

Appeal Decision

Site visit made on 6 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 18th January 2017

Appeal Ref: APP/C1950/W/16/3158055

11 Bradmore Green, Brookmans Park, Hatfield AL9 7QW

- 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 Fieldbyte Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0020/FULL, dated 8 January 2016, was refused by notice dated 10 March 2016.
 - The development proposed is a two storey rear extension comprising an extension to A1 retail unit at ground floor, with 1 person residential studio unit at first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (a) the living conditions of occupiers of neighbouring properties, with regards to outlook and light;
 - (b) the character and appearance of the area; and
 - (c) parking provision.

Reasons

Living conditions

3. The appeal site is located within a three storey shopping parade on Bradmore Green, consisting of commercial units on the ground floor and residential properties above. Upper floors are numbered separately from the ground floor, so the numbers 9/10 and 13/14 refer to the plots immediately either side of the appeal site.
 4. The plot to the rear of 9/10 Bradmore Green is partly occupied by a large single storey flat roof extension for the complementary therapy business and partly occupied by an enclosed yard. The plot to the rear of 13/14 Bradmore Green has a small lean-to extension at the back of the beauty salon and then has the appearance of an enclosed private garden for residential use.
 5. The internal ground floor level of the proposed development would be lower than the internal ground floor level of the existing shopping parade in order to fit the roof of the first floor flat beneath the window sills on the rear elevation of the existing first floor residential properties. This would avoid any significant effects on outlook and light for occupiers of existing residential properties
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above the ground floor, while obscure glazing on the proposed windows and roof lights would avoid any overlooking to and from the new property. I do not consider that a perception of overlooking to be significant given the number of existing windows on the rear elevation of the parade.

6. The levels of daylight to, and the outlook from, the windows on the extension at Nos 9/10 that face towards the appeal site would be affected by the bulk and scale of the proposed development, but I attach limited weight to this given that these windows serve rooms associated with a non-residential use. The depth of the extension at Nos 9/10 means that only the end few metres of the proposed development would be particularly noticeable from the yard, thereby limiting any negative effect on outlook and daylight. Furthermore, the orientation of the windows and yard to the south-west of the development would avoid any harmful effect on sunlight.
7. In contrast, the development would extend a significant distance beyond the lean-to extension at Nos 13/14 by around 8 metres and the first floor mansard roof would project above the boundary fence for this distance. Any adverse effect on occupiers of the lean-to extension in terms of outlook and light would be limited by the fact it appears to be used by the beauty salon as a non-residential use.
8. However, the rear garden could be used by residents of the upper floors at any time. The upper portion of the development would be very bulky and have an overbearing effect on the outlook for any occupier of the garden. The report on daylight and sunlight produced for the appellant does not consider the effect on light to the garden at Nos 13/14. Nevertheless, given the scale of the development along the boundary, there would be a reduction in daylight to the garden, while the position of the development to the south-west would lessen afternoon and evening sunlight.
9. Concluding on this main issue, there would be significant harm to the living conditions of occupiers of 13/14 Bradmore Green from their rear garden with regards to outlook and light. Therefore, the development would not accord with Policy D1 of the Welwyn Hatfield District Plan 2005 ('the District Plan') which seeks high quality design incorporating the principles in the Supplementary Design Guidance (SDG) 2005. The SDG requires new development to ensure there is a satisfactory level of sunlight and daylight to surrounding development, and states that extensions should not cause loss of light or be unduly dominant from adjoining properties. Additionally, paragraph 17 of the National Planning Policy Framework (NPPF) requires development to secure a good standard of amenity for all existing occupants of land and buildings.

Character and appearance

10. To the rear of the parade are a variety of extensions and outbuildings, in different materials, shapes and sizes. Given the scale of the main parade, these structures maintain a subservient relationship with the original building. This area is visible from Peplin's Way due to the corner location, and presents a mixed architectural character for passers-by. The view from the private access road at the rear of the parade is similar. The large single storey extension to the restaurant at Nos 15/16 and the detached garage at the bottom of the plot are prominent in views from Peplin's Way, and partly block views to the rear elevation and plot of the appeal site.

