



Appeal Decision

Site visit made on 20 December 2024

by **P D Biggers BSc Hons MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/C1950/D/24/3350476

8 Cole Green Lane, Welwyn Garden City, Hertfordshire AL7 3PW.

- 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 Arion Dajko against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2024/0670/HOUSE
 - The development proposed is two storey side extension, first floor rear extension and the addition of an alleyway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (the Framework) in December 2024 which takes immediate effect. None of the changes are of significance for this appeal but where paragraphs from the previous version of the Framework have been referenced I have used the paragraph numbers from the new 2024 Framework in my decision below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling, the terrace on Cole Green Lane and the wider Pear Tree Conservation Area.

Reasons

4. The appeal site stands on the south east side of Cole Green Lane within the Pear Tree Conservation Area. The character of the area is somewhat mixed with residential, commercial and institutional uses within the surrounding area. However, the south east side of the lane is in residential use and characterised at this point by short terraces of four dwellings little changed from their original form which contribute, together with the treed highway verges, to the character of the Conservation Area. These original planned residential street layouts are an essential part of the significance of the Conservation Area.
5. No 8 is the property on the north eastern end of such a terrace, immediately north of the Pear Tree Inn. The terrace currently has a very uniform, symmetrical appearance centred around a portico over the rear pedestrian access. Both end properties currently have single storey side extensions with the flat roofed

extension to No 8 (recently reconstructed and extended to the rear) infilling the plot to an alleyway along its side boundary. This was permitted (ref 6/2024/1067/HOUSE) after the submission of the planning application currently the subject of this appeal proposal. The appeal proposal is to construct a two storey side and first floor rear extension extending over part of the reconstructed ground floor extension.

6. I have been referred to a number of other properties where side extensions have been approved in the area and which the appellant considers justify the appeal proposal being allowed. I have been invited to conclude that although these extensions preceded the designation of the Conservation Area the fact that the properties form part of the Conservation Area is indication that they are part of its character. Whilst the cited properties are relatively close to the appeal site they are not in the immediate vicinity. For the most part they relate to semi-detached houses, (rather than the short terraces), that have been extended to the side, with No 90 and 94 Cole Green Lane, for example, being modest two storey side extensions matching the depth of the main house and without the flat roof side extension present at the appeal site. The one example of those cited that appeared to be more similar in style to that proposed at the appeal site was that at 2 Gooseacre but the adverse effect of the scale and design in that case is not one that should be replicated on the end of terrace dwelling at the appeal site. Accordingly, I will determine the appeal case on its own merits.
7. The Council has prepared *Supplementary Design Guidance* (SDG) which gives advice in respect of householder extensions amongst other things. The guidance requires extensions to be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.
8. I acknowledge that the appellant, in resubmitting the application, has reduced the scale of the side extension setting it back from the frontage at first floor level and setting the roof line down from the ridge on the main house as well as making a slight reduction in width. It has been put to me by the appellant that this means the extension would be subservient to the main house and that most of the built form would be to the rear. However, this is not in fact the case. The extension would wrap around the house from the side onto the rear elevation and in combination with the rear extension means that the depth of the extension visible from the side would be greater than the depth of the original house. It would therefore appear disproportionate to the main house.
9. Moreover, in combination with the ground floor extension extending to the rear access alleyway and almost to the plot boundary, the cumulative scale and mass of the extensions would dominate and adversely impact both the character and appearance of the host dwelling and the terrace of which it forms a part.
10. I accept that in the approach from the south the visual impact would be less because of the proposed setback to the side extension. However, from the north the visual effect of the scale and depth of the extension on top of the large side ground floor extension and the appearance of the deep blank expanse of brick, (with the exception of one window), would be significant and adverse on the character and appearance of the house. This would also be detrimental to the uniformity of the terrace.
11. Section 72(1) of the *Listed Buildings and Conservation Areas Act 1990* requires

that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. The construction of this large and disproportionate side extension would be harmful to the character and appearance of the terrace and therefore harmful to the significance of this part of the Pear Tree Conservation Area failing to preserve its established character. As such the proposal would be contrary to Paragraph 212 of the Framework. For the same reasons it would also be in conflict with Policy SP15 of the *Welwyn and Hatfield Borough Council Local Plan* (WHBCLP) which seeks to conserve and where appropriate enhance the significance of the Borough's heritage assets including the Conservation Areas. Moreover, Policy SADM15 states that proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views. Similarly, Policy SP9 of the WHBCLP at the section on Building Function and Form requires alterations to buildings to relate well to the character and proportions of the existing building and its curtilage, the surrounding context and the street scene in terms of siting, height, mass, scale, design and materials.

12. Whilst I acknowledge that the materials proposed would be appropriate, the siting and positioning on the plot, design and cumulative scale of the changes and the impact on views of the property and the terrace would conflict with these policy objectives.
13. I accept that the harm to the significance of the Conservation Area would be less than substantial and, in these circumstances, Paragraph 215 of the Framework states that the harm can be weighed against any public benefit. The appellant, in making the proposal, has not sought to demonstrate any public benefits. The extensions proposed would constitute entirely private benefits for present and future occupants of the property rather than equate to wider public benefits. Notwithstanding the importance to the appellant of the proposed extension, any harm to the significance of a designated heritage asset carries great weight and this harm to the Conservation Area would not be outweighed by public benefits.

Other Matters

14. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to enlarge and improve the accommodation in the property in order to meet the needs of an extending family and make sustainable and effective use of it as a family home, an objective which is encouraged by the Framework. However, although the Framework encourages the efficient use of land at Section 11 it states in paragraph 129 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the side two storey extension and its impact on character and appearance would fail in this regard.
15. I have also been invited to conclude that the proposal would meet the three sustainability objectives set out in the Framework. Paragraph 9 states that the three objectives should be delivered through the application of the policies in the Framework but that they are not criteria against which every decision can or should be judged. Applying the policies of the Framework, I note that paragraph 85 places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The scheme would fulfil this insofar as there would be some economic benefits during construction. However, these benefits attract limited weight as they would be

relatively short term. I also note that the Framework seeks at Paragraph 63 to provide a mix of housing choice to meet specific needs but the benefits of this would again be limited as, even though the proposal helps to meet the appellant's family needs, the development does not create any additional housing. I have acknowledged that the proposal would make efficient use of land but is not compliant with paragraph 129 and as such the environmental objectives of the Framework would not be wholly met. Even if I was to conclude that the proposal would be sustainable development, Paragraph 12 of the Framework makes it clear that this does not 'trump' the primacy of the local plan. Where a planning application would conflict with an up-to-date development plan (as would be the case here) permission should not usually be granted.

16. I note that, subsequent to the planning application the subject of this appeal being submitted, that the property now has the benefit of permission for both an extended ground floor side extension (ref 6/2024/1067/HOUSE - now built) and a first floor rear extension (ref 6/2024/1843/HOUSE). Every house has a limit to the extent to which it can be extended before the extensions reach the point where they would be disproportionate to the original house. These two permissions reach this point and the cumulative effect of the addition of the two storey side extension on top would be disproportionate and constitute overdevelopment.

Conclusion

17. Accordingly, as set out above, and notwithstanding other examples of side extensions in the locality, this appeal proposal would have a detrimental impact on the character and appearance of both the house and the terrace as well as the surrounding Pear Tree Conservation Area. I conclude that the appeal should be dismissed.

P. D. Biggers

INSPECTOR