



Appeal Decision

Site visit made on 2 March 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/03/2022

Appeal Ref: APP/C1950/W/21/3274388

47 Viaduct Way, Welwyn Garden City AL7 1UB

- 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 Ange Peciulaite against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/0036/FULL, dated 17 December 2020, was refused by notice dated 29 March 2021.
 - The development proposed is described as 'change of use of the land from amenity to residential land along with the fencing to be installed'.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from amenity to residential land along with the installation of fencing at 47 Viaduct Way, Welwyn Garden City AL7 1UB in accordance with the terms of the application, Ref 6/2021/0036/FULL, dated 17 December 2020, 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: TQRQM21031170442145 (Location Plan); BP0001 (Block plan); and PF00005 (Floor plan showing fencing).
 - 3) Any fencing installed as part of the development hereby permitted shall not exceed a height of 1.8 metres above the existing ground level.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The development would involve the change of use of 47 square metres of open space (OS) to garden land (the land), to be used in association with the occupation of the end of terrace house at 47 Viaduct Way (No 47). The land is triangular shaped and it would be enclosed by fencing to become a side garden for No 47. Fencing would be installed along the western boundary of the land and that fencing would bound a north/south paved footway that runs the length of the OS.

4. The land forms a small part of a strip of OS lying between the housing estate, of which Viaduct Way forms a part, and the elevated mainline railway line. The strip of OS is a few hundred metres long and at the time of my afternoon site visit I saw the OS being used by some dog walkers, someone playing with a football and some pedestrians.
5. Other than one shrub the land is devoid of vegetation and there was some evidence of it being subject to littering. Unlike the wider area of OS, the land has a rather unkempt appearance. The side boundary to No 47's rear garden is already enclosed by fencing around 1.8 metres in height. While enclosing the land with fencing would result in some localised visual hardening, I consider that would not look out of place. In that regard I consider the proposed fencing would appear as a natural extension of the fencing marking the boundary between the western extremity of Sunningdale Mews and the area of OS.
6. Although items of garden paraphernalia might be sited within the land, views of them would largely be screened by the proposed fencing and what remained to be seen would be comparable with what might be visible in the rear gardens of other properties adjoining the OS. I consider there would be no detriment to the open character and appearance of the retained much larger strip of OS. I say that in the context of the land having such a small area relative to the rest of the OS and the land appearing not to be functioning actively as part of the wider area of OS.
7. I therefore conclude that the development would not adversely affect the character and appearance of the area. There would therefore be no conflict with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan of 2005, section 12 of the National Planning Policy Framework (as revised in July 2021) or the Council's Supplementary Design Guidance of 2005. That is because the quality of design, including its hard landscaping, would be respectful of the character of the surrounding area.

Conditions

8. I have considered the need for the imposition of conditions, having regard to the provisions of the national policy and guidance for the use of conditions and in the absence of any conditions being suggested by the Council.
9. Apart from a standard time limit condition, it is necessary that the development be implemented to accord with the submitted plans for certainty. To safeguard the appearance of the area I consider any fencing installed as part of the development should not exceed a height of 1.8 metres and I have imposed a condition to that effect.

Conclusion

10. For the reasons given above the appeal is allowed.

Grahame Gould
INSPECTOR