



Appeal Decision

Site visit made on 28 January 2015

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 February 2015

Appeal Ref: APP/C1950/D/14/2229623

22 Brockwood Lane, Welwyn Garden City, Hertfordshire AL8 7BG

- 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 Frank Deverlein against the decision of Welwyn Hatfield Borough Council.
 - The application Ref N6/2014/1844/FP was refused by notice dated 14 October 2014.
 - The development proposed is the erection of a ground floor rear extension and the widening of a crossover.
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Decision

1. The appeal is allowed and planning permission granted for erection of a ground floor rear extension and the widening of a crossover at 22 Brockwood Lane, Welwyn Garden City, Hertfordshire AL8 7BG in accordance with the terms of the application, Ref N6/2014/1844/FP, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2217/EX/1; 2217/P/2 and 2217/P/1A.
 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 20 Brockwood Lane.

Reasons

3. The proposed development includes a single storey extension to the rear of a 2-storey mid terraced property. The Council does not object to the proposed development by reason of the proposed crossover and the extension's effects on the living conditions of the occupiers of 24 Brockwood Lane. There are no reasons for me to disagree with the Council's assessments on these matters.
4. The proposed extension's flank wall would be sited close to the shared boundary with No. 20 and would project rearwards by approximately 3.6

- metres. The height of the proposed wall to its parapet would be 3.1 metres and it would project above the existing fence. The Council's Supplementary Design Guidance (SDG) refers to extensions not causing loss of light or being unduly dominant.
5. As noted by the Council, the proposed wall would be sited about 0.7 metres to the west of a north facing kitchen window within the rear elevation of No. 20. By reason of siting, height and length the proposed flank wall would be noticeable from the kitchen window. However, the outlook from the window would remain principally towards the rear garden and the wooded area beyond with generally only oblique views of the proposed flank wall. The appeal scheme would not be an unduly dominant or overbearing form of development and would not cause unacceptable harm to the outlook of the occupiers.
 6. By reason of orientation, the appeal scheme could have an effect on daylight and sunlight reaching the rear kitchen window during late afternoons. However, the garden of No. 20 generally possesses an open aspect and there a similarly sized side kitchen window that would be unaffected by the appeal scheme. For these reasons, the effect of the proposed extension on the overall levels of daylight and sunlight reaching the kitchen would not be so significant so as to amount to unacceptable harm being caused to the occupiers' enjoyment of their kitchen.
 7. For the reasons given, it is concluded that the proposed development would not cause adverse harm to the living conditions of the occupiers of 20 Brockwood Lane and, as such, it would not conflict with the high quality design aims of Policy D1 of the Welwyn Hatfield District Plan and the SDG. This policy and the SDG are consistent with the National Planning Policy Framework's (the Framework) core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

8. In reaching this judgement account has been taken of other rear extensions within the surrounding area which were observed during the site visit. However, although the applicant has provided some drawings, the full planning histories of these other schemes have not been provided and, for this reason, little weight has been given to them in the determination of this appeal.
9. The Council does not claim that the proposed extension would fail to accord with the statutory duty of at least preserving the character and appearance of the Welwyn Garden Conservation Area. Based upon my observations there are no reasons for me to disagree with this assessment.
10. The Council has suggested 3 conditions in the event that this appeal succeeds and they have been considered against the tests and guidance in the National Planning Practice Guidance. Because of the property's location within a Conservation Area and for reasons of proper planning I agree with Council that these conditions are necessary. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should succeed.

D J Barnes

INSPECTOR