
Appeal Decision

Site visit made on 11 July 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 17th July 2017

Appeal Ref: APP/C1950/W/17/3173234

11 Brookmans Avenue, Brookmans Park, Hatfield, Hertfordshire AL9 7QH

- 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 and Mrs S Morris against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/1778/FULL, dated 30 August 2016, was refused by notice dated 3 March 2017.
 - The development proposed is demolition of existing house and erection of replacement building containing 5 flats with forecourt parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and erection of replacement building containing 5 flats with forecourt parking at 11 Brookmans Avenue, Brookmans Park, Hatfield, Hertfordshire AL9 7QH in accordance with the terms of the application, Ref 6/2016/1778/FULL, dated 30 August 2016, subject to the conditions set out in the Schedule attached to the decision.

Main Issues

2. The main issues are, compared to the scheme¹ approved for this site, (i) whether the proposal would make adequate provision for on-site car parking and (ii) what the effect the development as a whole would have on the character and appearance of the surrounding area.

Reasons

Car parking

3. The proposed flats would observe the approximate front building line of the existing dwelling. The twin accesses would be revised to a single point of entry where the existing made up drive and garden area would be replaced by a permeably-surfaced area providing 8 car parking spaces with associated manoeuvring space.
4. Paragraph 39 of the National Planning Policy Framework (the Framework) states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account of the accessibility of the development, the type, mix and use of development, the

¹ Appeal reference APP/C1950/W/15/3128952 – demolition of existing house at 11 Brookmans Avenue and erection of a new building comprising 3 No 3 bed flats. Allowed on 19 January 2016.

availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles.

5. The development plan comprises the saved policies of the Welwyn Hatfield District Plan 2005 (DP). DP Policy M14 and the Council's Parking Standards Supplementary Planning Guidance² (PSSPG) apply parking requirements which, because set as maxima inconsistent with current Government advice, are taken as guidance only on a case-by-case basis through the Council's interim car parking policy³.
6. The PSSPG would require 8.25 on-site spaces for the development proposed, which is considered to be a reasonable amount of provision, which the scheme would nearly meet. There is no evidence of the level of on-street parking usage in this location. Whilst this is an area of relatively high car ownership the site is accessible by foot to a good range of regularly required services and to public transport whereby future occupiers would not be overly reliant upon private car ownership. The County highways authority considers the proposal not to have a severe impact on highway safety and capacity and had raised no objections.
7. As any future similar proposals could be assessed by the Council on their own merits this proposal would not result in material harm through establishing a precedent leading to on-street car parking problems in this area. Consequently, the scheme is considered to provide an acceptable provision and arrangement of on-site parking and would be acceptable in this regard and satisfy DP Policy M14 and the PSSPG.

Character and appearance

8. The appeal scheme would introduce a moderately larger expanse of flat crown roof compared to the approved development of three flats but would otherwise involve a proposal of only modestly increased scale. The scale, height and position of the scheme for five flats would reflect adequately the character of the substantial, quite closely arranged detached houses of varying design along this street and be similarly set back to the common building line.
9. Regarding the acceptability of the principle of flats in the location proposed, the Inspector in the previous appeal found no policy to support such development being confined only to gateway positions. A number of the existing dwellings nearby along this street are of an equivalent scale to the five flats proposed and have similarly extensive hard surfaced forecourts.
10. The appearance of the scheme would not differ materially from that allowed in the previous appeal and, whilst resulting in about a 10% increased footprint would be little different in respect of its general mass and scale. Consequently, I do not consider the proposal would amount to an over-development of the site or would fail to respect and relate to the character and context of the locality. Interested parties have criticised the proposed dormer windows in the roof slope as not appearing in other dwellings along this street and being out of character. Dormer windows featured in the approved scheme. This proposal involves a larger single dormer on the rear facing roof slope and two wider

² Welwyn Hatfield District Plan Review Supplementary Planning Guidance Parking Standards - adopted January 2005

³ Welwyn Hatfield Borough Council Interim Policy for Car Parking Standards and Garage Sizes – approved 21 August 2014.

dormers on the front elevation. In the context of the overall scheme these dormers are considered to fit in acceptably with the overall design of the building.

