
Appeal Decision

Site visit made on 8 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/C1950/W/21/3276138

39a Roe Green Lane, Hatfield AL10 0SH

- 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 Harpal Tamber on behalf of Lioncrest Homes Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2020/3103/FULL, dated 19 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is Demolishing the existing building and redeveloping the site at 39a Roe Green Lane by creating new three-storey development (2+loft) to accommodate 9 residential units with associated parking, landscaping and bin store. Reallocation and improvement of the existing cycle store next door to allow for the proposed car parking entrance and the additional cycle spaces for this development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Despite the appellant advising that access to the site was necessary for the site visit, upon visiting the site, nobody was available to facilitate this. However, due to the nature of the main issues, and the views of the site from the front and rear, via the adjacent footpath, I was able to fully assess the site without direct access.
3. Consequently, I have determined the appeal on the basis of the evidence before me, supplemented with my unaccompanied site visit, and I am satisfied that in taking this approach, the interests of the parties have not been compromised.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the proposal would provide suitable living conditions for future occupants;
 - iii) the effect of the proposal on the living conditions for the occupants of neighbouring properties; and
 - iv) whether the proposal would provide safe and suitable access for all.

Reasons

Character and Appearance

5. The appeal site is currently occupied by a detached dwelling located on a generous parcel of land. To the left of the dwelling when viewed from the road is a recently constructed residential development which provides three storeys of accommodation in a large apartment building. Within this development, the top floor of accommodation is provided within the roofspace, and it is faced in render and brickwork. Development of a similar scale and form is also located further to the left. However, due to the presence of a public footpath, a generous gap is provided between the two large buildings. This provides space about the structures which helps to soften the increase in the scale of development along this section of Roe Green Lane.
6. The proposal would introduce a building of a comparable form with the recently constructed neighbouring developments. It would provide accommodation over three storeys with a pitched roof and would also be faced in render and brickwork. However, in contrast to the existing buildings, the proposed site layout would fail to provide a meaningful gap between the two large structures. As a consequence, the buildings would appear cramped, a matter that would be exacerbated by the taller eaves height of the proposal adjacent to the boundary, due to the stepped height of the neighbouring building.
7. The scale of the proposed and existing buildings are such that they would benefit from space between them. Such space helps the existing larger structures to sit comfortably within the street scene, without appearing overly dominant or intrusive. The failure to provide such space would result in the large scale and mass of the structures having no visual relief, thereby combining to generate an overall bulk that would dominate this section of the road. The buildings would appear restricted on their plots, creating a jarring and awkward relationship that would be to the detriment of the existing street scene.
8. The proposal would benefit from a larger gap to No 39 and as a consequence, I find that the relationship with this building would not be to the detriment of the street. However, due to the lack of space between the larger buildings, the proposal would appear cramped. Such a jarring and difficult relationship would be to the detriment of the composition of the street and would fail to replicate the space that is so helpful between the recently constructed larger buildings.
9. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. Accordingly, it would fail to comply with Policies D1, D2 and H6 of the Welwyn Hatfield District Plan (2005) (DP), Emerging Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan (2016) (DLP) and guidance contained within the Supplementary Design Guidance (2005) (SPG). Taken together, these seek amongst other things, high quality design which respects and relates to the character and context of the area in which it is proposed.

Living Conditions – Future Occupants

10. Due to the depth of the proposed building, it would introduce a series of windows to the side elevations. These would primarily serve bedrooms and

bathrooms and they would be located close to the side boundaries of the appeal site.

