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## **Grounds of Appeal**

**30 Barleycroft Road  
Welwyn Garden City  
Hertfordshire  
AL8 6JU**

**August 2023**

## CONTENTS

- 1.0 Introduction
- 2.0 Brief Description of Site and Host Building
- 3.0 Planning History & Background
- 4.0 Correspondence with LPA in relation to previous proposals
- 5.0 Correspondence with LPA in relation to Appeal Proposal
- 6.0 Additional Justification
- 7.0 Design Policy Compliance
- 8.0 Summary

## APPENDICES

- Appendix 1: Decision Notice for previous proposal (LPA Ref: 22/2139/HOUSE)
- Appendix 2: Officer Delegated Report for previous proposal (LPA Ref: 22/2139/HOUSE)
- Appendix 3: Appeal Decision Notice APP/C1950/D/22/3313727
- Appendix 4: Lease Plan showing no Porch
- Appendix 5: Appeal Decision Notice APP/C1950/D/19/3224965 (40 Barleycroft)
- Appendix 6: Committee Report for 21 Barleycroft

## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared in support of an appeal against Welwyn Hatfield Borough Council's failure to determine a planning application in relation to a site at 30 Barleycroft Road, Welwyn Garden City, Hertfordshire AL8 6JU (LPA Ref. 6/2023/1143/HOUSE) for the following development:

**“Erection of part single & part two-storey rear extension, roof extension & alterations to openings.”**

- 1.2 The application was received by the LPA on 31<sup>st</sup> May 2023, as confirmed in their acknowledgement letter dated 13<sup>th</sup> July 2023. The statutory date for determination was listed in this letter as being 26<sup>th</sup> July 2023.
- 1.3 After insistence by the appellant for the Conservation Officer to attend a site visit (which had not happened before despite this being the third revision of an application for this property), the LPA arranged a site visit on 1<sup>st</sup> August 2023, after the end of the statutory determination period. The appellant's agent attended a meeting on site with the Case Officer and the Conservation Officer on Friday 4<sup>th</sup> August where all matters of the proposal were discussed and agreed (see details below).
- 1.4 The LPA wrote to the Appellant on 7<sup>th</sup> August requesting an Extension of Time until Friday 11<sup>th</sup> August to enable the Officer to complete his positive report and issue the decision notice, but the decision was not made in this time.
- 1.5 Notwithstanding and despite agreeing all aspects of the proposal during the site visit, and in email correspondence after, the LPA then raised a brand new issue with the application at this extremely late stage, that had never been a concern before - the depth of the rear single storey element of the proposal - and suggested that this single concern could warrant the potential refusal of the application.
- 1.6 The appellant has concerns over the determination process and has requested a Freedom of Information request to ascertain whether there has been any third party interference in the decision making process. Accordingly, they consider that appealing non-determination is the only way to ensure that the proposal receives an independent assessment.

## 2.0 BRIEF DESCRIPTION OF SITE AND HOST BUILDING

- 2.1 The application site is located approximately 550 metres to the southwest of central Welwyn Garden City town centre, in a predominantly residential area within a Conservation Area and Estate Management Area.
- 2.2 The immediate residential context is suburban with brick clad detached or semi-detached family homes on a tree lined street. The lawned border to the street,

dotted with trees, and the lawned area to the front of many of the homes creates a leafy character to the area.

- 2.3 No. 30 Barleycroft Road is similar to its neighbours; It is a detached two-storey dwelling clad in red brick, set back from the street to allow both a green space partially bordered by a hedge and parking for two cars to the front. There is a gap between dwelling and boundary to the west, and to the east, a single storey attached garage is built to the boundary.

### 3.0 Planning History & Background

- 3.1 The appeal proposal is the second revised application following the Council's refusal of Application Ref. 6/2022/2139/HOUSE and the non-determination of Application Ref: 6/2022/2897/HOUSE, which has also been appealed (Appeal Reference: APP/C1950/W/23/3323226 which is awaiting a Relevant Date Letter).
- 3.2 The original application was refused on 8th November 2022 primarily on the basis of the roof design and the lack of subservience of the proposed extension to the main dwellinghouse. The Decision Notice can be found in **Appendix 1** and the Officer's Delegated Report in **Appendix 2**. This application was appealed (Appeal Ref: APP/C1950/D/22/3313727) but the appeal was dismissed (see **Appendix 3**). It is important to note here that the Inspector considered that the single storey rear extensions were a modest addition to the property and due to its location at the rear which is screened to a degree by side boundaries and landscaping, this addition would be unobtrusive. The Inspector also considered that the removal of the front porch and the alterations to the windows (with the exception of the previously proposed larger central front window) are generally proportional to the property.
- 3.3 The appellant took into consideration the comments made by the LPA during the determination of this application and within the Decision Notice and accompanying reason for refusal and the comments made by the Inspector within the appeal decision and accordingly the scheme was amended to include the following revisions:
- Lowering of previously proposed ridge height - The ridge height of the front and existing roof now remains as existing; the ridge height of the proposed 2-storey rear extension has also been lowered as described below.
  - Elimination of previously proposed crown roof – The roof height of the proposed 2- storey rear extension now sits below that of the front and existing roof preserving the legibility of the hip roof.
  - Retainment of side chimneys – The preservation of the side chimneys addresses concerns expressed by Councillors, not noted in the reason for refusal.
  - Reduction in amount of previously proposed hardstanding – The proposed level of hardstanding to the front of the property is now 50% to better address the Council's Estate Management policy requirements.

- 3.3 It was considered that the proposed revision of the rear extension would ensure that the additions would be subservient to the existing dwelling and more in keeping with the desired characteristics of the area in accordance with the requirements of the Council.
- 3.4 Notwithstanding, similar revisions have been supported by the Council on other neighbouring properties in the immediate vicinity of the appeal site including number 40 and number 21.
- 3.5 The Officer's delegated report for the previous application found many aspects of the proposal acceptable. These include the proposed removal of the chimneys, removal of front porch, the single-storey rear extension in isolation (meaning that the extent of proposed built form to the rear is acceptable), material choice (to match existing), and proposed car parking.
- 3.6 Additionally, the impact on neighbouring light and outlook was found to be acceptable and the impact on privacy, with a condition in place for obscure glazing condition, would also be considered acceptable. It was on this basis that the second revised proposal was formulated. However, the LPA failed to make a decision on this application within the statutory determination period, despite repeated requests to do so.
- 3.7 Whilst the Appellant considers that the previous proposals were totally acceptable, they were keen to reach an agreement with the LPA so that they can commence work on their family home. Accordingly, a further revised application was submitted which aimed at addressing all previously raised concerns (i.e. the appeal proposal).
- 3.8 The proposed changes are summarised below:
1. The new flank walls step-in a further 115mm so they are a full brick length step in. This has exaggerated the roof form step in as well as reduced the crown roof. This reduces the width of the rear extension from 13.3m previously proposed to 12.8m.
  2. The Crown Roof has been reduced from an area of 28.5 sqm previously proposed to 27.5 sqm whilst still being of sufficient size to enable the inclusion of solar panels to help the proposal comply with the Council's energy efficiency policies.
  3. The structural glass roof and windows have now been removed to ensure that the rear façade remains in proportion and commensurate with neighbouring properties.
  4. The glass on the rear first floor has been replaced with a traditional window.
  5. The height of the rear ground windows have been reduced to normal height.
  6. The original chimneys will be retained and the central chimney has now been removed from the proposals.

7. The proposed windows on the front elevation would be timber effect heritage casement and would match the external appearance of the existing windows in terms of style, colour and dimensions.

3.9 It is therefore considered that the revisions within this appeal proposal fully address the Council's previous raised concerns. It is also worth noting that the depth of the rear extension was never raised as a concern with the previous scheme, so was not included as a revision in the revised scheme.

#### 4.0 Correspondence with LPA in relation to the Previous Revisions

4.1 During the course of the determination of the previous application discussions were held between the case officer and the appellant's agent in relation to the Council's consideration of the first revised proposals. In doing so, the LPA agreed to accept further revisions to the proposed plans which would further reduce the width of the rear extension to provide a more subservient extension. This revision would further allow an additional set down of the roof ridge and a step-in of the flanks which would further address the Council's main concerns (in relation to the subservience of the addition to the main dwelling). These discussions also covered the removal of the front porch. It was agreed with the Council that the removal of the front porch was acceptable as it was not original (as a historic plan which was submitted to the Council demonstrated – see **Appendix 4**) and that as previously mentioned, the Inspector observed that porches were not a common feature in the area and that the removal of the porch will allow the symmetry of the windows to be obvious in the street scene and in general proportion to the property.

4.2 In their consideration of the previous revisions, it was wrongly assumed that all the chimneys were being removed and replaced with GRP, which was incorrect. It also wrongly assumed that the chimneys were to be removed internally. It was only the central chimney that was to be replaced which the original case officer confirmed was acceptable as it was not an important feature of the character of the area.

4.3 The Council once again raised very late concerns with the previous revisions. These related to the changing the windows to uPVC - Again, this element of the design had never previously been raised as a concern by the LPA and it was understood that 90% of the other houses within the road have uPVC windows. In addition, the proposal to replace the windows with uPVC will match the existing windows in terms of style, design, proportions and colour of the original windows, which fully complies with the Estate Management guidance under Policy EM1.

4.4 The LPA also raised the design of the rear extension at a very late stage in the determination process. It was questioned why after a considerable period of time, not only in the determination of the revised application but also the original proposal, the design of the rear extension was now a concern. Whilst it was acknowledged that the ground floor rear extension is of a complementary design, the materials and fenestration at first floor match the existing house so fully met the Council's design

criteria in every way. The depth of the rear extension, which has stayed the same throughout all of the revised proposals, has never previously been raised as a concern by the LPA.

## 5.0 Correspondence with LPA in relation to the Appeal Proposal

- 5.1 As can be seen from the email correspondence submitted in support of this appeal, the appellant has been keen to assist the LPA in achieving a positive determination of this application. However, given the confusion with the Council's and Conservation Officer's consideration of the elements of the previous proposals, the appellant was keen to ensure that the Conservation Officer visited the site to see the property in context of other, extended properties within the street to demonstrate the acceptability of the scale and design of the proposal and its congruous contribution to the overall street scene and character of the area.
- 5.2 As also can be seen from the email correspondence, this site meeting was extremely valuable and subject to the appellant agreeing to reinstate the chimney, it was agreed on site that the proposal was acceptable in both planning and conservation terms and that planning permission would be granted within a week of the site visit. It was on this basis that the appellant agreed to the Extension of Time requested by the LPA (until Friday 11<sup>th</sup> August), which was to ensure that the case officer had sufficient time to finish his Officer's report for recommendation of the grant of planning permission. The appellant submitted the amended plan showing the retention of the chimneys on 4<sup>th</sup> August (the same day as the site visit) which was accepted by the LPA and left sufficient time for the Officer to complete his positive report and issue the decision.
- 5.3 However, two days before the expiration of the extension of time, the case officer raised, within an email dated 9<sup>th</sup> August (which is included within the appeal submission), that the Estate Management officer had a very late concern with the depth of the single storey rear extension. It was suggested that in order to be acceptable, this should be reduced from 4m to 2m. There was no explanation as to why this element was now considered to be unacceptable and no policy justification as to why this revision was now requested.
- 5.4 The appellant's agent wrote back the LPA requesting that planning permission should still be granted as the depth of the rear extension was not considered an issue to the statutory consultee i.e. the Conservation Officer (nor the planning officer), there is no justifiable planning reason to request this change, particularly when other properties within the immediate and wider vicinity of the site have been granted planning permission for a similar sized rear extension and that the grant of estate management consent is a separate process that would be addressed at a later stage.
- 5.5 The LPA then informed the appellant that the concern of the depth of the rear extension was also now shared by the team leader – although this was never a concern before, and that unless the single storey element of the extension was reduced from 4m to 2m, the application would be refused.

5.6 The LPA did not provide any justification for why they consider that a 2m extension would be acceptable, as opposed to a 3m, 3.5m or indeed the previously proposed 4m extension.

## 6.0 Additional Justification

6.1 Notwithstanding the above, the appellant considers that the revised proposals are totally acceptable and policy compliant for the following reasons.

6.2 The proposed extension would only create a symmetry to both side elevations as one would now mirror the other. In addition, the extension, in combination with the other changes, would benefit the appearance of the home as it would create a more comprehensive design, from all viewpoints and elevations.

6.3 Furthermore, the proposal would have no adverse impact. The proposed development would not negatively affect any neighbouring properties or residents. Further, as No. 30 benefits from a large, long rear garden, the extension would not make the site unacceptable in terms of plot ratios in the context or within the valued green character of the Welwyn Garden City Conservation Area; nor would it unacceptably effect the street scene as the proposed eastern elevation would be similar to the existing western elevation, and dwellings and roofs similar to that proposed already exist in the site's context.

6.4 The proposal is not out of keeping with the character of the surrounding area. One similar development is No. 40 Barleycroft which recently proposed a development of side and rear extensions including a rear first-floor rear extension. The Council refused the application (Ref. 6/2018/2813/HOUSE), but it was allowed on appeal (Ref. APP/C1950/D/19/3224965) (see **Appendix 5**).

6.5 The Inspector refers to correspondence between the appellant and the Council in which the Council finds all elements of the original proposal acceptable except the rear 1st floor extension. Similar to the refusal of the appellant's original proposal (Application Ref. 6/2022/2139/HOUSE), the Council's principal concern was that the proposed extensions (together with previous extensions) would not be subordinate to the original dwelling. This concern has been fully addressed as confirmed by the Case Officer during the site visit. Notwithstanding, the inspector in relation to the previous appeal, acknowledged the "strong degree of design uniformity" and "coherent character and appearance" of the area and identified the main issue as whether the proposed extensions would preserve or enhance the character or appearance of the Welwyn Garden City Conservation Area. The Conservation Officer has since confirmed that the proposal would be acceptable.

6.6 it is also important to note that the Inspector allowed the appeal relating to No. 40 for various reasons. Reasons relevant to this appeal are that the 'extensive width' of the proposed extension was balanced by the large width of the front of the property (the dwelling subject of this appeal is just under 20 cm less wide than No. 40

Barleycroft). The Inspector stated that 'two storey extensions of similar or greater depth' are characteristic in the setting.

- 6.7 In conclusion, the Inspector found that the proposed development would not harm the character and appearance of the Conservation Area which can be seen as a justifiable precedent.
- 6.8 The crown roof is now considered acceptable as the hipped roof is preserved in a fashion similar to others in the context. Examples of visually similar roof forms along Barleycroft Road include Nos. 6, 13, 15, 17, 19, 20, 39, 41, 42, and 44 Barleycroft Road. These examples show that the revised roof design is not out of character with the area, and that the visual impact of the proposed roof, would be limited, particularly in the wider setting of the street scene. A similar scheme has also been approved by the Council for number 21 Barleycroft (see Committee Report in **Appendix 6**).
- 6.9 The width of the rear extension, which was considered to be of concern to the LPA in relation to the previous extension proposal, has been further reduced, which was agreed by the LPA to represent a positive change that can be supported.
- 6.10 Furthermore, the Chimneys, proposed windows and the removal of the front porch were all agreed with both the Conservation Officer and the Planning Officer, to be acceptable within this revised proposal.

## 7.0 Design Policy Compliance

- 7.1 Whilst the appellant is unaware whether the LPA would have granted or refused planning permission, they would like to reiterate that the appeal proposal remains fully policy compliant as described below.
- 7.2 Policy D1 (Quality of Design) requires high quality design and compliance with all Council design policies and supplementary planning guidance. The most relevant design policy is Policy D2 (Character and Context). The proposed development is compliant with this policy as it respects and relates to the character and context of the area; the front elevation will be minimally changed, materials will be made to match existing, the resulting scale of the building would relate to its plot, which would retain a large rear garden, and the resultant building's size would not be out of character for the area.
- 7.3 The Welwyn Hatfield Supplementary Design Guidance 2005 lists criteria for proposed residential extensions. The proposal is compliant with these requirements as:
  - The proposed extensions are not excessive in regard to the existing dwelling or the context. The resultant dwelling would not be out of place visually in its context or in relation to its plot, with the 2-storey extension melding seamlessly with the existing building through the use of existing materials and design.
  - The proposed dwelling would retain ample space around the dwelling. With the distance to the boundary remaining the same at the front and sides and retaining a plot to footprint ratio commensurate with the context.

- The previous and similar proposal was judged not to have an unacceptable light, outlook, or privacy impact on neighbouring properties. Additionally, it would not be unduly dominant due to the placement of a single storey element near the eastern boundary or retained gap between built form and western side boundary.

7.4 For reasons included above, the proposed extensions would not unbalance the appearance of the dwelling, or be noticeably different to others on the street, allowing the proposal to be compliant with Policy SP9 of the Emerging Welwyn Hatfield Local Plan 2016 (Place Making and High Quality Design).

7.5 The proposal is also compliant with Emerging Policy SADM 11 (Amenity and Layout) as the impact on neighbouring dwellings would be acceptable.

7.6 Heritage Policy Compliance Policy SADM15 of the Emerging Welwyn Hatfield Local Plan 2016 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, as well as the NPPF protect and ensure the preservation of heritage assets. The delegated report confirmed that the previously proposed changes to the original features of the chimneys and front porch were acceptable as other dwellings had already lost these original features.

7.7 The Conservation Area Appraisal (September 2007) has also been considered within the design. For residential areas, the appraisal notes that houses "vary in size, type (detached, semi-detached, terraced), style and detail", but that they share many characteristics including a suburban character, front gardens and a consistency of materials and details. The proposal retains these characteristics and as such is in line with the intention of the above-mentioned policies and document to preserve the significance of heritage assets. Furthermore, the design of the extension is complementary to the existing dwelling and appropriate to the plot size and character of the area.

## 8.0 Summary

8.1 Due to the above points, the proposal is compliant with all relevant national and local policies. Overall, the proposal would deliver an aesthetically improved dwelling without changing its character, unacceptably impacting neighbouring properties or becoming incongruous with the site's context. The proposal would also better meet the needs and improve the quality of life for the residents. Further, we consider that the further revisions fully address the previous reason for refusal and additional concerns expressed in relation to the previous applications.