
Appeal Decision

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2020

Appeal Ref: APP/C1950/W/20/3244419

53A Great North Road, Welwyn Garden City AL8 7TL

- 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 Marcus Andrews (Old Orchard Equity Ltd) against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/2003/FULL, dated 9 August 2019, was refused by notice dated 3 December 2019.
 - The development proposed is demolition of existing detached commercial unit (Use Class B8) and construction of new detached, 3 storey mixed use building.
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Decision

1. The appeal is dismissed

Procedural matter

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available, supplemented by additional evidence in the form of photographs of the appeal site and the surrounding area, supplied by the Council and confirmed as being accurate by the appellant. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
3. The appellant submitted plans with his appeal which shows a comparison of the proposed and existing buildings on the same plan, together with two drawings showing how he had calculated the volume of the existing and proposed building. The Council has had the opportunity to comment on these additional plans, and they do not alter the development proposed and I have taken those comments into account. I have therefore taken them into consideration in my determination of the appeal.

Main Issues

4. The main issues are:
 - whether or not the whether the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - whether or not the proposal would provide satisfactory living conditions for future residents with particular regard to external space;

- the effect of the proposal on highway safety; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development/Openness

5. The National Planning Policy Framework (the Framework) restricts most types of development in the Green Belt, although some specific exceptions are made as set out in paragraphs 145 and 146. One such exception is the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. There is no dispute between the parties that the appeal site forms previously developed land and based on the evidence before me I see no reason to disagree.
7. When assessing whether a proposal would have a greater impact on the openness of the Green Belt than the existing development on a site, the size of the existing and proposed buildings is a logical starting point. The proposed building would have a greater width than the existing. Furthermore, although the proposed building would be set in from the rear boundary, it would still have a greater length than the existing building as it would extend significantly further forward of the existing building and marginally forward of No 53.
8. It would therefore have a larger footprint than the existing building. However, this is not the end of the matter, as the openness of the Green Belt has both spatial and visual aspects.
9. As the existing building is set back considerably from the dominant building line of development along Great North Road, the forward extent would be viewed against the backdrop of No 53 and be read within the confines of the existing built development. Furthermore, the rear portion of the proposed building would be single storey only, as opposed to the existing two storey building, allowing views towards the open Green Belt. Therefore, it would not be particularly prominent in the local landscape.
10. Although the width of the building would increase and therefore the gap to the neighbouring property at No 52A would be reduced, it would only be by a small amount and the openness of the Green Belt would be retained by the already large gap between the properties.
11. Thus, even if I were to use the measurements regarding the volume of the new building, provided by the Council, while the proposed building would be larger than the existing, its design would be accommodated within the existing built form in a manner which would be consistent with the general pattern of development and character of the area and would not materially harm the openness of the Green Belt.
12. For the reasons above therefore, I conclude that the proposal would not have a greater impact on openness than the existing building. Therefore, the proposal would not be inappropriate in the Green Belt and there would be no conflict

with paragraph 145g of the Framework and emerging Policy SADM34 of the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission 2016 (the draft Local Plan). The latter states that replacement buildings should not be materially larger than the one it replaces in terms of its footprint and external volume.

13. The Council also refers to Policy RA3 of the Welwyn Hatfield District Plan 2005 (the Local Plan) in its reason for refusal. However, this policy relates to extensions to dwellings in the Green Belt and therefore has not been determinative.

Living conditions

14. The proposal includes four flats, two of which would have two bedrooms. Only one of the flats with two bedrooms would have access to outside garden space. Although private, this would be a small space, according to the Council only about 22 sqm. This has not been disputed by the appellant. It would be provided in a narrow linear form, not particularly practical for garden space for a flat which could be occupied by a family requiring space for children to play. Furthermore, it would be adjacent to the western elevation of the building and likely to be in shade for much of the day. The garden space would not therefore be of a satisfactory size, shape or quality to serve the future occupants of the flat.
15. The other area of green space within the proposed development would be a very small landscaped area adjacent to Great North Road by the access to the development. It would not therefore be private, nor of a satisfactory size, to provide good quality external space to meet the likely needs of the future occupiers of the flats.
16. The proposal is within 200 metres of the Lemsford Springs Nature Reserve and Stanborough Lakes recreational area. However, even if it were convenient to travel to this facility, it would not offer private external space which is a requirement of the Council's Supplementary Design Guidance 2005.
17. For the reasons above I conclude that, although the proposal would provide integral landscaping in accordance with Policy D8 of the Local Plan, it would not provide satisfactory living conditions for future residents with particular regard to external space. It would therefore be contrary to Policy D1 of the Local Plan, emerging Policy SADM11 of the draft Local Plan and the Framework. These require that development is of high quality design, with high standards of amenity for future users.

Highway safety

18. The proposal would provide three parking spaces. The Council's Standards would require four parking spaces for the office use and six spaces for the flats creating a requirement for ten spaces in total. Although these are maximum standards the Council is of the view that this would be a significant under-provision of on-site parking which would lead to on street parking to the detriment of highway safety.
19. The evidence available from Streetview shows that even with cars parked on the road, there is sufficient room for two cars to pass and room for cars to park along its length.

20. I accept that this is a snap-shot in time, as would be any observations I made had I undertaken a site visit. However, the Council states that Great North Road is not subject to any parking restrictions. Furthermore, while I note the comments of the Council's Parking Services Officer regarding the demand for on street parking spaces generated by the car sales premises to the north of the appeal site, it has not provided any substantive evidence to demonstrate that there is a shortage of on street parking spaces, or that the level of on-street parking is currently causing harm to highway safety.
21. While it may be more difficult to manoeuvre out of the most southerly car parking space, this would not in itself cause material harm.
22. For the reasons above, in the absence of any conclusive evidence to indicate otherwise, I conclude that the proposal would not be harmful to highway safety. Therefore, there would be no conflict with Policy M14 of the Local Plan, emerging Policy SADM12 of the draft Local Plan and the Framework. These require that parking is provided in accordance with the Council's required maximum standards.

Conclusion and planning balance

23. The external design of the proposed building would be an improvement over the appearance of the existing building on the appeal site. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aim. Thus, I give this suggestion little weight.
24. The scheme would provide four new flats. The Framework seeks to significantly boost the supply of housing and the provision of four dwellings would attract modest weight.
25. The provision of commercial space would also be a benefit, although given that it would replace an existing commercial building, the weight attached to that benefit would be limited.
26. While the proposal would comply with highway safety and Green Belt policy, the harm caused by poor quality living conditions for future residents is considerable and contrary to Policy D1 of the Local Plan and paragraphs 8 and 127 of the Framework.
27. Consequently, in this instance, the proposal would be in conflict with the development plan as a whole. There are no material considerations in this case that indicate a decision other than in accordance with the development plan.
28. In light of the above, and having considered all other matters, the appeal is dismissed.

Zoe Raygen

INSPECTOR