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# Appeal Decision

Site visit made on 13 March 2015

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 7 April 2015**

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**Appeal Ref: APP/C1950/W/14/3000696**  
**4 Wilkins Green Lane, Hatfield, Hertfordshire AL10 9RT**

- 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 Mr Frank Theanne against the decision of Welwyn Hatfield Borough Council.
  - The application, Ref. S6/2014/1091/FP, dated 23 May 2014, was refused by notice dated 7 August 2014.
  - The development proposed is an extension to an existing nursing home.
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## Decision

1. The appeal is allowed and planning permission is granted for an extension to an existing nursing home at 4 Wilkins Green Lane, Hatfield in accordance with the terms of the application, Ref. S6/2014/1091/FP, dated 23 May 2014, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are (i) the effect of the proposed extension on the character and appearance of the host building and the surrounding area, and (ii) the effect on the living conditions for adjoining occupiers as regards privacy and outlook.

## Reasons

### *Character and Appearance*

3. On this issue the Council's objection is essentially that the building has already been extended to the rear and the appeal scheme would substantially add to this. The result would be a bulky and poorly designed building that would be markedly different to the more modest scale of the other buildings in Wilkins Green Lane. When taken together with the previous extensions the currently proposed additions would be discordant and incongruous and this would be harmful to the character and appearance of the host building and the surrounding area.
  4. However whilst I understand the thrust of the Council's argument, the planning judgement in this case is materially affected by considerations that in my view should be afforded significant weight.
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5. Firstly no alterations are proposed to the front elevation of the building and together with the fact that the rear extensions would not be visible from the road this means that the street scene of Wilkins Green Lane, the most important element in the character and appearance of the area, would remain unaffected. As regards the relationship with its neighbours, the extension will scarcely be seen in the outlook from the rear of No. 5 because of the high and dense conifer boundary screening. In the case of No. 3, as the appellant has pointed out, there would be a distance of over 30m between the main part of the extension and the flank wall of that property and also screening as a result of the staff annex building and the boundary fence.
6. An absence of prominence or indeed visibility does not excuse poor design, particularly in terms of the effect on the host property. However I consider that the Council has been too critical of the proposal in those terms, not least because the building has already been extended a number of times. Those extensions not only already have an absence of subordination but have also resulted in a somewhat fragmented rear elevation, which will be given more visual cohesion by the proposed additions.
7. The depth of the extensions would be considerable but with 27m remaining between the extension and the rear boundary, together with distances of 6.5m and 15m to the flank boundaries of the gardens of Nos. 5 and 3 respectively and a total building footprint of only 20% of the whole plot, I do not consider that these latest additions amount to 'overdevelopment'.
8. The second main consideration is that residential care homes / nursing homes are very often located in low density residential areas because of a combination of the large size the original house and a verdant and spacious setting, conducive to the need for residents to have a peaceful and pleasant environment. Such properties do tend to be larger than their residential neighbours and I do not consider that in principle their enlargement and subsequent disparity with nearby dwellings is harmful to the character and appearance of an area.
9. Clearly there are limits to this approach but whilst the cumulative extensions, including the appeal scheme, to the appeal property can reasonably be described as substantial and arguably approaching an appropriate maximum for the plot, I do not take the view that they cross the threshold at which harm would occur.
10. Overall on this issue the proposed extension would not have an adverse effect on the character and appearance of the area. There would therefore be no harmful conflict with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Design Guidance and the National Planning Policy Framework 2012.

#### *Living Conditions*

11. The second reason for refusal states that the extensions would result in a loss of privacy and outlook for the occupiers of Nos. 3 and 5. However whilst I have carefully considered the Council's objections on these points, for the reasons explained in paragraph 5 above, namely the hedge screening to No. 5 and the substantial distance plus intervening annex and boundary screening between the extensions and No. 3, I do not consider there would be a potential problem on this issue. There have been no representations from the occupiers of either

property to the appeal application and whilst their absence is not in itself determinative it is nonetheless a reasonable indication that there are no significant grounds for concern. I therefore conclude that there would be no material effect on the outlook and privacy of adjoining occupiers in conflict with Policies DT1 and CLT17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

*Other Matters*

12. The case for the appellant also includes an explanation of how the additions would enable a significant upgrade in the living conditions for residents. In my judgement this carries significant weight in this appeal to be considered along with the Council's objections and in conjunction with my findings on the main issues I conclude that I should allow the appeal.

*Conditions*

13. The Council has suggested some conditions if the appeal is allowed and I consider these to be reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition on matching external materials will ensure a harmonious form of development and a condition requiring the obscure glazing of the landing window will safeguard the privacy of the occupiers of No. 5, albeit I consider this to be unlikely to occur for the reasons explained in my Decision.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision;
- 2) The development / works shall not be started and completed other than in accordance with the following approved plans and details: 1:1250 Site Location Plan; EL/2012/01 Rev. A; EL/2012/02 Rev. A; EL/2012/03 Rev. A; EL/2012/04 Rev. B; EL/2012/05 Rev. G; EL/2012/07 Rev. G; EL/2012/08 Rev. G; EL/2012/09 Rev. A; EL/2012/10 Rev. G; OC 1012-1; OC 102-10 Rev. B; OC 101-10;
- 3) The brickwork, bond, mortar, detailing, render, guttering, soffits and other external decorations of the approved extension / alterations shall match the existing dwelling, unless otherwise approved in writing by the Local Planning Authority;
- 4) The window serving the first floor 'landing' of the approved extension shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter.