

APPEAL STATEMENT

APPEAL BY MR Z SALES UNDER SECTION 78(1) OF THE TOWN
AND COUNTRY PLANNING ACT 1990 AGAINST THE DECISION
OF THE WELWYN HATFIELD BOROUGH COUNCIL TO REFUSE
PLANNING PERMISSION FOR THE RETENTION OF SUMMER
HOUSE AND SLIDING GATE AT 2 BARLOW CLOSE HATFIELD
AL10 9GZ.

(LPA reference: 6/2021/2501/HOUSE)

WRITTEN REPRESENTATIONS

31 DECEMBER 2021

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1.0 THE APPEAL SITE AND ITS LOCATION



Figure 1: Site Location Plan

- 1.1 The appeal property is a two-storey detached dwelling with accommodation in the roofspace situated to the southwest of the junction of Barlow Close and The Runway in Hatfield. The surrounding area is predominantly residential in character.

2.0 PLANNING HISTORY

2.1 None considered relevant to the determination of the appeal.

3.0 THE PLANNING APPLICATION

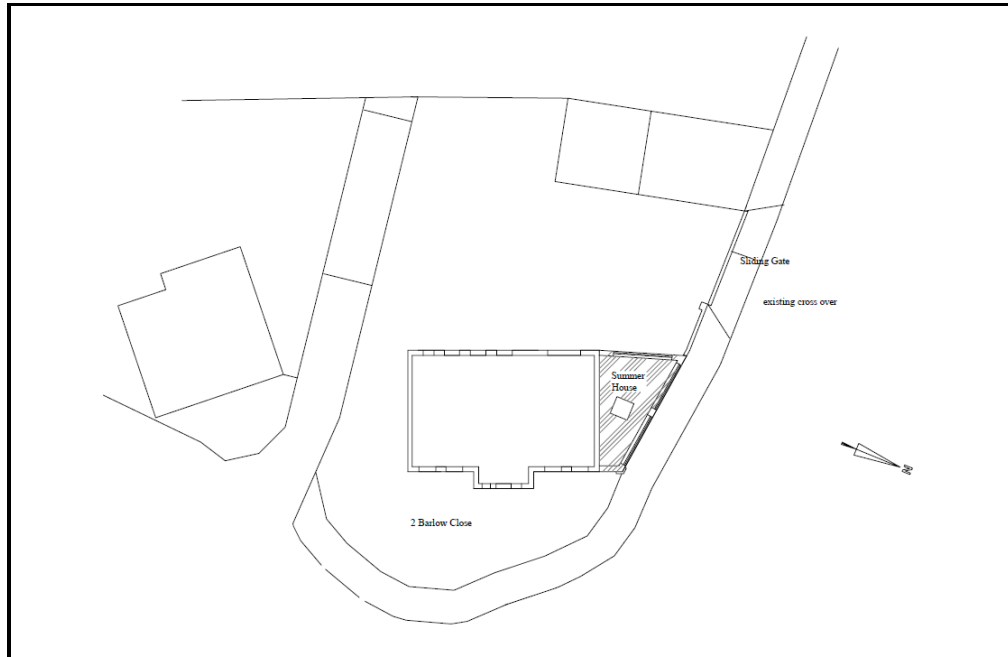


Figure 2: Proposed Site Plan

3.1 The Application, the subject of this Appeal, was submitted to and registered by the Local Planning Authority (LPA) on the 22nd September 2021.

3.2 The application was refused on the 17th November 2021 for one reason stated in the Decision Notice submitted with this appeal statement.

3.3 The application was in two parts and sought retrospective planning permission for the construction of a conservatory and the installation of a sliding gate across the vehicular access.

4.0 RELEVANT PLANNING POLICIES AND EXPLANATORY

COMMENTS

4.1 National Planning Policy Framework (NPPF) (20 July 2021)

4.2 Chapter 2: Achieving sustainable development

4.3 Chapter 12: Achieving well-designed places

4.4 Welwyn Hatfield District Plan adopted in 2005

Policy D1: Quality of Design

Policy D2: Character and Context

4.5 Supplementary Design Guidance 2005 (SDG)

4.6 Emerging Local Plan -Welwyn Hatfield Draft Local Plan 2016

Policy SADM11: Amenity and Layout

5.0 GROUNDS OF APPEAL

5.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined according to the development plan unless other material considerations indicate otherwise. This approach is repeated in the National Planning Policy Framework. The relevant development plan policies and national advice are listed in section 4.0 of this appeal statement.

5.2 The application was refused for one reason reproduced below for ease of reference:

The proposed side extension, by virtue of its siting, height, roof form, fenestration and materials, fails to complement and reflect the design and appearance of the application dwelling and is discordant with the area's character. Consequently, the proposed development represents a poor standard of design which is harmful to the appearance of the application dwelling and the character of the area, contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan; the Council's Supplementary Design Guidance; and the National Planning Policy Framework.

Following on from this reason for refusal to grant planning permission, the Appellant considers that the main issue in this appeal relates to the impact of the proposed development on the character and appearance of the surrounding area.

5.3 Preliminary Matters

The LPA considers that the sliding gate is acceptable subject to a condition to secure an alternative colour / finish which is more in keeping with fences and other built form in the area. However, the Appellant considers that the dark colour applied to the gate is in keeping with the external finish of the timber fence that encloses parts of the property. (Please see Figure 3).



Figure 3: Sliding gate in the context of the boundary fence

5.4 Character and appearance of the surrounding area

LP policies D1 and D2 require that all new development should achieve a high-quality design and respect and relate to the character and context of their location maintaining and enhancing the character of the existing area where possible.

5.5 The LPA's Supplementary Design Guidance 2005 (SDG) contains specific criteria to assess new development proposals and states that:

- Extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale;
- The spacing of buildings adjacent to and in the immediate locality of the site should be reflected; and
- For all two-storey side extensions, a minimum distance of one metre between the extension and the adjoining flank boundary must be maintained. This spacing is to prevent overdevelopment across plot widths and a terracing effect within areas of detached and semi-detached properties.

5.6 Assessment against the SDG criteria

5.7 Requirement for extensions to complement and reflect the design and character of the dwelling and be subordinate in scale

- a) The flat roof and grey external finish of the conservatory is in keeping with the flat roof dormers in the front roofscape of the host dwelling.
- b) Evidentially, given its single-storey construction, the conservatory is seen as a subordinate structure to the two-storey host dwelling.
- c) In the street scene, there is a wide variety of external finishes and as such, the appeal proposal does not appear incongruous. Some properties have a cream render finish juxtaposed to red brick walls. White UPVC conservatories can also be identified on some properties, (Figure 4).
- d) The conservatory is enclosed by a brick-built boundary wall and the LPA acknowledges that the only part of it that is visible in the public domain is the flat roof that projects approximately 1.1 metres above this boundary wall.
- e) Views of the conservatory are only possible from limited vantage points along The Runway and Barlow Close. (Figure 4). Taken together with the fact that the conservatory is mostly enclosed by a brick wall, is subordinate to the host dwelling and sits under a flat roof, the Appellant contends that it is not visually intrusive in the public domain contrary to the LPA's claim. Furthermore, the surrounding area comprises two storey dwellings that stand close together such that longer views are restricted.
- f) Taking these factors into account, the Appellant contends that the overall scale, massing, and layout of the conservatory is proportionate to the host dwelling and does not detract from the character and appearance of the

surrounding area, thus passing the first SDG test, contrary to the LPA's claim.



Figure 4: Views of the conservatory from The Runway and Barlow Close

5.8 Spacing of buildings adjacent to and in the immediate locality

5.9 The conservatory is closely associated with the host dwelling and does not infringe on the existing separation distances with the neighbouring properties. The development therefore preserves the character of the area in this respect. The LPA does not raise any concerns in this regard.

5.10 The third SPG test is not applicable as it relates to two storey extensions.

6.0 **CONCLUSIONS**

- 6.1 The appeal proposal is not contrary to the LPA's policies which seek to ensure that new developments complement and improve the character and amenity of the area and harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance. It is submitted that the appeal proposal is sympathetic to the host dwelling and does not detract from the character of the surrounding area.
- 6.2 The appeal proposal does not cause any demonstrable harm to the character and appearance of the locality and constitutes sustainable development, which, according to national advice within the NPPF, should benefit from a presumption in favour of development.
- 6.3 In light of the foregoing the Inspector is respectfully requested to allow the Appeal and overturn the decision of the Council.