11. The proposed building would be located close to the adjacent development, a large building which also runs close to its side boundary. Due to the proximity of the windows to the side elevation of the adjacent development, and the height and bulk of this building, the outlook, particularly from the bedroom windows would be entirely dominated by the adjacent flank elevation. This would be to the extent that the adjacent building would be substantially overbearing and oppressive, to the extent that the living conditions for future occupants would be poor.
12. The windows would also be located close to comparable windows in the adjacent side elevation, particularly at first floor level. The proximity and location of these windows would also give rise to substantial levels of overlooking between the existing and proposed developments, to the detriment of mutual levels of privacy.
13. The evidence before me states that the windows facing the recently developed site would be glazed with obscure glass and that the first-floor windows would be non-opening 1.7m above finished floor level. However, this has not been detailed on the proposed elevation drawings or floor plans. The bedroom windows would represent the only outlook for the rooms. Accordingly, the suggestion that they would be glazed with obscure glass does not weigh in favour of protecting the living conditions for future occupants. Instead, I find that such an approach would provide an oppressive environment.
14. The side elevation facing No 39 would contain similar windows, but these would have a materially different relationship with the adjacent dwelling. The space between buildings would be greater and the scale of the neighbouring building is substantially smaller. Accordingly, I am satisfied that the relationship would not be to the detriment of the living conditions for future occupants.
15. The proposal would provide limited private amenity space for two of the ground floor apartments. However, the remaining units would not benefit from any such space, be it private or communal. An element of landscaping is proposed to the front of the site, but this would be to provide a pleasing entrance to the building and in my judgement, it would not represent a usable or functional space.
16. The Council do not apply any rigid standards through local policy, and I also note that the provision of amenity space would be comparable to the neighbouring development. However, to provide such limited opportunities for usable amenity space for future residents would create a poor living environment for future occupants. The lack of space would also not be compensated for through the provision of balconies or a roof garden.
17. Consequently, for all of the reasons identified above, I conclude that the proposal would fail to provide suitable living conditions for future occupants. It would therefore fail to comply with Policy D1 of the DP as well as guidance contained within the SPG. Taken together, these seek amongst other things, that the standard of design in all new development is of a high quality.

Living Conditions – Neighbouring Occupants

18. For reasons similar to those identified above, the occupants of the neighbouring development would experience similar effects in terms of privacy and outlook. The two buildings would be close to each other and would both have windows on the side elevation. Due to the height, bulk, depth and proximity of the proposed development, it would have a harmful effect on the living conditions for the occupants of the neighbouring development.
19. First floor windows located in the side elevation facing No 39 would also provide elevated views of the neighbouring property and its associated garden space. Although the presence of a garage and other outbuildings would restrict these views, the provision of such elevated views in close proximity to the shared boundary represents a distinctly unneighbourly form of development.
20. Consequently, for the above reasons, the proposal would harm the living conditions for the occupants of neighbouring properties. It would therefore fail to comply with Policy D1 of the DP as well as guidance contained within the SPG. Taken together, these require amongst other things, that the standard of design in all new development is of a high quality.

Safe and Suitable Access

21. The proposed layout would provide rear access to the parking area but it has been criticised by the Council for failing to provide pedestrian safety features. There is nothing in the evidence before me to suggest that such features could not be provided in the layout proposed, and therefore, I am satisfied that this matter could be resolved through the use of a planning condition.
22. The proposal would also fail to provide swept path analysis for emergency and pantechnicon delivery vehicles. In response to this matter, the appellant has provided additional information regarding fire safety and I find that this overcomes the concerns identified by the Council. Moreover, the fact that the site benefits from front and rear access means that access concerns for delivery vehicles hold less weight.
23. Consequently, subject to securing better pedestrian access arrangements, I conclude that the proposal would provide a safe and suitable access for all. On this basis, it would comply with Policies M1 and D5 of the DP and Policies SADM2 and SADM12 of the DLP. Taken together, these seek amongst other things, development which demonstrates priority to non-car users.

Other Matters

24. Reference has been made to the Council not being able to provide a five-year supply of deliverable housing sites and the Council have not rebutted this suggestion, despite having the opportunity to do so. As a consequence, I am satisfied that the presumption in favour of sustainable development, as established by Paragraph 11 of the National Planning Policy Framework (the Framework) should be engaged. This states that where the most important policies for determining proposals are out-of-date, then permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The evidence before me does not advance many specific benefits of the scheme other than the provision of houses as a small boost to local housing supply, in a sustainable location. Economically, the proposal would generate jobs through

the construction phase and bring some ongoing expenditure into the local economy. These matters weigh in favour of the appeal, but due to the scale of the proposal, I only afford them moderate weight. The provision of a safe and suitable access would not represent a direct benefit of the proposal and therefore this matter weighs neutrally in my assessment of the appeal.

26. The adverse impacts of the proposal are identified above, and I find that they represent fundamental shortcomings of the proposal. Accordingly, I attach substantial weight to these matters, and I am satisfied that the level of weight would significantly and demonstrably outweigh the benefits. Consequently, the proposal should not benefit from the presumption in favour of sustainable development.

Conclusion

27. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR