



Appeal Decision

Site visit made on 9 August 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/C1950/W/17/3173455
24 London Road, Welwyn AL6 9JD.

- 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 Alex Nicholas against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/2447/FULL, dated 14 November 2016, was refused by notice dated 2 February 2017.
 - The development proposed is described as "Proposal is for a dwelling on land adjoining 24 London Road, Welwyn following the demolition of a single garage."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed dwelling would provide satisfactory living conditions for occupiers of 24 London Road, with regard to external amenity space; and
 - the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

3. No 24 is a three-bedroom property which lies to the rear of the appeal site. It has an existing side garden situated adjacent to the corner of Broomfield Road and London Road and a patio area situated to the rear of No 24. The side garden is largely grassed with established laurel hedging and a 1.2m high fence beyond. The patio area faces north-east and is narrow and irregularly shaped due to the presence of an existing conservatory and garages for Nos 24 and 26 and the angled rear boundary fence. It is also adjacent to protected trees (TPO 548) on the grassed verge next to Broomfield Road.
4. The proposed three-bedroom house would be located within the side garden. Its development would involve the removal of the existing garage for No 24 to allow access to No 24 between the retained garage for No 26 and the proposed house. The proposed house would have sufficient external amenity space in the form of the remainder of the side garden. Although formed from the conversion

- of a former institutional building and consequently of a non-standard layout, the existing house at No 24 is of sufficient size to house a family and would have access only to the existing hard landscaped area adjacent to No 24.
5. The only private amenity space for use by the occupiers of the existing three-bedroom house at No 24 would be limited in its depth, ranging from approximately 2m in depth to approximately 4.7m at its deepest. Furthermore, as this entirely hard landscaped area faces north-east and is surrounded by the existing building, fencing and mature trees, the level of sunlight received would be limited. Given its irregular shape, size and siting, I do not consider that it provides a sufficient garden area for the existing three-bedroom dwelling at No 24.
 6. I have not been provided with specific information on other recent developments approved and built with north-facing gardens, so I cannot take these developments into account. Additionally, while the appellant suggests that other gardens locally are of a comparable size to the rear garden, I do not have sufficient information on their size, shape, orientation, and relationship with the relevant residential property to compare them with the appeal proposal. With regard to Nos 26 and 28 London Road, I note that these properties have different forms of garden space from the appeal site. However, I do not have any further information on these two properties and how comparable they are with the appeal property in terms of unit size. In any event, I must determine this appeal on its own merits. Although I note the appellant's comments regarding their primary use of the rear garden, their use of the conservatory at different times of day, and people's potential preference for sitting in the shade, these matters do not overcome my concerns about the level of external amenity space to be retained by No 24.
 7. I conclude that the proposed development would cause harm to the living conditions of the occupiers of No 24, due to the size, shape and siting of the external amenity space proposed for the existing dwelling at No 24. Consequently, this would conflict with policy D1 of the Welwyn Hatfield District Plan 2005 (WHDP) and the Supplementary Design Guidance Statement of Council Policy 2005 (SDG). Policy D1 requires the design of new development to be of a high quality and to incorporate the design principles and policies of the plan and the guidance contained in the Supplementary Planning Guidance. The Council's SDG requires larger family homes to have usable garden space which meets the needs of its residents. Furthermore, this would conflict with the National Planning Policy Framework (the Framework) which requires a good standard of amenity for all existing and future occupants of land and buildings as a part of its core planning principles.

Character and Appearance

8. The appeal site at 24 London Road is located within a predominantly residential area of mixed character, with a range of two-storey semi-detached and terraced houses of different ages and architectural styles at St Mary's Court, Becket Gardens, Broomfield Road and London Road. These houses are located within gardens of different sizes and shapes. As a large single building on a large corner plot, Nos 24, 26 and 28 London Road do not relate particularly strongly to the more uniform semi-detached houses on Broomfield Road adjoining the side garden.

9. The building housing No 24 lies on the corner of Broomfield Road and London Road. Nos 24, 26 and 28 London Road appear to have been formed by the conversion of a large red brick building, formerly in institutional use. The single-storey and two-storey building has been extended and altered to allow for residential use, including the erection of garages for Nos 24 and 26 to the north-western end of the building, a single-storey extension serving No 28 and a conservatory for No 24. There is parking for vehicles in front of the garages. At the time of my site visit, 4 cars were parked within the area to the front of Nos 24 and 26, including one vehicle parked in the turning area.
10. The proposed development would introduce a further three-bedroom detached house in the side garden of No 24. This would involve demolition of No 24's garage. The proposed house would be separated from the main building by a 1.8m gap. Car parking for both the proposed house and No 24 would be situated within the side garden and existing parking area.
11. The Council did not refuse the application based on the effect of the proposed development on the Welwyn Conservation Area, which lies approximately 47m further down London Road. Having visited the site and observed the separation of the site from the Conservation Area, I concur with this approach. I consider that the proposed house would be of a simple vernacular design which would respect the materials, detailing and appearance of the neighbouring building. Both parties are also in agreement on this issue.
12. The proposed house would be of a modest scale relative to the existing building and the existing side garden, retaining a reasonable proportion of the side garden for future use by the proposed dwelling. As such, it would not be cramped within the site. I note the conflicting views of the appellant and the Council with regard to adjacent housing at St Mary's Court, Becket Gardens, Broomfield Road and London Road and the level of spaciousness experienced on those streets. I have reached the view that the retained side garden would maintain a sufficient gap between the proposed house and the street to retain the relatively spacious nature of the corner plot. As the locality has a range of houses in different architectural styles and with different patterns of development, including different lengths of front and side gardens, I consider that the proposed house would not cause harm to the character and appearance of the area in terms of its layout and proposed garden space for the proposed house.
13. The Council has suggested that any future occupiers of the dwelling would seek greater privacy and would look to erect higher boundary treatments around the garden. The Council considers that this would detrimentally affect the open and spacious character of the street scene. The appeal proposal seeks to retain the existing 1.2m fence and the laurel hedging at a height of 2m. I do not consider that this would have any negative effect on the character and appearance of the area as the appeal proposal effectively maintains the existing boundary treatments.
14. The parking for the proposed dwelling and No 24 would be located on an existing area of hardstanding adjacent to the road. The hardstanding would be slightly widened with permeable sett paving to allow for parking for No 24 and for the proposed dwelling. Given this area of hardstanding already largely exists and is in use for car parking, the proposed development does not significantly alter the existing circumstances on site with regard to parking.

Furthermore, cars are parked close to the road within the development at St Mary's Court opposite and within the grounds of The Steamer public house further along London Road. I do not consider that the car parking for the existing and proposed houses would cause harm to the character and appearance of the area. The appeal proposal does not therefore conflict with policy M14 of the WHDP, which sets out guidelines for parking provision for new development.

15. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. As such, it would accord with policies D1 and D2 of the WHDP, the SDG and the Framework. Amongst other things, these policies require high quality design, which respects local character and context.

Other Matters

16. The appellant has also stated that the proposed development is in a location with good access to public transport and local services. Although I note the site's location in relation to a range of services and sustainable modes of transport, this does not alter my decision. Furthermore, the provision of pre-application advice is a matter for the Council.
17. Although the appellant has referred to the presumption in favour of sustainable development in this case, it has not been demonstrated that the development plan is absent, silent or relevant policies are out of date. The Council has stated that it has a 5 year housing land supply. Paragraph 14 of the Framework does not therefore apply in this instance. In any case, for the reasons set out above, the harm I have identified outweighs the benefits of the single house scheme. Thus, the proposal is not sustainable development.

Conclusion

18. My findings with regard to character and appearance do not outweigh my concerns regarding the effect of the development on the living conditions of occupiers of No 24 and consequent conflict with development plan policy. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR