



Appeal Decision

Site visit made on 12 July 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2024

Appeal Ref: APP/C1950/W/23/3328353

30 Barleycroft Road, Welwyn Garden City, Hertfordshire AL8 6JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Jon Barnett against Welwyn Hatfield Council.
 - The application Ref is 6/2023/1143/HOUSE.
 - The development proposed is the erection of a part single and part two-storey rear extension, roof extension and alterations to openings.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of a part single and part two-storey rear extension, roof extension and alterations to openings.

Application for costs

2. An application for an award of costs was made by Mr Jon Barnett against the decision of Welwyn Hatfield Council and is the subject of a separate decision.

Procedural Matter

3. The Council's appeal statement and the appellant's final comments were submitted after the revised National Planning Policy Framework ("the Framework"), was published. Therefore, both parties have had an opportunity to consider its relevance to this appeal and would not be prejudiced by me not seeking their views on it.

Background and Main Issues

4. The Council's jurisdiction to determine the planning application for the appeal development fell away when the appeal was lodged. However, from the evidence before me it would have refused planning permission had it been able to do so. Based on the Council's statement of case, the main issues in this appeal are the effect of the proposed development on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Welwyn Garden City Conservation Area ("the CA").
5. In determining this appeal, it is my statutory duty under s72(1) of the planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Reasons

6. The CA covers an extensive area, and its significance appears to be derived in part from the long rows of predominantly 2 storey residential detached and semi detached dwellings, and their relationship with the predominantly verdant tree lined roads to which they front onto. Despite some variation in individual styles, the houses tend to be constructed to common architectural built forms and styles, giving them a predominantly traditional domestic character. Set within their mature, verdant surroundings, the dwellings contribute to the CA's consistent and coherent suburban character and appearance, which reflects the history of the area.
7. Barleycroft Road is a residential street lined by grass verges with numerous sizeable trees growing within them. Set back from the road on discernible building lines are rows of 2 storey detached and semi detached dwellings, constructed to broadly consistent and traditional domestic architectural styles. Individual design details to their facades are common, including the pattern of openings, the styles of door surrounds, canopies, and porches.
8. The dwellings are predominantly built to shallow plan forms, presenting wide facades to the street with comparatively narrow flank elevations, under steeply pitched hipped roofs. This gives them simple and modest proportions that are visible through the consistent gaps between them, particularly given the pronounced curvature of the road. Several dwellings have had rear extensions across 2 storeys, however, their pitched roofs tend to be set markedly lower than their main roofs, giving a level of subservience in street level views and private views from rear gardens, which retains their simple proportions.
9. The appeal property at Number 30 is built to this characteristic shallow plan form and with a wide frontage under a simple hipped main roof, which is evident in street level views and in private views from rear gardens. Whilst extended to one side at the rear across 2 storeys, the roofline of this extension is set markedly lower than the main hipped roof, and its narrow proportions give it a level of subservience to the appeal dwelling's wide and shallow main core. It is one of a number of comparable subservient 2 storey rear wings to the dwellings on this side of the road.
10. For these reasons, the appeal dwelling's built form and scale, together with its asymmetrical façade, with prominent porch and slender windows, give it a traditional domestic character and appearance. As such, it contributes positively to the strong sense of consistency to the rows of dwellings fronting on to Barleycroft Road, which read as an attractively coherent and harmonious group, set within mature and verdant residential surroundings. Consequently, the appeal property, together with those along the road, contributes positively to the significance and special interest of the CA as a whole.
11. The flank walls of the proposed extension would be recessed from those of the existing dwelling and its roofline would step down from the main roof. I have compared the proposal to the scheme dismissed on appeal in 2023¹ ("the 2023 appeal decision") and have taken account of the parties' comments on the differences between them. However, by spanning across most of the appeal property's rear elevation, the combination of the width, depth and height of the proposed 2 storey and single storey extension would, despite its symmetrical

¹ APP/C1950/W/23/3323226

appearance, be an unduly bulky addition. Although it would not be fully visible in street level views, its bulk would nonetheless be overwhelmingly large and would fundamentally change the proportions and appearance of the appeal property. It would have the effect of obliterating the simple proportions of its shallow plan and wide frontage built form, which are positive characteristics of the property and the CA, as noted in the 2023 appeal decision.

12. The exterior surface of the proposed 2 storey extension's flat roof is unlikely to be visible. However, its presence would nonetheless be evident from its design in both street level views and views from the garden, where the scale, form and appearance of the extensions would be out-of-keeping with the pitched roof forms of most dwellings in the area, particularly on this side of the road. Furthermore, the rear extension at Number 21, with its crown roof is particularly noticeable in street level views and its negative effect on the character and appearance of the area, as noted by the Inspector in the 2023 appeal decision, does not justify the harm I have identified above. In any case I am not bound by previous decisions of the Council. Nothing I have read or seen would limit the application of the relevant design and heritage planning policies to developments visible from the public domain only.
13. I am not familiar with all the details of the appeal² at Number 40, or the drawings placed before that Inspector. However, in that appeal the Inspector reasoned that it would improve its rear elevation by replacing an unsympathetic previous addition and it would relate to the rear projecting two storey extensions Numbers 34 and 36. The appeal scheme before me would be very different in scale and form to the narrower pitched roofed rear wings to Numbers 34 and 36, which are visible from the appeal site. As such, the appeal scheme at Number 40 is of limited relevance and weight to my considerations.
14. Together, the scale and form of the proposed extension would harmfully change the visual appearance of the host dwelling and would harmfully erode its positive contribution to the character, appearance and significance of the CA. The harm would be evident from within the CA in street level views and in private views of the appeal property from nearby gardens, where the slightly recessed flank walls and lower roofline would be ineffective in avoiding the harm that I have described above. The rebuilding of the central chimney from original bricks, nor using matching bricks and roof tiles, would outweigh the harm.
15. There are several dwellings along the road that have symmetrical facades. However, the asymmetrical design of the appeal property's façade, with its prominent front porch and front door with subdivided window panes, complements its traditional domestic character. Together, they reinforce the assemblage of individual design elements to the dwellings along the road, which contribute positively to the CA, irrespective of whether the appeal property's front porch is original.
16. In this context, the symmetrical positioning of the proposed entrance door, together with its absence of glazing and plain appearance, and lack of significant door surround/casement, or canopy above, would diminish an important component of the building, which contributes to the character and appearance of the CA. I note the Inspector in the 2023 appeal reached a similar finding.

² APP/C1950/D/19/3224965

17. The slim frames and glazing bars of the existing timber windows complement the original design and character of the appeal property. Although UPVC windows are fitted to a number of dwellings on Barleycroft Road, I have limited information on the circumstances that led to them being fitted. Whilst the evidence suggests that the previous Inspector in determining an appeal in 2022³ raised no specific concerns with UPVC windows in an earlier scheme, I am aware that UPVC frames often have bulkier profiles than timber frames and the Inspector in the 2023 appeal made a similar finding. I have limited details of the proposed windows, such as detailed sectional drawings, to demonstrate otherwise.
18. Despite the appellant's willingness to install replacement timber effect heritage casement windows, the application form and drawings proposed UPVC frames, and I have determined the appeal proposal accordingly. Consequently, on the evidence before me and notwithstanding the Estate Management guidance for the area, the proposed UPVC frames would diminish an important component of the building, which contributes to its character and appearance. However, had I been minded to allow the appeal I would, given the appellant's willingness to fit timber windows, have written to the parties on this aspect.
19. The appeal property in its proposed extended form would accord with a number of elements of the Welwyn Hatfield Supplementary Design Guidance 2005 ("the SPD"), in that it would continue to occupy a spacious plot with space around it, and the ratio of buildings to undeveloped land would not change significantly. There is no dispute between the main parties that no harm to the living conditions of nearby occupiers would arise. However, compliance with these elements of the SPD, is outweighed by its conflict with the SPD's principles of requiring extensions to be subordinate in scale to the host building and complementary to its design and character.
20. For the reasons given above, the proposed development would harm the appearance of the host dwelling and would fail to preserve or enhance the character or appearance of the CA. In accordance with the Framework, the harm to the CA amounts to 'less than substantial harm'. Framework Paragraph 205 states that great weight should be given to the conservation of the CA as a designated heritage asset. Any harm requires clear and convincing justification and is a matter of considerable importance. Framework Paragraph 208 requires me to weigh this harm against the public benefits of the development.
21. The public benefits would largely be confined to the wider economic benefits at the construction stage and reducing carbon emissions through generating renewable energy. These public benefits would be relatively small given the scale of the proposed development. The enhancement to the living conditions of future occupiers would be a private benefit. Consequently, the weight that I attribute to the proposal's 'less than substantial' harm to the significance of the CA, would not be outweighed by the public benefits of the proposal.
22. Taking all the above into account, I conclude that the proposed development would conflict with Section 72(1) of the Act, and would fail to accord with Policies SP9 and SADM 15 of the Welwyn Hatfield Borough Council Local Plan 2016 – 2036, Adopted October 2023 ("the LP"), insofar as they seek development to, amongst others, respect the character, appearance and setting of heritage assets, and relate well to the character and proportions of

³ Appeal decision APP/C1950/W/22/3313727

the existing building and the surrounding context in terms of its height, mass, scale and detailed design. There would also be conflict with the historic environment protection policies of the Framework, and the extracts from LP Policies D1 and D2, that are drawn to my attention, and which require high quality design that respects and relates to the character and context of the area.

Other Matters

23. The Council's finding of an absence of harm in all other respects, including to the living conditions of the occupiers of nearby properties, consistent with LP Policy SADM 11, is a neutral factor that weighs neither in favour or against the development.
24. The appellant's concerns over the Council's processing of the planning application and its failure to make a decision within the statutory timescale are noted. However, I have necessarily determined the appeal on its planning merits based on the evidence before me and my experiences at the site visit, and I have not been influenced by such concerns.

Conclusion

25. For the reasons given above, the appeal proposal's harmful effect on the character and appearance of the host building, and its failure to preserve or enhance the character or appearance of the CA, leads to conflict with the development plan as a whole. There are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding and indicate that a decision should be made other than in accordance with the development plan. Consequently, the appeal is dismissed, and the planning permission sought is refused.

G Sylvester

INSPECTOR