

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT APPEAL PANEL – 8 APRIL 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/1776/EM

97 HANDSIDE LANE, WELWYN GARDEN CITY, AL8 6SP

RETROSPECTIVE ERECTION OF A TWO STOREY REAR EXTENSION

APPLICANT: MRS A MAWER

(Handside)

1 Background

- 1.1 This is an appeal against the refusal of Estate Management Consent for the retrospective erection of a two storey rear extension. The application (6/2018/1776/EM) was refused for the following reason:

By virtue of the overlooking caused by the clear glazed bedroom window in the northern elevation and the obscure glazed but openable window in the southern elevation, the development has resulted in direct and unobstructed overlooking across the rear amenity areas of the neighbouring dwellings at 95 and 99 Handside Lane. This has resulted in a detrimental and unacceptable impact upon the amenities of the occupiers of those dwellings, contrary to Policies EM1 and EM2 of the Estate Management Scheme.

2 Site Description

- 2.1 The subject property is a large two storey detached dwelling house located to the east of Handside Lane. The property features a front gable and a flat roof front porch, a rear conservatory and side to rear garage built up to the northern boundary of the site. The property is sited in a large plot and has an open front forecourt garden and parking for three cars.
- 2.2 The street scene comprises detached, semi-detached and terraced dwellings with a variety of architectural features in large plots.

3 The Proposal

- 3.1 The application sought retrospective Estate Management consent for the erection of a two storey rear extension. This was the only Estate Management application submitted for the site.
- 3.2 Planning permission was originally granted in February 2016 (ref. 6/2015/2470/HOUSE) for a development of the same description. However, no

Estate Management application was submitted for that development. The development commenced and during the course of construction, it became apparent that the works were not entirely in accordance with the previously approved plans. An additional window serving an en-suite bathroom to bedroom 3 has been introduced at first floor level in the northern side elevation (facing No. 95 Handside Lane) and an additional window has been introduced in the southern side elevation at first floor level serving a bedroom (facing No. 99 Handside Lane), together with alterations to the existing permitted first floor window serving the landing (in the southern elevation, facing No. 99 Handside Lane). That window has been made smaller. Additionally, alterations have been made to the openings in the ground floor southern flank elevation of the extension and include an additional window and smaller bi-fold doors. The garage was also proposed to be converted into a utility room and alterations have been proposed to the size and style of window that would serve this room. The existing conservatory was also shown to be demolished.

- 3.2 The extension was also built with a gabled roof when the approved plan for the planning application showed a hipped roof on the proposed side elevations but a gabled roof on the rear elevation (an inconsistency in the approved plans). The result of this is that either roof form could be constructed lawfully.
- 3.3 The Estate Management application sought consent for the same development that was proposed under the planning application, reference 6/2018/1775/VAR, which included the above variation to the original two storey extension that was granted permission.

4 Relevant Estate Management History

- 4.1 Application Number: 6/2015/2470/HOUSE Decision: Granted Decision Date: 4 February 2016
Proposal: Erection of a two storey rear extension. Granted. A condition restricting the insertion of windows in the first floor flank elevations of the extension was not imposed upon this permission.
- 4.2 Application Number: 6/2018/1775/VAR Decision: Refused Decision Date: 30 October 2018
Proposal: Variation of condition 3 (details windows) on planning permission 6/2015/2470/HOUSE. An appeal against this refusal has been submitted to the Planning Inspectorate though a start date for the appeal has not yet been established.

5 Policy

- 5.1 Estate Management Scheme Policies (October 2008):
- 5.2 EM1 – Extensions and Alterations

6 Discussion

- 6.1 This is an appeal against the refusal of Estate Management consent. The appellant's letter of appeal is attached at Appendix 1 and the delegated officer's report for application 6/2018/1776/EM, is attached at Appendix 2.
- 6.2 The key issue in the determination of this appeal is the impact of the development on the residential amenities of the occupiers of Nos. 95 and 99 Handside Lane, which are the adjoining residential properties. Whilst policy EM2 has been referred to within the reason for refusal, Policy EM1 is the only relevant policy.
- 6.3 The proposal is for the retrospective erection of a two storey rear extension designed with a gabled roof. Policy EM1 of the Estate Management Scheme outlines that extensions and alterations to existing properties 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 or the residential amenity of adjoining occupiers. Therefore, as with all applications submitted to the Council, an assessment is made with regard to the impact of the proposal upon the amenities of the neighbouring properties in terms of overlooking, loss of light and whether the proposal is overbearing or not for those properties.
- 6.4 With regard to the design and appearance of the proposed extension, the extension is very similar to the proposals granted planning permission in 2016 and no objections have been raised in this regard. The roof as constructed (as a gabled roof) is acceptable and has not caused any significant harm to the character and appearance of the dwelling or the amenities of the occupiers of the neighbouring dwellings through loss of outlook or light, as a result of the siting of the roof away from the boundaries with those dwellings.
- 6.5 The main concerns with this proposal are with regard to the proposed first floor window in the southern elevation, serving bedroom 3 and the first floor side windows in the northern elevation serving bedroom 2 and the en suite bathroom to bedroom 3 and the impact that they have on both neighbouring dwellings, Nos. 95 and 99 Handside Lane, with regard to a detrimental loss of privacy and harm to their residential amenity.
- 6.6 The proposed first floor window in the southern elevation (serving bedroom 3) is not shown on the plans submitted to be obscure glazed or indeed non-opening below a certain height. The case officer was aware however that the window was obscure glazed following a site visit, but considered it was capable of being opened below 1.8m and would therefore permit views directly across the rear of the neighbouring dwelling at No. 99 and its private amenity space. However, the associated planning application outlines that if the side openings of this window were removed, the potential for overlooking would be overcome. The appellant has outlined in the supporting statement and submitted photographs to show that this window has only one top opening above the height of 1.8m, and is obscure glazed, to ensure that there would be no loss of privacy to these neighbours. Accordingly, on this basis there are no concerns raised from officers with regard to overlooking into No. 99 Handside Lane or indeed any other neighbouring property from this window, which could be conditioned in the event of an approval.

- 6.7 The first floor window in the northern elevation serving bedroom 2 was conditioned under the planning application 6/2015/2470/HOUSE to be glazed with obscured glass and fixed shut so as to be incapable of being opened below a height of 1.8m above floor level. It is however clear glazed and openable below 1.8m. The appellant contends that the clear glazed and openable window has not harmed the amenities of the occupiers of No. 95 Handside Lane as the view is onto the side brick wall elevation of that property. While the window does permit viewing towards the rear of No. 95 Handside Lane and the private amenity space of that dwelling, the view is obstructed by the parapet walls around the single storey single/ rear projection of No. 95. There is therefore no clear line of sight to the private amenity area of this dwelling, as evidenced by the case officer for the application on site. Therefore, the window as installed has not resulted in an undue loss of privacy for the occupiers of this property and has not resulted in an unacceptable impact upon the amenities of the occupiers of this dwelling.
- 6.8 With regard to the first floor window serving the en suite bathroom in the northern elevation (looking towards No. 95 Handside Lane), this is obscure glazed and non-opening below 1.8m and does not permit overlooking across the rear of No. 95. It is acceptable. With regard to the first floor window in the southern elevation serving the landing (looking towards No. 99 Handside Lane), this is obscure glazed and non- opening to 1.8m above internal floor level. It does not permit overlooking across the rear of No. 99 Handside Lane and has not harmed the amenities of the occupiers of this dwelling.
- 6.6 Overall, it is considered that the concerns with regard to the first floor southern facing window serving the bedroom have been overcome as the window is non-opening below 1.8m and obscure glazed and has adequately maintained an acceptable level of privacy for the occupants of No. 99 Handside Lane. With regard to the first floor window in the northern elevation serving bedroom 2, the presence of the parapet walls around the around the single storey single/ rear projection of No. 95 obstructs the view from this window to sufficient a degree that it has not resulted in an unacceptable loss of privacy for the occupants of No. 95 Handside Lane. Accordingly the proposed development has maintained the amenities and values of the Estate Management Area.

7 Conclusion

- 7.1 The first floor window in the northern elevation of the extension which has clear glass and is openable, but is not considered to have resulted in a detrimental loss of privacy for the occupants of No. 95 Handside Lane and has not impacted on their residential amenity. The proposal is therefore in compliance with Policy EM1 of the Estate Management Scheme.

8 Recommendation

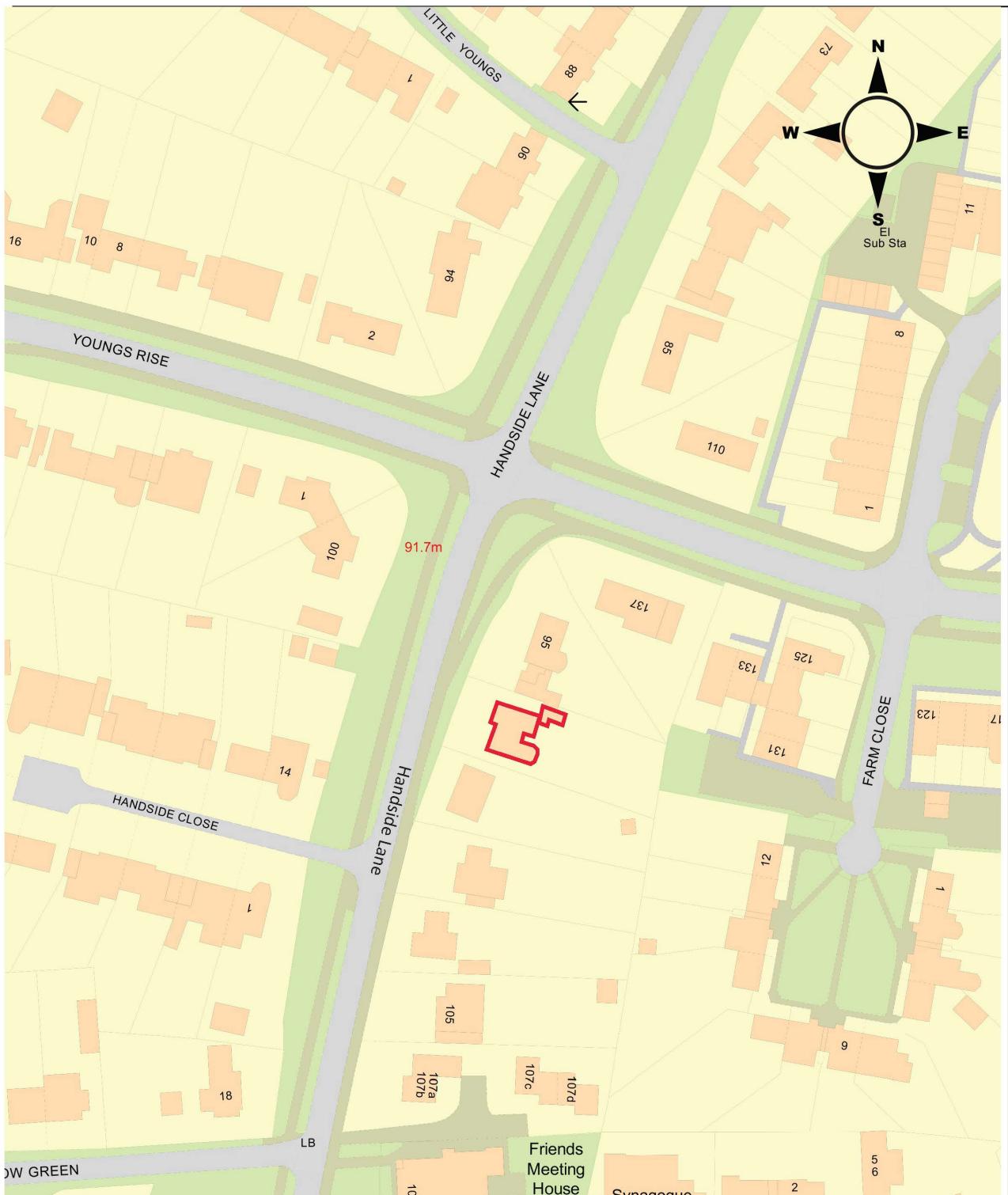
- 8.1 That Members allow the appeal.

Name of author: *Tom Gabriel* 01707 357517
Title: *Development Management Officer*
Date: *27 March 2019*

Background papers to be listed

Appendix 1: Appellant's Statement (and attachments)

Appendix 2: Officer Report



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	<p>Title: 97 Handside Lane</p> <p>Project: EMAP Committee</p>	<p>Scale: DNS</p> <p>Date: 2019</p> <p>Drawing Number: 6/2018/1776/EM</p> <p>Drawn: Emma Small</p>
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