11. For the reasons set out, it is not considered this scheme would have a materially harmful effect upon the character and appearance of the surrounding area and therefore would comply with DP saved policies GBSP2 and D2 and those of the Framework.

Other Matters

12. The Council considered further matters raised at the application stage by interested parties. The Council's decision did not find any material harm to the living conditions of occupiers of dwellings opposite due to overlooking from the roof level dormer windows and neither can I. The Council has not highlighted an inadequate access to the development for emergency vehicles and this concern with the proposed plans is not substantiated. Full details of the refuse/recycling facilities indicated can be required by condition to ensure satisfactory provision would be made. The profitability of the proposal would not be a valid planning concern. Mitigation for the presence of bats is addressed in the proposals can be secured by condition.

Conditions

13. I have considered the conditions suggested by the Council against the advice of the national Planning Practice Guidance and the Framework and included those necessary, reasonable and enforceable, with amendments made in the interests of conciseness. In addition to the standard time limited for commencement (1) it is necessary, in the interest of certainty and to secure the ecological mitigation, that a condition specifies adherence to the plans to which approval is granted (2). In the interests of character and appearance a condition requires prior approval of the external materials to be used and to secure compliance it is necessary these details be agreed prior to the development proceeding above ground-level (3).
14. To ensure adequate arrangements for access and on-site parking, refuse and recycling and cycle storage these matters shall first be agreed with the Council and thereafter provided prior to occupation and be thereafter retained (4, 5). Also in the interests of character and appearance a condition requires prior approval of a scheme for hard and soft landscaping and to secure compliance it is necessary these details be agreed prior to the development proceeding above ground-level (6) with a further condition necessary to secure implementation (7). In the interests of the privacy of neighbouring occupiers a condition requires the side windows to the upper floor flats to be obscure glazed and high-level opening (8). To ensure the protection of bats a condition requires the carrying out of the ecological measures and/or works contained in the Bat Mitigation and Enhancement Plan (9).

Conclusion

15. For the reasons set out above, having taken into consideration all other matters raised, I conclude that the appeal should be allowed subject to the conditions set out below.

Jonathan Price INSPECTOR

Schedule of Conditions
Appeal Ref: APP/C1950/W/17/3173234
Demolition of existing house and erection of replacement building
containing 5 flats with forecourt parking at
11 Brookmans Avenue, Brookmans Park, Hatfield, Hertfordshire AL9 7QH

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 419814/6, 419814/7, 419814/8, 419814/9, 419814/10, bat mitigation plan⁴ and location plan.
- 3) No development above damp-proof course level shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) None of the approved flats shall be occupied until the area providing vehicular access to the site, eight car parking spaces and turning provision shown on drawing no. 419814/8 has been drained, surfaced and marked out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the access, parking and manoeuvring of vehicles.
- 5) None of the approved flats shall be occupied until both refuse/recycling and cycle storage facilities have been provided in accordance with details that shall have first been submitted to and approved in writing by the local planning authority and these facilities shall thereafter be retained for these purposes.
- 6) No development above damp-proof course level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of means of enclosure and boundary treatments, hard surfacing, other hard landscape features and materials, planting plans (including specifications of species, sizes, planting centres, number and percentage mix, details of seeding or turfing) and management and maintenance details.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The upper floor flats hereby permitted shall not be occupied until the windows on the east and west side elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable

⁴ Arbtech Bat Mitigation and Enhancement Plan for 11 Brookmans Avenue dated 9 December 2016.

of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 9) All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation and Enhancement Plan (Arbtech 9 December 2016) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. Any deviation from this approved measure or alterations to the development hereby approved or a new planning application shall be the subject of the submission of a new Bat Survey and its approval in writing approval by the Local Planning Authority.

---End of Conditions---