11. The proposed development would introduce a new style of roof in the form of a mansard, and would be of considerable bulk and scale. However, given the design, scale and siting of existing extensions and outbuildings, it would have little negative effect on the mixed architectural character of the rear elevation. Views from Peplin's Way would not alter dramatically given the extension and garage at Nos 15/16 and the street scene would not be unduly harmed. The height and position of the extension beneath the first floor rear windows means that it would have a subservient relationship with the original building.
12. Concluding on this issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policies D1 and D2 of the District Plan which seek high quality design and development that respects and relates to the character and context of the area. It would also follow the SDG which guides development to consider the wider context and ensure extensions complement and reflect the character of the building and be subordinate in scale. Moreover, it would follow the aims of the NPPF which seeks development that responds to local character.

Parking provision

13. The Council confirms via the Interim Policy for Car Parking Standards and Garage Sizes dated 21 August 2014 that its maximum parking standards, as set out through Policy M14 of the District Plan and the supporting Parking Standards Supplementary Planning Guidance (SPG), can only be treated as guidelines rather than maxima due to the change in government policy following the publication of the NPPF. The proposed development is unable to accommodate the 1.25 parking space that the SPG indicates should be provided for a one-bedroom dwelling. I am mindful that the appeal site has excellent access to a train station connecting Brookmans Park to other Hertfordshire settlements and central London. Nevertheless, it is reasonable to assume that the occupants would require a car to access destinations not served by public transport.
14. The streets around the appeal site are subject to a variety of parking controls, including permit holder zones and 2 hour short-stay parking (with no return for one hour) that operate on weekdays and also on Saturdays in the case of the latter. It is evident that the proximity of Brookmans Park train station has caused issues relating to commuter parking, and led to the recent introduction of permit holder zones. I arrived for my site visit at 10:45am, when the short-stay parking was full and roads controlled by a 10-11am permit holder zone, including Peplin's Way to the rear of the appeal site, were largely empty. By the time I finished my site visit at around 11:30am, those permit holder roads were beginning to get parked up, but still had ample on-street spaces.
15. My site visit can only provide a snapshot of parking conditions. There appears to be a high demand in the daytime for parking around the appeal site due to the train station and the local centre and as evidenced by the above parking controls. However, there appears to be capacity created by the permit holder zones. The appellant has also submitted a parking survey which indicates that there is capacity for on-street parking overnight.
16. The Council has not provided any details on how the permit scheme is managed in terms of the number of permits issued per dwelling, but there is no indication that an application from the new dwelling would be automatically turned down. Given that the streets subject to a 10-11am permit holders only

zone were largely empty at my site visit, it is reasonable to assume that should the occupants of the new dwelling wish to park their car on such streets with its parking permit and, for example, commute by train to their workplace, then there would be capacity. This indicates that the permit scheme is not oversubscribed and also indicates that the issue caused by commuter parking is being addressed. Such streets would be busier outside of the restricted hours, but are likely to be predominantly for parking by residents where the overnight survey indicates that capacity exists.

17. The Council states that a planning obligation would be necessary should planning permission be granted in order to exclude future occupants of the new dwelling from being eligible for a parking permit. However, as I have found that adequate capacity appears to exist within the permit zone during its operational hours, it is not necessary to exclude eligibility for a permit.
18. The development would not accord with the parking standards of Policy M14 and the SPG in terms of not providing an off-street parking space, but I have regarded these standards as guidelines. Taking into account the relevant circumstances of the proposal, its site context and wider surroundings, including the availability of public transport, the development would not exacerbate parking problems in the area. Concluding on this main issue, I therefore find that the effect of development on parking provision would be acceptable.

Conclusion

19. The proposed development would have an acceptable effect on parking provision and the character and appearance of the area. However, I have found that significant harm would be caused to the living conditions of the occupiers of 13/14 Bradmore Green. The proposal provides some social and economic benefits through the provision of an additional dwelling and expanded retail floor space, but these benefits are modest compared to the significant harm I have identified.
20. For these reasons, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR