



Appeal Decision

Site visit made on 27 March 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/C1950/W/18/3217973

11 Hook Lane, Northaw, Potters Bar EN6 4DA

- 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 Greg Winter against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2018/1186/FULL, dated 01 May 2018, was refused by notice dated 27 July 2018.
 - The development proposed is to divide one large dwelling into two smaller dwellings. To convert garage into a hall, corridor and utility room with a window, which will be accessed by provision of a front door and provision of a window in place of existing garage door.
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Decision

1. The appeal is allowed and planning permission is granted for division of one large dwelling into two smaller dwellings, the conversion of the garage into a hall, corridor and utility room with a window, which will be accessed by provision of a front door and provision of a window in place of existing garage door at 11 Hook Lane, Northaw, Potters Bar EN6 4DA in accordance with the terms of the application Ref. 6/2018/1186/FULL dated 01 May 2018, 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: Plan 2 Proposed Plan (Parking), Plan 4 Proposed Side Elevation, Plan 6 Proposed Front Elevation, Plan 9 Proposed Ground Floor Plan, Proposed Block Plan.
 - 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.
 - 4) Prior to the occupation of the development hereby approved, details of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details in the first planting season following the occupation of the development, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.

- 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 development within Class A or B of Part 1 of Schedule 2 shall take place without the express written consent of the Local Planning Authority.

Preliminary Matters

2. For clarity, I have made a small amendment to the description of the development.
3. The reasons for refusal refer to policies of the Welwyn Hatfield Draft Local Plan 2016 Submission Version (LP). This is an emerging plan which was submitted for examination on 15 May 2017 and according to an updated timetable is expected to be subject to examination hearings towards the end of 2019. Paragraph 48 of the National Planning Policy Framework (the Framework) sets out that weight to be given in emerging plans should be according to its stage of preparation, the extent of unresolved objections and the degree of consistency with the Framework. The LP is at an early stage of preparation; whilst its submission version policies show a potential direction of travel, it is not yet known what level of objection these are likely to encounter. For these reasons, I attribute limited weight to the policies of the LP.

Background and Main Issue

4. The site is within the Green Belt, though it is no part of the Council's case that the proposed development would be inappropriate development in the Green Belt and I see no reason to disagree with that assessment. Accordingly, the main issue is whether or not the site would be a suitable location for the proposed development having particular regard to the accessibility of local services and facilities.

Reasons

5. The appeal site is a semi-detached house with integral garage, constructed in white render with a plain tile hipped roof. It is located on Hook Lane, which is a private road serving a row of houses. Hook Lane is accessed from Coopers Lane Road, which is a rural road leading to Hook Lane and Firs Wood Close. Other than Northaw Park and the nearby Oshwal Association of the UK Centre and Temple, the houses along Hook Lane are isolated and surrounded by countryside.
6. The appeal scheme is to change the use of a part of the appeal property into a separate dwelling. The property is already physically subdivided by internal walls, though a change of use to a separate dwelling facilitated by alterations to fenestration and conversion of the integral garage are proposed.
7. Saved Policy SD1 of the Welwyn Hatfield District Plan 2005 (DP) seeks sustainable development, which is in line with the National Planning Policy Framework (the Framework). DP Saved Policy H2 sets out the approach to windfall development, setting out criteria including the location and accessibility of the site to services and facilities by transport modes other than the car. Saved Policy H2 is broadly in line with the Framework's approach to the environmental role of sustainable development and is supportive of development on previously developed land, though it seeks to resist isolated new dwellings. Similarly, the Framework generally resists isolated new homes

in the countryside, unless it would involve the subdivision of an existing dwelling, as is the case here.

8. The appeal site is not in the optimum location to access services and facilities on foot. There is a hardstanding bridle path leading to Northaw village approximately half a kilometre away, however, the village has limited facilities and the bridle path itself is relatively narrow and unlit; as such it does not represent a useable and accessible route. Similarly, Coopers Lane Road and the surrounding roads are rural, not lit and do not have pavements. The site is, however, in relatively close proximity to Northaw and Potters Bar, which can be accessed by cycling. Potters Bar offers a wider range of facilities, including access to onward travel by public transport. The appeal site therefore has somewhat limited accessibility to services by methods of travel other than a private vehicle.
9. As a result, the proposal would have a degree of conflict with Policy H2 in that it would result in the creation of an isolated new home. However, the new home would be achieved through the subdivision of an existing residential property. The Framework does not resist subdivision of existing dwellings in isolated locations and Policy H2 is supportive of the re-use of previously developed land (PDL); though residential garden land is not PDL. Whilst the proposal would result in two single family dwellings rather than one, the additional traffic movements generated by the occupiers of one dwelling would be limited and would not undermine the spatial strategy as a whole.
10. The appeal proposal would there have a degree of conflict with the aims of the Framework and Saved Policy SD1 in respect of isolated new homes. However, the new home in question would be achieved as a result of subdivision of an existing home on previously developed land and its particular effect would not undermine the spatial strategy as a whole. I consider that this is a material consideration which weighs in favour of the proposal.

Other Matters

11. Parking provision has been raised as a concern by local residents. Hook Lane is a narrow single track private road, which would not facilitate on-street parking. However, I observed that the front drive and garden area at the appeal site is of an adequate size in order to facilitate a parking area as shown on the proposed parking plan. The conversion of part of the existing front garden area to parking would not have an adverse impact on the character of the area, which has a mix of attractive landscaped areas and frontages dominated by parking. The loss of part of the front garden space would not result in an unacceptable impact on the living conditions of future occupiers, given the retention of generous private rear garden areas.
12. The Appellant has referred to the previous use of the appeal site as a private dwelling for approximately 20 years. Whilst I observed that there were no internal links between the two areas of the dwelling, the duration and potential lawfulness of the use are not for determination in this appeal. As such, I have given very limited weight to the potential past separate use of the site; though I have considered its layout and accommodation.

Conditions

13. I have imposed the usual time limit and approved plans conditions in order to ensure the development is carried out in a timely manner in accordance with the approved plans. In the interests of maintaining the character and appearance of the area, I have imposed a condition requiring the external facing materials to be agreed prior to the relevant part of the development taking place. For similar reasons, I have imposed a condition relating to the submission of landscaping details, though I consider the appropriate timescale for agreement of these details to be prior to occupation to ensure the development is not unnecessarily delayed. Given the Green Belt location of the appeal site, I consider there is justification for the removal of certain permitted development rights relating to the extension and alteration of the dwelling and I have imposed a condition accordingly.

Conclusion

14. For the reasons stated above, the principle of a new dwelling in this location, which is not easily accessible by sustainable modes of transport, would have a degree of conflict with Saved Policies SD1 and H2 as well as the guidance of the Framework. However, the proposal is for the subdivision of an existing dwelling and re-use of previously developed land (excluding residential garden), which are generally supported by the Framework and Policies SD1 and H2 to a degree, and the particular effect of the proposal would not undermine the spatial strategy as a whole. I therefore consider that material planning considerations exist in favour of the development and these justify planning permission being granted other than in accordance with the Development Plan. Accordingly, the appeal is allowed.

Kim Langford Tejrar

INSPECTOR