
Appeal Decision

Site visit made on 11 September 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/C1950/W/19/3232105

22, Great Ganett, Welwyn Garden City AL7 3DE

- 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 Peter Nicholson against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/2414/FULL, dated 13 September 2018, was refused by notice dated 1 February 2019.
 - The development proposed is "To build a hardstanding for 2 cars and a pathway to the house on a small piece of land in front of the house we own. The development would be identical to that of the hardstanding in front of number 24 Great Ganett, on the same piece of land. Size of hardstanding would be 5m x 5m to be built on an area of grass".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from amenity to residential land and the formation of a hardstanding to include a pathway at 22, Great Ganett, Welwyn Garden City AL7 3DE in accordance with the terms of the application Ref 6/2018/2414/FULL, dated 5 November 2018 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

2. The development is described on the decision notice as "Change of use from amenity to residential land and the formation of a hardstanding to include a pathway". I have used the description of development from the decision notice as this more accurately describes the development.
3. The decision notice refers to revision A of plan TQRQM182 531357329 19. However the Council has confirmed that this is an error and that there is no revision of that plan.
4. The Welwyn Hatfield Borough Council Draft Local Plan (the emerging Local Plan) has been published but has yet to be examined and found sound and so attracts limited weight as a material consideration.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the area with particular reference to the street tree on the frontage of 22 Great Ganett.

Reasons

6. Great Ganett, in the vicinity of the appeal site, is an urban street fronted by a mixture of terraced and semi-detached two storey dwellings, generally set back from the highway by modest front gardens. The appeal site is part of an open grassed amenity area to the front of a terrace of three houses. At the western end of the site is a mature tree, and to the east an existing concrete hardstanding used for parking two vehicles. Within the footway, to the east of the site are a post box and street lighting column. The appeal site lies on the junction of Bushey Ley and Great Ganett. Around the junction are grassed amenity areas, containing trees, including that within which the appeal site lies. These green spaces, with their landscaping and street trees, afford the locality a strong sense of space and openness and is reflective of the pattern of development in the area, where junctions are generally accompanied by such open spaces. This is an important characteristic of the area, to which the appeal site contributes.
7. The amenity area containing the appeal site already contains a similar hardstanding to that proposed, which already introduces parked cars to this location. Whilst the additional hardstanding would reduce the amount of soft landscaping, the presence of the existing hardstanding has already established a character to this area which includes such a feature and car parking and I do not consider that the proposal would significantly reduce the sense of space and openness that I have identified above or fundamentally change the character of the area as it currently exists.
8. Further, at the time of my site visit a car was parked on this frontage, opposite the bellmouth of Bushey Ley. The presence of the access would prevent parking in that location reinforcing the sense of openness in the street and moving the location of parked cars from on street to the periphery of the space.
9. The proposed hard standing would be positioned very close to the tree to the west. Whilst no assessment has been made to determine the impact of construction on the tree or proposals put forward to protect it, the Council has concluded, subsequent to the determination of the application, that the tree is in poor health and is due to be removed in the coming years, after which a replacement tree would be provided. The development would then, at worst, necessitate the early replacement of the tree.
10. I conclude that the proposed development would not result in harm to the character and appearance of the surrounding area. The development would therefore accord with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 (the District Plan), and the Welwyn Hatfield Borough Council Supplementary Design Guidance 2005, which, amongst other things, jointly seek to ensure that development proposals should maintain the character of the existing area and retain existing planting where possible. The proposed development would also comply with the aims of those parts of the Framework that seek to deliver well-designed places.
11. Similarly, the proposal would accord with Policies SP9, SADM11 and SADM12 of the emerging Local Plan, although, as previously stated, these policies are not yet adopted and as such carry minimal weight.

12. The Council's statement references Policy GBSP2 of the District Plan. However, this policy relates to development within the Green Belt, and I have no evidence before me that the proposed development lies within Green Belt.

Other Matter

13. The Highway Authority have objected to the proposal as it does not provide a detailed vehicle crossover and drawing to scale, details of visibility splays and gradient levels. However, given the presence of the existing vehicular crossover to the east, and the alignment of the highway it would be possible to provide similar visibility splays to that access and I have no evidence before me to demonstrate that that access is unsafe. Even though the site is located at a junction, the number of vehicle movements associated with the hardstanding, and thus the additional vehicle/vehicle conflict, would be low. For these reasons I consider that provision of the access would be unlikely to result in any significant increase in risk to users of the public highway.

Conditions

14. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans. I have also included a condition controlling materials to be used in construction of the works. These are necessary in the interest of certainty.
15. In addition, I have included a condition on the development requiring the submission and approval of details of the highway works. As this is required prior to commencement of the construction phase it is necessary that the required details are in place prior to commencement of any engineering operation. The necessity for this condition and its wording has been agreed with the appellant.
16. The Council have commented that the highway works condition is unreasonable as the works within the highway are controlled by the Highway Authority under its powers. However, it is necessary, for planning reasons, to establish the layout of the access prior to construction and for proper access to be delivered prior to first use of the hardstanding. I therefore consider the condition to be reasonable and necessary, notwithstanding that the works will also need to be provided to the Highway Authority's satisfaction.

Conclusion

17. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the planning conditions attached.

I Dyer

INSPECTOR

List of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. DRAWING NUMBERS The development/works shall not be started and completed other than in accordance with the approved plans and details: -

**Plan
Number**

Details

TQRQM18253131623551	Site Location Plan
TQRQM18253135401010	Existing Floor Plan
TQRQM18253135732919	Proposed Floor Plan

3. No development shall take place until samples of the materials to be used in the construction of the driveway hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.
4. Notwithstanding any details hereby approved, prior to commencement of development details of off site highway works as shown on plan TQRQM18253135732919 shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented prior to first use of the development hereby permitted and shall be retained in perpetuity.

End of Conditions