
Appeal Decision

Site visit made on 4 April 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/C1950/W/16/3164182

149 Cole Green Lane, Welwyn Garden City, Hertfordshire AL7 3JG

- 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 Mr Ian Nathan against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/1895/HOUSE, dated 11 May 2016, was refused by notice dated 2 November 2016.
 - The development proposed is the change of use to create a driveway using porous pavers. This will allow for a grass driveway which will blend with the existing grassed area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to create a driveway using porous pavers including a grass driveway which will blend with the existing grassed area at 149 Cole Green Lane, Welwyn Garden City, Hertfordshire AL7 3JG in accordance with the terms of the application, Ref 6/2016/1895/HOUSE, dated 11 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2520-P01, 2520-P02, 2520-P03 (insofar as its relates to the grasscrete area being located adjacent to the shared footpath to Nos 149 and 151 and the use of plastic pavers to be filled and seeded to give a grass finish).
 - 3) No development shall take place until a methodology for the construction of the grasscrete area has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the construction methodology and the approved materials shall not be changed without the prior written consent of the local planning authority.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class F of Part 1 of Schedule 2 shall take place.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no
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fences, gates or walls shall be erected within (or on the boundary to) the extended curtilage of the dwellinghouse.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located on the north side of Cole Green Road where there is a small service road in front of three blocks of residential properties. The frontage to these properties are generally turfed with small areas of landscaping immediately adjacent to the buildings and hard surfaced paths. Two of the twelve properties in these three blocks have wider paths where vehicles can park. Visually, the area to the front of each of these properties appear as part of the residential property albeit as an part of an open area across the whole frontage.
4. Although forming part of the Council's reason for refusal, the Officers report makes it clear that the Council consider that the principle of the change of use from amenity land to residential curtilage is acceptable and I have no reason to disagree with that view.
5. The key issue is therefore the effect of the parking area on the character and appearance of the area.
6. The Council acknowledge that the use of grasscrete would have a limited impact on the character of the area once the grass has grown through. However, concern has been raised over its durability over time.
7. From my site visit, I saw the two other properties in the row which had vehicles parked between the service road and the line of the property frontages. I also saw several other properties on the opposite side of Cole Green Road where there were hardstanding areas to the front of dwellings.
8. In respect of its durability, the Council have raised concerns but have not provided any substantive evidence which indicates that the proposal would result in a form of development which would be harmful to the character of the area.
9. To my mind, the introduction of a limited parking area to the property frontage would maintain the overall character of the area. I come to this view as the streetscene includes areas of grassland, and also areas which have vehicles parked in front of the building lines of residential properties as well as on street parking.
10. In addition to the above, the Council have questioned the accuracy of the submitted plans, as the shared path between Nos 149 and 151 is not entirely in front of No 151. From my site visit, I saw that the location of the path has not been drawn correctly on drawing 2520-P03, but it is clear that the grasscrete area would be located immediately adjacent to that path. Additionally, the appeal statement states that the dimensions of the parking area would be 2.9 metres in width by 5.8 metres in length. Given this, I consider that the minor error on the plan is not significant nor does it prevent a full consideration of the merits of the development.

11. For the above reasons, the development would maintain the overall character and appearance of the area and would accord with Policies D1 and D2 of the Welwyn Hatfield District Plan (2005), the Welwyn Hatfield Borough Council Supplementary Design Guidance (2005), and the aims of the National Planning Policy Framework which seek, amongst other matters, to ensure that development has a high quality design and maintains the character of the existing area.

Conditions

12. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
13. Given the limited details on the construction method of the grasscrete area a condition is also necessary to ensure that the method of construction is such that it will allow the grass to be able to grow through in the interest of the character and appearance of the area. Given that this also relates to the construction period it is also necessary for these details to be agreed prior to any works commencing. In respect of the materials to be used, sufficient details are contained on drawing 2520-P03 and therefore further details are not necessary.
14. In respect of the restriction of future permitted development rights for further hardstanding and fences, gates and walls I agree that these are necessary to ensure that the overall character and appearance of the area is maintained.

Conclusion

15. Taking all matters into consideration, for the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR