

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2024/0071/HOUSE
Location: 38 Barleycroft Road Welwyn Garden City AL8 6JU
Proposal: Erection of a part single, part double storey rear extension to replace existing rear extension, single storey side extension and conversion of existing outbuilding, raising of roof to existing garage, installation of a rear dormer window to facilitate a loft conversion. Insertion of first floor side window, installation of rooflights in existing roof
Officer: Ms Louise Sahlke

Recommendation: Refused

6/2024/0071/HOUSE

Context	
Site and Application description	<p>The application site comprises of a large 1920's built two storey detached dwelling house with front and rear gardens. The dwelling, which benefits from single storey side and rear extensions and a garage extension, is located on the northern side of Barleycroft Road.</p> <p>Barleycroft Road is characterised by two storey detached and semi-detached dwellings with a strong degree of design uniformity and a coherent character and appearance with respect to scale, design and materials. The properties and their associated garages are set with large spacious gaps between them at first floor level. The properties are designed in a traditional manner. It is noted that many nearby properties on this residential street have been extended. The estate is characterised by substantial soft landscaping and trees.</p> <p>The house is located within the Welwyn Garden City Conservation Area. As part of a group of characterful Garden City houses along Barleycroft Road, it is a positive element of the Conservation Area contributing to the area's character and appearance. The house remains relatively unaltered and a good example of Garden City architecture.</p> <p>The proposal seeks planning permission for the erection of a part single, part double storey rear extension to replace existing rear extension, single storey side extension and conversion of existing outbuilding, raising of roof to existing garage, installation of a rear dormer window to facilitate a loft conversion. Insertion of first floor side window, installation of rooflights in existing roof.</p>
Constraints	<p>CA - Conservation Area: WGC1; - Distance: 0</p> <p>SAG - 0 - Distance: 0</p> <p>EM - Estate Management - Distance: 0</p> <p>Wards - Handside - Distance: 0</p>

	CP - Cycle Path (National Cycle Network) - Distance: 7.21 CP - Cycle Path (Cycle Facility / Route) - Distance: 7.21		
Relevant planning history	<p>Application Number: E/1955/0524/ Decision: Granted Decision Date: 16 May 1955 Proposal: Extension to house</p> <p>Application Number: E/1968/1678/ Decision: Granted Decision Date: 04 November 1968 Proposal: Extension to house and garage.</p> <p>Application Number: N6/1995/0117/FP Decision: Granted Decision Date: 10 April 1995 Proposal: Erection of satellite dish</p> <p>Application Number: 6/2023/0432/LAWP Decision: Granted Decision Date: 07 June 2023 Proposal: Certificate of lawfulness for the erection of a new porch</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 2
Publicity	<p>Site Notice Display Date: 9 February 2024 Site Notice Expiry Date: 1 March 2024 Press Advert Display Date: 31 January 2024 Press Advert Expiry Date: 21 February 2024</p>		
Summary of neighbour responses	<p>Two comments in regards to:</p> <ul style="list-style-type: none"> • Impact of design/materials out of keeping/not traditional with planned design of group of houses; • Impact on party wall. 		
Consultees and responses	Place Services Conservation Officer - Objection.		
Relevant Policies and Guidance			
National Planning Policy Framework			
The Welwyn Hatfield Borough Council Local Plan 2016-2036:			
<ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP4 Transport and Travel • SP9 Place Making and High-Quality Design • SADM2 Highway Network and Safety • SP11 Protection and Enhancement of Critical Environmental Assets • SP15 The Historic Environment of Welwyn Garden City • SADM11 Amenity and Layout • SADM12 Parking, Servicing and Refuse 			

- SADM15 Heritage
- SADM16 Ecology and Landscapes

Planning Guidance:

- Supplementary Design Guidance 2005
- Supplementary Planning Guidance Parking Standards 2004
- Interim Policy for Car Parking Standards and Garage Sizes 2014
- Planning Practice Guidance
- Welwyn Garden City Conservation Area Appraisal 2007

Main Issues

Design (form, size, scale, siting) and Character (appearance within the streetscene) Impact on the Conservation Area.

Context

The site is located within the Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 205 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.

Paragraph 207 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm.

Section 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy SADM15 is consistent with the NPPF and states that proposals which affect designated heritage assets and the wider historic environment should consider the following:

- The potential to sustain and enhance the heritage asset and historic environment in a manner appropriate to its function and significance.
- Successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.

- Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.
- Architectural or historic features which are important to the character and appearance of the asset (including internal features) should be retained unaltered.
- The historic form and structural integrity of the asset are retained; and
- Recording appropriately the fabric or features that are to be lost or compromised and making provision for archive deposition of the analysis and records of the site investigation.

Policy SP15 aims to protect Welwyn Garden City's historical significance and unique heritage as a garden city. It states that proposals for new development should protect, conserve and where appropriate enhance its heritage assets. All development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City.

The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.

The Council's Supplementary Design Guidance (SDG) outlines, amongst other things, that:

- Extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale;
- Dormer windows should be contained within the roof slope, be subservient to the roof of the property and be in proportion to the existing fenestration of the property. They must not extend above the ridge height of the existing dwelling and the dormer cheeks should be at least 1 metre from the flank wall of the property or of the party wall with the adjoining property.

Assessment

Proposed works

The application proposes a part two, part single storey rear extension. The ground floor elements of this extension would measure between (approximately) 5 metres and 6.4 metres from the existing rear building line and extend approximately 10.6 metres wide. The height of the single storey elements of the extension are approximately 3.3 metres.

The first floor element of the extension measures approximately 4.5 metres in depth by 7.5 metres wide and 8.6 metres in height (including ground floor level). The two storey element of the extension is set in from 40 Barleycroft Road by approximately 7 metres and 3 metres from 36 Barleycroft Road.

The application also proposes to increase the height of the existing garage's roof. The garage would be between 3.3 and 3.8 metres high approximately.

In addition, the application proposes to erect a small rear dormer, insert two rooflights into the main roof, insert a first floor window into the existing flank elevation and convert the existing outbuilding into habitable accommodation.

Conservation Officer comments and research

The Council's Conservation Officer has not objected to the principle of the proposed rear extension, however other comments are raised.

The Case Officer has compared this planning application to that of an appeal at 30 Barleycroft Road which was dismissed by the Planning Inspectorate under application 6/2022/2897/HOUSE in January 2024 (Appeal Ref: APP/C1950/W/23/3323226). It is considered that the scale of development proposed at 30 Barleycroft was significant, particularly in regards to the proposed rear extension, and crown roof. The Planning Inspectorate considered under the appeal decision that 'When taken collectively, the different elements of the scheme ...would be unsympathetic and cause substantial harm to the character and appearance of the existing dwelling'.

The Case Officer has researched the planning history for Barleycroft Road since 2008. It is acknowledged that there are examples within the road of rear extensions. However, these are generally smaller in size (both width and depth) and the depths of rear extensions are generally at their largest at approximately 4.3 metres. On examples researched, the width of the first floor element is also at the maximum around 4.3 metres. One of the largest rear extensions granted permission is at 21 Barleycroft Road, which has a first floor rear extension which extends across the width of the existing house but has a shallower depth.

The Case Officer has also researched crown roofs and the two main examples are at 21 and 30 Barleycroft Road.

Despite there being existing examples within the streetscene of large rear extensions, these are not considered to be sympathetic additions to the Conservation Area and do not contribute positively to the area's special architectural interest. They are not aspects of the streetscene which are desirable to preserve or replicate, and they illustrate the incongruity of this type of extension alongside the original Garden City architecture.

Many of the extensions approved on the road pre-dated the NPPF, which has a greater emphasis on high quality design than its predecessor. Therefore, there has been a shift in the legislation which has changed the way this current planning application would be assessed compared to applications determined prior to 2012. Furthermore, the NPPF requires any less than substantial harm identified to be weighed against the public benefits of the proposal.

Finally, there is a recent appeal decision dated 6th March 2024 at 48 Valley Road (Appeal Ref: APP/C1950/D/24/3336316) which was dismissed by the Planning Inspectorate, which states that examples of previous poorly designed extensions within the Conservation Area do not set a precedent for similar new proposals.

Context of site

The character and appearance of much of Welwyn Garden City has a quality that consists of carefully designed layouts with formal patterns where the design of architecture is in groups and individual buildings. This part of Welwyn Garden City is characterised by terraced and semi-detached properties and by substantial soft landscaping and trees.

The house is located within the Welwyn Garden City Conservation Area. As part of a group of uniform houses of the same (or similar) design along this part of Barleycroft Road, the house is considered to make a positive contribution to the character and appearance of the Conservation Area. The area derives significance from the neo-Georgian architecture of its building stock, the uniformity of the design and materials of the houses, and the verdant elements of the streetscape including street trees, grass verges and sky gaps between buildings creating a sense of space and permitting views of more mature trees in rear gardens.

Assessment

The proposed rear dormer window would be contained within the roof slope, subservient to the roof of the property and in proportion to the existing fenestration of the property. It would not extend above the ridge height of the existing dwelling and the dormer cheeks would be set in 1 metre from the flank wall of the property. Rear dormer windows have been approved recently in the Conservation Area including within Barleycroft Road.

No objection is raised regarding the proposed first floor flank window which would face 36 Barleycroft Road. The window would be similar in size and design to other windows within the existing dwelling and considered acceptable.

The proposed side extension would replace a similar extension in terms of footprint. The height of the side extension would be increased which is exacerbated by the parapet detailing. Concerns have been raised in regard to the height and design of the parapet detailing by the neighbouring property and the Conservation Officer. This parapet detailing is not a common feature within this part of Barleycroft Road. However, due to its small scale, it is not considered that this in itself would justify a separate reason for refusal.

The conversion of the existing outbuilding is considered acceptable.

The inclusion of the flank facing conservation style rooflights are also considered acceptable due to their size and location.

Concerns have been raised in regard to materials which are considered out of keeping with the Conservation Area. It is considered that this could be covered by a relevant materials samples condition should planning permission be granted.

The above elements of the proposal are not considered to result in undue harm. However, the proposed part two, part single storey rear extension will be discussed below.

Careful consideration has been made in regards to the proposed part two, part

single storey rear extension, with research undertaken of recent planning applications. Many historical larger rear extensions were granted under older versions of the Local Plan and NPPF. Consideration has also been taken of recent appeal decisions.

The proposed rear extension is large in size as discussed above and due to the width of the first floor rear extension it has to incorporate a crown roof.

Whilst in isolation some elements of the proposed development would be acceptable, the combination of the rear extensions, by virtue of their cumulative width, depth and height, and the overall design, would fail to be subordinate in scale or appearance to the original dwelling. The crown roof would also be out of character with the simple hipped roof of the existing dwelling.

In respect of the crown roof detail, there are a limited number of applications which have been approved on Barleycroft Road with crown roofs, including at No.21 and No.40. It is important to note that a local planning authority is not bound by an earlier decision to approve an application, but it is required to have regard to the importance of consistency in decision-making. It is not therefore unreasonable to take a different view to a previous application, provided there is justification to explain why the LPA has reached a different decision.

As set out above, there are several relevant appeals which have been taken into consideration in reaching a decision. The Inspectors comments are important in the determination of this application as they relate to the use of a crown roof and also confirm that the existence of other developments do not justify harm or establish a precedent for them to be replicated elsewhere. This is consistent with Policy SADM15 of the Local Plan, which acknowledges that successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.

An appeal for a development at 30 Barleycroft Road (Appeal Ref: APP/C1950/D/22/3313727) nearby described the following in relation to crown roofs on the road:

“The Appellant has drawn my attention to properties in the area which have been extended or have crown roofs. Notwithstanding this I note that although some original features have been lost on some properties in the area, the harmony of design is retained by the majority of the properties”.

A second appeal decision at 30 Barleycroft Road (Appeal Ref: APP/C1950/W/23/3323226) acknowledged the existing crown roofs near to the site as set out below:

“The appellant has drawn my attention to a number of other extensions with crown roofs in the local vicinity, such as that at No 40 Barleycroft Road. However, these developments are predominantly stepped down from the main roof ridgeline and none are comparable in size, form and scale to the proposal. One of these schemes was also justified on the basis that it would be an improvement upon poorly designed previous extensions. In terms of the crown roof at No 21, I do not consider this to be sympathetic to the host dwelling for similar reasons to those I have identified in the appeal before me. The existence of these other developments does not therefore justify the harm I

	<p><i>have identified or establish a precedent for them to be replicated elsewhere”.</i></p> <p>The appeal goes on to state that:</p> <p><i>“I recognise that the rear extensions would not be clearly visible from the public realm, but this does not remove the need to protect, preserve and enhance the conservation area, which extends to the front and rear of the dwelling, or to ensure a high quality design that respects the character and form of the existing property”.</i></p> <p>The proposed part two, part single storey rear extension, by virtue of its siting, height, mass, scale and detailed design, fails to relate well to the character and proportions of the existing building, the surrounding context or the street scene. The proposed development would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>The proposed development would result in less than substantial harm to the Conservation Area. Consequently, Paragraph 208 of the NPPF requires this harm to be weighed against the public benefits of the proposal. No public benefits have been identified which would overcome the identified harm. When weighed against the great weight afforded by the NPPF to the conservation of heritage assets, it is not considered that any identified benefits of the development would outweigh the harm caused to the significance of the Conservation Area.</p> <p>Accordingly, the proposal fails to preserve or enhance the character or appearance of the Conservation Area. In this respect, the proposal is contrary to Policies SP15 and SADM15 of the Local Plan. The development also fails to comply with the conservation requirements of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. There is additional conflict with Policy SP9 of the Local Plan in so far as these policies only permit development of high-quality design which maintains the character and appearance of the area.</p>
<p>Impact on neighbours</p>	<p>Paragraph 135 of the NPPF seeks to secure a high standard of amenity for all existing and future users. Similarly, Policy SADM11 of the Local Plan states that all proposals will be required to create and protect a good standard of amenity for buildings and external open space in line with the Council's Supplementary Design Guidance. The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing and overshadowing. No neighbour representations have been received.</p> <p>The nearest neighbouring properties to be affected would be 36 and 40 Barleycroft Road.</p> <p><u>36 Barleycroft Road</u></p> <p>Researching the planning history for the neighbouring property, 36 Barleycroft Road, there is a ground level change between properties and 36 Barleycroft Road is slightly lower than 38 Barleycroft Road. 38 Barleycroft due to the curvature of the road, is built slightly behind the building line of 36 Barleycroft Road. However the rear building line between these properties is similar to one</p>

another.

Both 36 and 38 Barleycroft Road have a single storey side garage which creates a separation gap at first floor level between properties. Based on the site visit, and the planning history, 36 Barleycroft Road has a number of secondary windows to main habitable rooms both at ground and first floor level which are on the flank elevation facing 38 Barleycroft Road.

The proposed part two, part single storey rear extension would project behind the existing rear building line of 36 Barleycroft Road. The nearest element is single storey in height and would extend approximately 2.5metres behind the existing rear building line of 36 Barleycroft Road. This element at the nearest point to the boundary is 3.3 metres in height and wraps along the flank elevation of 36 Barleycroft Road.

The two storey element would be located approximately 3.3 metres in from the boundary line with 36 Barleycroft Road. Therefore it is not considered that the bulk, size, height and massing of the rear extension or side extension would result in significant overdominance, or a loss of daylight/sunlight or outlook to 36 Barleycroft Road's dwelling or gardens.

The proposal would retain existing flank windows facing 36 Barleycroft Road to the same habitable room. It would introduce additional rear facing windows (including a dormer window) and doors. Due to the position of the windows and doors, and rear facing views, these would face over 40 Barleycroft Road's garden with retained oblique views over 36 Barleycroft Road. The new flank first floor windows to a bathroom and ensuite are labelled on the proposed plans as being obscure glazed and non-opening below a height of 1.7 metres when measured internally. It is considered that a suitable worded condition would be included to ensure that the level of obscure glazing to these windows is suitable. Subject to this condition, the proposal is not considered to result in an adverse increase in a loss of privacy to 36 Barleycroft Road's main habitable rooms or garden space.

No other elements of the proposal are considered to have an impact on the residential amenity on 36 Barleycroft Road in regards to a loss of daylight, sunlight, outlook, overdominance, or privacy.

40 Barleycroft Road

Researching the planning history for the neighbouring property, 40 Barleycroft Road, there is a ground level change between properties and 40 Barleycroft Road is slightly higher than 38 Barleycroft Road. 38 Barleycroft due to the curvature of the road, is built slightly forwards of the building line of 40 Barleycroft Road. However the rear building line between these properties is similar to one another.

Both 38 and 40 Barleycroft Road have a single storey side garage which creates a separation gap at first floor level between properties. Based on the site visit, and the planning history, 40 Barleycroft Road has a number of secondary windows to main habitable rooms both at ground and first floor level which are on the flank elevation facing 38 Barleycroft Road.

The proposed part two, part single storey rear extension would be built on the same building line as the existing property. The proposed increase in the

	<p>height of the existing garage roof is similar in height to the garage roof at 40 Barleycroft Road. Therefore it is not considered that the bulk, size, height and massing of the rear extension or increase in the height of the existing roof would result in overdominance, or a loss of daylight/sunlight or outlook to 40 Barleycroft Road's dwelling or gardens.</p> <p>The proposal would retain existing flank windows facing 40 Barleycroft Road to the same habitable rooms. It would introduce additional rear facing windows (including a dormer window) and doors. Due to the position of the windows and doors, and rear facing views, these would face over 38 Barleycroft Road's garden with retained oblique views over 40 Barleycroft Road. Therefore the proposal is not considered to result in an adverse increase in a loss of privacy to 40 Barleycroft Road's main habitable rooms or garden space.</p> <p>No other elements of the proposal are considered to have an impact on the residential amenity on 40 Barleycroft Road in regards to a loss of daylight, sunlight, outlook, overdominance, or privacy.</p> <p><u>Conclusion</u></p> <p>The proposed development in regard to a loss of privacy, outlook, daylight, sunlight and overdominance would therefore be acceptable in terms of the amenity of the neighbouring properties in accordance with the National Planning Policy Framework, Policy SADM11 of the Local Plan and the SDG 2005.</p>
<p>Access, car parking and highway considerations</p>	<p>Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.</p> <p>Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.</p> <p>The application site is within Accessibility Zone 3. Barleycroft Road is narrow with some restricted on-street car parking facilities. The car parking demand in the SPG for a five-bedroom dwelling in Zone 3 is 3 parking spaces. There would be an increase in the number of bedrooms from 4 to 5.</p> <p>The existing garage space measures approximately 3.1 metres by 11 metres internally. This meets the requirements of an average garage space. Therefore, the existing garage would count towards the provision of one existing parking space for this site.</p> <p>There is an existing vehicular access off Barleycroft Road and there is one off street car parking space in front of the existing garage.</p>

	<p>Under the Estate Management Scheme, (6/2022/2512/EM), consent was given for the creation of an additional off street car parking space.</p> <p>The proposed block plan does not indicate 3 parking spaces which meet the size standards of 2.4m x 4.8m. Despite this, there would be adequate space for at least two cars on the site frontage and within the existing garage. There are also bus stops and cycle routes nearby providing connections by alternative modes of travel to the private car. It is therefore considered that this would not, in itself, provide a separate reason for refusal.</p>
Any other considerations	Concerns have been raised in regard to the impact of the proposed side extension on the neighbouring party wall. This is not a material planning consideration as it falls under separate legislation.
Conclusion	
<p>Having regard to the above, it is concluded that the proposal would not preserve or enhance the character and appearance of the Conservation Area, in conflict with the requirements of S72 of the planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the NPPF requires that great weight should be given to the conservation of a heritage asset.</p> <p>The development would result in less than substantial harm to the Conservation Area. Consequently, Paragraph 208 of the NPPF requires this harm to be weighed against the public benefits of the proposal. No public benefit is identified that would overcome the identified harm.</p> <p>Accordingly, when considering the effect on the Conservation Area with no public benefits, the development would be contrary to the development plan and there are no material considerations which outweigh the identified harm.</p>	

Reasons for Refusal:

1. The proposed part two, part single storey rear extension, by virtue of its siting, height, mass, scale and detailed design, fails to relate well to the character and proportions of the existing building, the surrounding context or the street scene. The proposed development would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area and would be contrary to Policies SP9, SP15 and SADM15 of the Welwyn Hatfield Borough Council Local Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Welwyn Hatfield Supplementary Design Guidance 2005, and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
0869/02/10 1		Proposed 2: Floor & roof plans	10 January 2024
0869/02/10 0		Proposed ground & 1. floor plans	10 January 2024

0869/02/10 3	Proposed elevations	10 January 2024
0869/01/10 0	Existing floor plans	10 January 2024
0869/01/10 1	Existing elevations	10 January 2024
0869/01/11 5	Existing & proposed location plans	25 January 2024

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Ms Emily Stainer
24 May 2024