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Ultra Vires decision?

Mr W H Williams
28 Astwick Avenue
HATFIELD
Hertfordshire
AL10 9LA

PLANNING AND
DEVELOPMENT DEPT.
15 AUG 1989

Your reference

Our reference

Date T/APP/C1950/A/89/116907/P2

14 AUG 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO : 56/0794/88/FP

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Welwyn Hatfield District Council to refuse planning permission for a two and one-storey rear extension and a second-storey rear and side extension at 28 Astwick Avenue, Hatfield. I have considered the written representations made by you and by the Council.
2. Following my visit to the site on 19 June 1989, it was clear to me that, although these 2 extensions have been proposed as one scheme, they can be considered separately and from the representations and my inspection of the site and surroundings, I am of the opinion that the decision on this appeal rests primarily on the effect of the proposal on the character and appearance of the area.
3. The appeal site is the end house in a short terrace of 4 in the Hatfield Garden Village. As might be expected in a garden village of this age, the houses are largely of the same design and materials in a formal layout. Where the houses have a side wall, as is the case here, there is a hipped roof and the general unity of design has, as far as I could see, been largely preserved.
4. The Council have not raised any objection to the two and one-storey rear extension nor made any representations on this aspect of the development. The one-storey part would adjoin the common boundary with No 26 and replace an existing one-storey porch which is matched by a one-storey extension on No 26. The two-storey part is beside the driveway and would be topped by a hipped roof construction which would reflect the existing roof on the house. I agree with the Council that this part of the proposal would blend with the house and have no seriously adverse effect on the appearance of the house in the village. I can see no reason why permission should not be granted for this part of your proposal.
5. The Council have objected to the second-storey extension which takes the form of a very large dormer construction which replaces not only the rear facing roof pitch but virtually the whole of the end pitch of the hipped roof as well. When seen from the front from Astwick Avenue, the dormer window would make the roof appear almost as a gabled roof but, because it is not a full gable, it would present, in my view, an awkward mixture of 2 styles. As seen from the side and rear, the main dormer is topped by a flat roof at ridge height and the resulting roof form and the size of the extension would be completely at variance with the form and balance of the present design of the house. I consider that the dormer

construction you are proposing falls well short of the requirements which the District Council have set out in the development control standards forming part of the local plan. I conclude that this part of your proposal, by drastically altering the familiar hipped roof, would be seriously harmful to the character and appearance of the area.

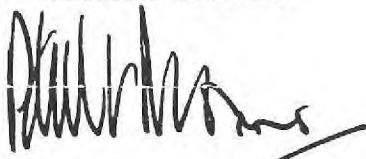
6. You said that there were other roof level extensions in the area with which the proposal should be compared. You pointed out the extension of 2 Astwick Avenue but I saw that the roof had been blended into the existing hipped roof so as to be virtually indistinguishable. The dormer at 49 Green Lanes was on the front pitch of the roof only and of relatively modest size. As for the roof addition at 41 Green Lanes, I accept that this is a very noticeable feature in the street scene, but I understand that it was built without the need for planning permission. Bearing in mind the serious harm which I consider would result from the second-storey extension which you propose, I do not regard the existence of the extension at 41 Green Lanes as obliging the Council or myself to grant planning permission for your proposal.

7. In coming to my conclusion, I have taken into account your need to provide extra accommodation for your family but I do not think that this is sufficient justification for overriding the planning objections to the second-storey extension which I have found. I have taken into account all the other matters raised but none are of such importance to outweigh the considerations which have led to my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby dismiss your appeal in respect of the second-storey rear and side extension but allow your appeal and grant planning permission for a two and one-storey rear extension at 28 Astwick Avenue, Hatfield in accordance with the terms of the application (No 56/0794/88/FP) dated 20 July 1988 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



PAUL V MORRIS DipTP MRTPI
Inspector