, railings are evident on the frontages of a number buildings in the conservation area, including a 'Juliette' balcony planted above the front door of No.34 Parkway, above the entrance to Welwyn Hatfield Council Office, and on first floors of buildings in Howardgate. These are all on frontages within the conservation area.
9. In the circumstance described above, if the appeal railings were more visible, they would not necessarily be out of character with the conservation area, although the single storey flat roofed extension might well be. To the extent that the railings can be seen, which is minimal, their simple design in black paint (which serves to lessen any impact) has no effect on the character or appearance of conservation area. Since the railings do not materially alter the character or appearance of the conservation area, they serve to meet the desirability of preserving or enhancing it. For these reasons the appeal will be allowed.

### **Conditions**

10. Since the development has already been carried out, the statutory condition that provides a time limit on the start of development is not required. The council has suggested 1 condition in the event that the appeal is upheld. This is to prevent the flat roof enclosed by the railings being used as a balcony. I agree that, whilst the appellant states such use is not intended, ownership or

intensions can change over time, and the condition is necessary to avoid loss of privacy to neighbours.

11. In addition I consider that the railings should be kept painted black since this colour serves to make the railings less obtrusive than other colours might do. This is to ensure that the railings do not have a greater impact as a result of an inappropriate painting scheme.

*Terrence Kemmann-Lane*

INSPECTOR