
Appeal Decision

Site visit made on 8 October 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/C1950/W/19/3224509

99 The Ridgeway, Cuffley, Potters Bar EN6 4BG

- 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 Howard and Ross Berndes against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/1991/FULL, dated 26 July 2018, was refused by notice dated 21 November 2018.
 - The development proposed is the demolition of the existing dwelling house and associated out-building/lean-to structures and the construction of two new dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellant has submitted amended plans with the appeal. These plans were not considered by the Council in their determination of the planning application. While the appeal process should not be used to evolve a scheme, the amendments only relate to internal changes to the properties. As the amended plans would not result in any external changes to the proposed development, the Council and the interested parties would not be prejudiced by my acceptance of the amended plans. Thus, I have considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - whether future occupiers of this development in this location would have acceptable access to services and facilities; and
 - whether the proposed development would provide satisfactory living conditions for its future occupiers with regards to daylight, sunlight and outlook.

Reasons for the Recommendation

Access to services and facilities

5. The appeal site is occupied by a detached chalet-bungalow style dwelling set within a large and spacious plot. The site forms part of an extensive row of dwellings along the southern side of The Ridgeway, which take the form of ribbon development and most of which share a similar appearance and style. The proposal seeks to demolish the existing property and replace it with two chalet-style dwellings.
6. The site is located outside Cuffley, which is on the list of towns and specified settlements detailed in Policy GBSP2 of the Welwyn Hatfield District Plan (2005), and is within a semi-rural, Green Belt location. It was noted during the site visit that there is a pavement from the appeal site into Cuffley, where the nearest services are located. However the appeal site is some considerable distance from these facilities and therefore walking to them would be unlikely to be a suitable option. It is also noted that the nearest bus stop is some considerable distance from the site and therefore also not a reliable form of transport for the future occupiers of the proposed dwellings. Cycling may be a possible transport option, however The Ridgeway has a maximum speed limit of 40mph and is a reasonably busy road, making cycling for day to day needs undesirable. Therefore, the future occupiers of the dwelling would be heavily reliant on the use of a car. Although it is reasonable to assume that most family dwellings would require access to at least one vehicle, paragraph 103 of the National Planning Policy Framework indicates that sustainable residential development should limit the need to travel and offer a genuine choice of transport modes. The proposal would fail to do this.
7. Although the proposal would only add one dwelling, this doubling of the number of units on the site cannot be considered 'de-minimis' in my view. Also, although the appellant suggests that overall parking provision would not be increased, it is not unreasonable to consider that the number of vehicle movements generated from two dwellings independent would be double that of the existing house, notwithstanding the space on site for parking.
8. The appellant has also brought to my attention an allocation for eight dwellings to the rear of 36 The Ridgeway. However, that site is much closer to the services and facilities within Cuffley and in closer proximity to a bus stop. Therefore, this site is not comparable to the appeal before me. The appellant has also highlighted the need for additional dwellings within Cuffley but has provided no evidence of this. In any case, the site is located outside of Cuffley.
9. For the reasons above, I consider that the occupiers of the development would not have acceptable access to services and facilities and therefore the development would be contrary to Policies SD1, GBSP2 and H2 of the Welwyn Hatfield Local District Plan (2005) and Policies SP1 and SADM1 of the Welwyn Hatfield Borough Council Draft Local Plan (2016), which collectively aim to provide sustainable residential development located in specified settlements near services and facilities which are accessible by transport modes other than the car, and the sustainable transport objectives of the National Planning Policy Framework.

Living Conditions

10. The plans considered by the Council included habitable accommodation at basement level for both properties, including a living room and two bedrooms. However the amended plans now show a gym and treatment room, with a storage and plant room, at basement level. These rooms would not be considered habitable accommodation as they would not be used for general daytime living purposes. Therefore, although the levels of daylight, sunlight and outlook may be limited at the basement level of the proposed dwellings, this would not impact upon the living conditions of the future occupiers of the dwellings.
11. For the reasons above, I consider that the proposed development would not be harmful to the living conditions of the future occupiers of the proposed dwellings. Therefore, the development would not be contrary to Policy D1 of the Welwyn Hatfield District Plan (2005) or Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan (2016) which seek to provide a high standard of design and amenity, with satisfactory levels of daylight and sunlight, along with the aim to provide a high standard of living conditions within the National Planning Policy Framework.

Other Matters

12. Though the appellant refers to the increased openness of the Green Belt as a result of the proposal, the Council consider there would be only a small reduction in openness, and I agree there would be no benefit in this regard. The more efficient use of previously developed land and the provision of new dwellings with greater energy efficiency compared to the existing dwelling which is in poor condition and in need of refurbishment is beneficial. However, these would be expected of most new development and so carry little weight.

Planning Balance and Conclusions

13. Despite the benefits of the scheme identified above and the conclusion that no harm would be caused to the living conditions of future occupiers, these factors would not outweigh that harm found in relation to the access to services and facilities.
14. Therefore for the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR