



Appeal Decision

Site visit made on 28 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/C1950/W/20/3248875

Sienna House, 8 Brownfields, Welwyn Garden City AL7 1AJ

- 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 A Goode against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/2812/FULL, dated 4 November 2019, was refused by notice dated 7 February 2020.
 - The development proposed is described as "new floor of accommodation providing 4 new flats".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both parties have referred to the emerging Local Plan in submissions. However, it is not clear how close to the emerging plan is to adoption. Accordingly, its policies attract only limited weight in the determination of this appeal.
3. The appellant has submitted amended plans with the appeal that are intended to address the Council's concerns regarding the internal layout and dimensions of the proposed flats. Having regard to the principle established in *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37], to determine the appeal based on these amended plans may deprive those who should have been consulted on the changed development of the opportunity of such consultation. Accordingly, this appeal has been determined on the originally submitted plans.

Main Issues

4. The main issues are whether the development proposed would provide acceptable living conditions for occupiers having regard to:
 - Internal floorspace and outlook; and,
 - External amenity space.

Reasons

Internal floorspace and outlook

5. Three of the proposed flats would include rooms marked as studies on the submitted plans. These would be small rooms, in two flats below seven square

metres. There would be no restriction to prevent these rooms being used as bedrooms during the life of the building and, given their size, they would provide cramped accommodation and a poor standard of living for future occupiers.

6. Two flats would overlook neighbouring commercial and industrial buildings. While this outlook would not be particularly attractive, these flats would be on the second floor and would benefit from long and largely unobstructed views across the industrial estate. On balance, outlook from these flats would be acceptable.
7. While the outlook from the proposed flats would be acceptable, the internal layout would result in cramped accommodation of poor quality for future occupiers, so would not provide acceptable living conditions. The appeal proposal would therefore conflict with Policy D1 of the Welwyn Hatfield District Plan 2005 (the DP) which requires the standard of design in all new development to be of a high quality.

External amenity space

8. External amenity space for existing and future occupiers would comprise the existing hard paved and densely planted area adjacent to the building. The planted area would be landscaped to provide additional space for occupiers of the building. Details of this have not been provided, and this area has a pronounced downward slope towards the site boundary. It is not therefore clear how much benefit could be derived from the use of this area.
9. In addition, the established trees provide screening of the neighbouring commercial properties both for users of the amenity space, and for occupiers of flats on this side of the building. The total removal of these trees would therefore be harmful to the living conditions of occupiers of the building.
10. Occupiers of the proposed flats would also have access to existing public open space a relatively short distance from the site via an underpass. This would complement the on-site provision but does not excuse the need for an improved provision of space to accommodate future occupiers.
11. The amenity space is overlooked by windows to three ground floor flats, but there is a difference between internal and external ground levels that limits direct views into the flats from the paved area. Some additional disturbance to occupiers of these flats may result, but the increase in number of occupants of the building from the development proposed would be relatively small. Any increase in disturbance is therefore unlikely to cause unacceptable harm.
12. In the absence of a detailed landscaping scheme, it is not possible to say that the development proposed would make acceptable provision for external amenity space for occupiers of the building. The appeal proposal would therefore conflict with Policies D1 and D8 of the DP. Together these require, amongst other things, the standard of design in all new development to be of a high quality and that development include landscaping as an integral part of the overall design.

Other Matters

13. There is support from third parties for the appeal proposal, and it is not in dispute that the principle of development is acceptable. However, these

considerations do not outweigh the identified harm that would arise from the development proposed.

Conclusion

14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR