

WELWYN HATFIELD BOROUGH COUNCIL  
ESTATE MANAGEMENT APPEALS PANEL – 13 JUNE 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/0221/EM

348 HOWLANDS WELWYN GARDEN CITY AL7 4HD

INSTALLATION OF 1 X REAR DORMER TO FACILITATE EXTENSION OF  
EXISTING LOFT

APPLICANT: Mr & Mrs B Walton

## **1 Background**

- 1.1 The appeal is against the refusal of Estate Management (EM) Consent for the Installation of 1 x rear dormer to facilitate extension of existing loft. The application (reference: 6/2019/0221/EM) was refused on the 28 March 2019 for the following reason:

*“The rear dormer window would be unacceptable by virtue of its width, height, scale and siting on the rear roof slope of the dwelling which is overtly visible from an number of properties in the area and from the public footpath to the east. The dormer would result in a visually discordant and incongruous feature that would be detrimental to the appearance of the house and wider area, failing to maintain and enhance the amenities and values of the Garden City in accordance with Policy EM1 of the Estate Management Scheme”.*

## **2 Site Description**

- 2.1 The appeal site is a two storey mid terrace dwelling house, located on the north side of Howlands. The application property is located within a row of 13 terraced houses. The rear of this terrace, and the appeal property itself, is open to public views from a public footpath that runs across the rear of the terrace to the east.
- 2.2 None of the 13 terraced houses in this group have dormer windows.

## **3 The Proposal and Background**

- 3.1 The appellant's proposal is to install a rear dormer to facilitate the extension of existing loft. The proposed rear dormer window would measure at approximately 5.2m in width and be set in 0.74m on the west side and 0.94m on the east side of the party walls of the adjoining properties. Its height would be at the ridge height of the main roof and not set down.
- 3.2 This proposal is identical to an application that was refused EM consent in September 2018 (ref: 6/2018/1861/EM). This September 2018 proposal was heard by the EM Scheme Panel on the 31 January 2019.
- 3.3 The Panel resolved to uphold the original decision and dismiss the appeal. The Panel decision is included as Appendix 1. The Council's appeal statement is included as Appendix 2.
- 3.4 The appellants then submitted an identical application because they wished for it to be determined and then have another opportunity to have the case heard at the appeal's panel.
- 3.5 The appellants were advised to alter the proposal to try to overcome the reason for refusal before taking it back to any appeals panel, but this advice was not taken on board.
- 3.6 It should be emphasised that a previous consent in July 2018 allowed for two separate smaller rear dormers that would achieve a similar room layout (bedroom and en-suite) as that required by the appellants. The rear elevation for the two rear dormers as approved is included as Appendix 3.
- 3.7 The appellants were advised that they can implement this July 2018 consent, nevertheless, they wish to have more usable space, so wish to progress the proposal for an elongated dormer window.

#### **4 Policy**

- 4.1 Estate Management Scheme Policies (October 2008) -EM1 – Extensions and Alterations.
- 4.2 In order to be able to respond to the large amounts of requests for roof alterations and energy efficiency measures such as Solar PV panels, following public consultation the council has approved a Policy approach with the Welwyn Garden Estate Management scheme areas to deal with roof alteration as follows:
  - Estate Management Consent will only be granted for energy efficiency measure and other roof alterations where they are sited on the rear or side roof slope and are sited to minimise the effect on the external appearance of the building.
  - Estate Management Consent will only be granted if the proposed alteration, when viewed from any surrounding public vantage point does not have a

detrimental impact on the character and appearance of the street scene and the wider amenities and values of the area.

- Exceptions to this Policy approach will apply where, in the judgement of the case officer the architectural design and style of an individual property or the wider character of the area means that an alteration on a principle roof slope of a property would not have a detrimental impact on the character and appearance of the street scene and wider amenities and values of the area. In all cases the decision maker will continue to weigh the environmental benefits of energy efficiency measures against the visual impact.

## **5 Representations Received**

5.1 No representations have been received.

## **6 Planning History**

6.1 Application Number: 6/2018/1326/EM Decision: Granted Decision Date: 09 July 2018. Proposal: Construction of 2 x rear dormer windows to facilitate extension of existing loft conversion.

6.2 Application Number: 6/2018/1861/EM Decision: Refused Decision Date: 27 September 2018. Proposal: Installation of 1 x rear dormer to facilitate extension of existing loft.

This refusal was upheld by the EM Panel in January 2019 and this decision holds significant weight in the consideration of this appeal. This appeal proposal is identical to this refused proposal.

6.3 Application Number: 6/2018/2889/EM Decision: Refused Decision Date: 19 December 2018. Proposal: Installation of 1x rear dormer window to existing loft conversion. This proposed dormer had a slight decrease in width compared to the previous refusals.

## **7 Discussion**

7.1 This is an appeal against the refusal of EM consent. The appellant's grounds of appeal is attached at Appendix 4, and the original officer's report for application ref: 6/2019/0221/EM, is attached at Appendix 5.

7.2 The decision of the EM Panel in January 2019 to refuse application ref: 6/2019/0221/EM included as Appendix 1. The decision of the Panel should hold significant weight in this assessment. Since the January 2019 appeal decision, policy has not changed, the application proposal remains unchanged and no other no other dormer windows have been granted consent within this row of 13 terraced houses.

7.3 The key issues in the determination of this appeal are:

- Would the proposed elongated rear dormer harm the amenities and values of the surrounding area; and
- Should a different view be taken to that of the January 2019 Panel.

7.4 The impact on the residential amenity of adjoining occupiers is considered acceptable.

7.5 In recognition of the importance of Welwyn Garden City as a unique town and in order to protect the amenities and values of the Garden City, the Estate Management Scheme was set up. The purpose of the Management Scheme and its importance to homeowners is to ensure that homes and street scenes are kept in harmony with the original design and concept of the town.

7.6 Policy EM1 of the Estate Management Scheme (EMS) states that extensions and alterations to existing buildings will only be allowed if they are in keeping with the design, appearance, materials and architectural detailing used in the existing building and do not have a detrimental impact on the amenities and values of the surrounding area.

7.7 The appeal property is located within a terrace of 13 similarly designed properties. None of these properties have rear dormer windows. This property would be the first to have such an alteration in this group of 13.

7.8 Policy EM1 aims for alterations to be in keeping with the existing property and not harm the values and amenities of the area. It is therefore essential that the uniformity in appearance of dwellings is maintained; in particular those features which are visible from the street scene.

7.9 The refusal relates to the unacceptable width, scale and sitting of the proposed elongated dormer on the rear roof. In the Garden City, for roof alterations such as dormer windows, the Council has approved a new policy approach within the EM area which includes that consent will only be granted if the proposed alteration, when viewed from any surrounding public vantage point does not have a detrimental impact on the character and appearance of the street scene and the wider amenities and values of the area.

7.10 The quality of the architecture in this terrace of 13 dwellings has been maintained. As with the previous EM appeal report attached as Appendix 2, Officers maintain that the views of the rear roofslope of the appeal property and its neighbours are readily visible from the public footpath to the east of the site and therefore an elongated dormer across most of the rear of the appeal property would be very apparent causing significant harm to the amenities and values of the area.

- 7.11 It is of note that in July 2018 an application which assessed two individual and smaller dormer windows covering less of the rear roof slope was approved. The approved rear elevation is attached as Appendix 3.
- 7.12 The consent remains extant. In the officer's report in July 2018 it was stated: *"The appearance isn't overbearing to the rear as two smaller dormers are proposed rather than one large dormer on a mid-terrace dwelling"*. It is clear from this assessment that a larger dormer was not considered appropriate here.
- 7.13 Rather than two individual dormer windows as approved in July 2018, the introduction of one elongated rear dormer would represent a more dominating form of development to the rear roofslope of this property. The elongated dormer would not read as a subordinate roof form within the rear roof slope of the terrace as a whole. It would be more visible, given its more solid and unbroken form and is considered to be harmful to the amenities and values of the property itself and to the wider surrounding area.
- 7.14 This was the view of the Panel on the 31 January 2019 in relation to the previous identical proposal. This Panel decision is a consideration in the determination of this appeal and it is advised that no decision should be taken that would conflict with the decision of the January 2019 Panel.
- 7.15 A case has been further advanced by the appellants from their previous appeal in support of the application. This includes photographs of 9 examples of a dormer windows. One on Howlands, one on Sandpit Road, one on Hollybush Lane, four on Great Ley and two in Great Ganett. The specific numbers of these properties have not been given.
- 7.16 It is important to note that none of these examples are for dormers at the appeal site or within the row of 13 terraced properties that make up this group. These examples are not within Howlands where this appeal is and therefore they are not relevant.
- 7.17 Nevertheless, the two examples cited by the appellant at Sandpit Road (no.13) and Hollybush Lane (no.112) are both the subject of enforcement investigation. The four examples at Great Ley do not appear to benefit from EM Consent. There is no record of EM Consent being granted for any dormer windows with the EM area of Howlands, other than the double dormer windows approved at the appellants property.
- 7.18 Officers are aware of consent being granted for elongated dormers in Great Ganett within the EM area. However, each case must be considered on its own merits and the examples provided by the appellants are not located within the same group of terraced properties as the application site and are not directly comparable situations and so should not hold significant weight in any assessment.

- 7.19 It is considered that one elongated dormer would be more visually intrusive than two separate dormer given its larger size and more solid and bulky form. From the public view point to the rear, the more solid roof form of the elongated dormer on the appeal property and as part of the terrace as a whole would be very apparent and would result in a more dominating form of development.
- 7.20 In addition, the height of the elongated dormer would be at the ridge height of the main roof and not set down. This is an unwelcome design. It is good design practice to set any such roof additions down from the main roof ridge so that the addition can read as a subordinate element on the roof slope.
- 7.21 The appellants comment on this design by saying “We are unable to have a pitched roof or lower the roof line further, as we are already having to lower first floor ceilings inside the property to allow for enough headroom in the loft room. Every millimetre will count. The room will be fairly small inside and the design of a straight across dormer will make such a huge difference to us inside the house, giving us that little bit more space”.
- 7.22 However, it is considered that such a dormer is not appropriate and should not be allowed for the sake of internal modifications.
- 7.23 The appellants also confirm that they would be happy to tile the dormer using matching materials as the existing roof.
- 7.24 Although this would promote good design practices, the materials would not take away the excessive bulk of such and elongated dormer as proposed.
- 7.25 A compelling case has not been made by the appellants to demonstrate why the circumstances advanced by the occupants of this particular property, when considered in its context, should override the wider values and amenities of this part of Howlands and the surrounding streetscene. They have also not expanded upon their reasons so that the Panel should take a different view to that which was agreed at a very recent Panel on 31 January 2019.
- 7.26 The fall-back position of two separate dormer windows is considered a more appropriate form of development for this terrace.

## **8 Conclusion**

- 8.1 The proposal remains unchanged to the proposal that was refused EM consent by a recent Panel on the 31 January 2019. This Panel decision holds significant weight in this assessment.
- 8.2 The proposed elongated rear dormer window would be unacceptable by virtue of its width, scale and siting on the rear roof slope of the dwelling which is overtly visible from an number of properties in the area and from the public

footpath to the east. The dormer would result in a visually discordant and incongruous feature that would be detrimental to the appearance of the house and wider area, failing to maintain and enhance the amenities and values of the Garden City in accordance with Policy EM1 of the Estate Management Scheme.

## **9 Recommendation**

9.1 That the Members uphold the previous Panel decision of the 31 January 2019 in light of the fact that there have been no changes to the proposal before them and that there has been no change in policy that would result in a different decision being made to conflict with the Panel decision of the 31 January 2019.

9.2 The appeal should be dismissed.

Author: *Sarah Madyausiku*  
Title: *Development Management Officer*  
Date *23 May 2019*

### Background papers:

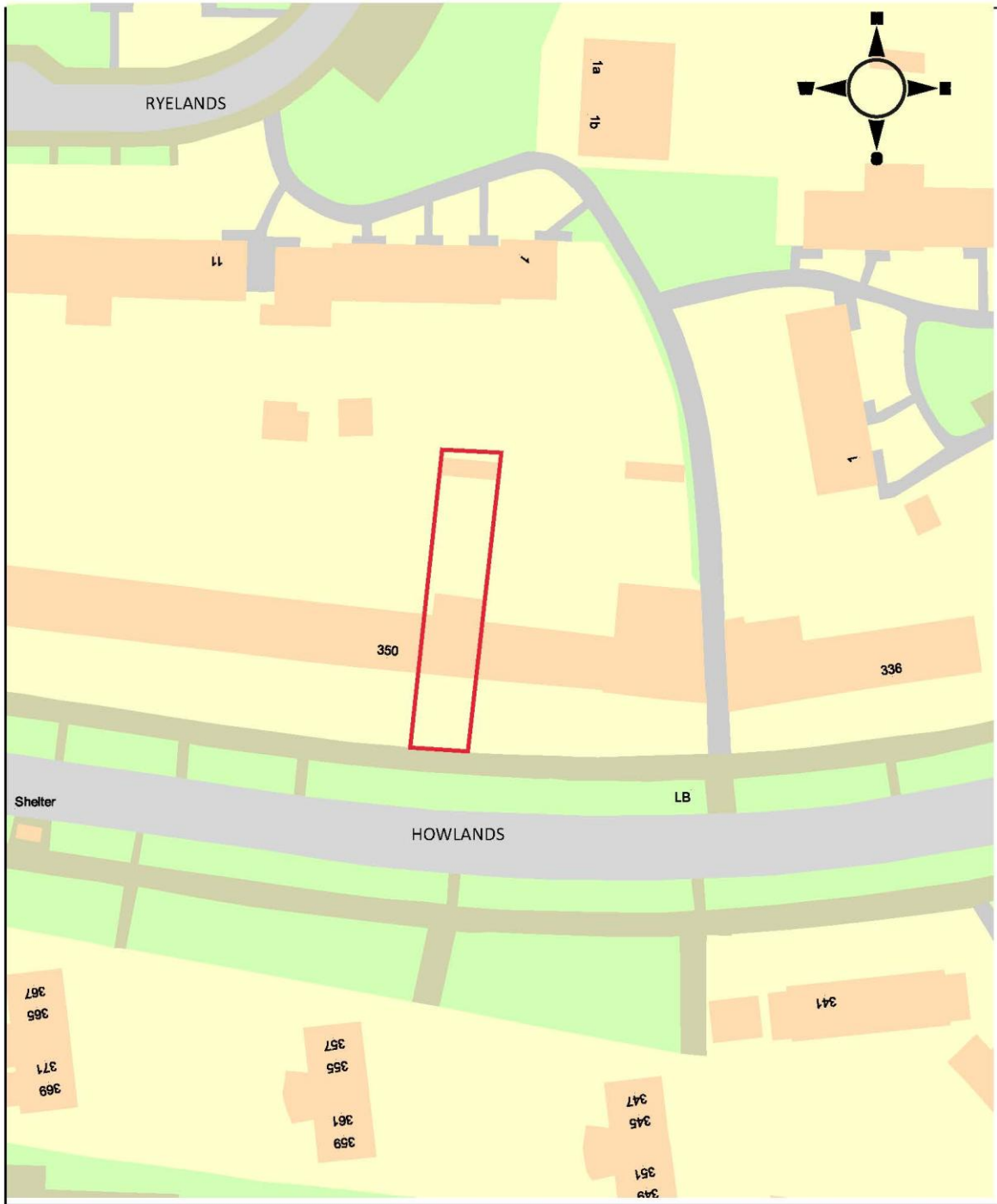
Appendix 1: EM Panel decision dated 31 January 2019 for the previous identical proposal ref: 6/2018/1861/EM


Appendix 2: EM Panel appeal statement for the previous identical proposal ref: 6/2018/1861/EM

Appendix 3: The July 2018 consent for two rear dormers- approved elevation

Appendix 4: Appellant's grounds of appeal

Appendix 5: Original delegated officer's report for ref: 6/2019/0221/EM



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|  <p><b>WELWYN<br/>HATFIELD</b></p> <p>Council Offices, The Campus<br/>Welwyn Garden City, Herts, AL8 6AE</p> | Title: 348 Howlands Welwyn Garden City                                                  |                                | Scale: DNS         |  |
|                                                                                                                                                                                                 |                                                                                         |                                | Date: 2019         |  |
|                                                                                                                                                                                                 | Project: EMAP Committee                                                                 | Drawing Number: 6/2018/1861/EM | Drawn: Ida Moesner |  |
|                                                                                                                                                                                                 | © Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2019 |                                |                    |  |