



Appeal Decision

Site visit made on 17 August 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2022

APP/C1950/W/22/3293417

4 Coningsby Close, Welham Green, Hatfield AL9 7PU

- 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 and Mrs Nicolaou against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/3157/FUL, dated 2 November 2021, was refused by notice dated 6 January 2022.
 - The development proposed is change of use from amenity to residential land with the formation of a new access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on the character and appearance of the area, and on the function of the public amenity area.

Reasons

3. No.4 Coningsby Close (No.4) is a two-storey semi-detached house located in the north-east corner of Coningsby Close, a residential cul-de-sac accessed from Somers Road. The end of the cul-de-sac is characterised by two rows of terraced housing and a semi-detached pair (which includes No.4) arranged as an 'L-shape' around communal car parking and a public amenity area laid to grass. I saw on my site visit that this arrangement is a characteristic of the area (particularly on Somers Road) and the amenity areas contribute positively providing landscaped visual and spatial relief in an otherwise fairly tight knit residential area.
4. No.4 is set back behind the public amenity area, which is partly enclosed by a kneel rail fence, and a small private garden bound by a hedge. It is proposed to change the use of part of the amenity area to allow access to a car parking space within the front garden of No.4. This change of use would relate to only a small strip of the private amenity area extending the curtilage of No.4 up to an existing access road that serves two detached houses to the north of Coningsby Close. The proposed surface is described as 'plastic permeable decking' on the planning application drawings and the appellant provides details of a recycled polyethylene sub-base that would allow a form of grass surface to be retained. Notwithstanding this proposed surface, there would be a

- noticeable difference in the appearance of the grass and, albeit a small area, the land would inevitably appear part of No.4. This would be at odds with the characteristic arrangement of communal car parking and public amenity in the area and would erode the visual relief afforded by the existing landscaped area.
5. Further, the change of use and access would effectively split the public amenity area into two, reducing its overall size and usability, and would create the perception of the semi-private area to the north of the new access along the rest of the frontage of No.4. This would be to the detriment of its intended purpose as a public, communal space for the informal enjoyment of all occupiers of Coningsby Close.
 6. Consequently, I conclude on the main issue that the proposed change of use would cause significant harm to both the character and appearance of the area and the function of the public amenity area. It would therefore conflict with the guidance at Section 12 of the National Planning Policy Framework (the Framework) and policies D1, D2 and Policy D8 of the Welwyn Hatfield District Plan (2005) (DP) and SP9 of the Draft Local Plan Proposed Submission (2016) (LP) which together require the highest quality of design in all new development that respects and relates to the character and context of the area, including landscaping. It would further conflict with LP SADM12 which requires the siting, layout and design of vehicle parking to not prejudice the wider functionality of public spaces.
 7. In that the proposed development would retain the existing tree in the north east corner of the public amenity space, there would be no conflict with DP Policy R17. LP Policy SADM2 relates to the highway network and safety and I do not find it relevant to the proposal before me.

Other Matters

8. I observed on site that car parking in Coningsby Close is fairly limited and a low kneel rail fence has been erected along the length of the public amenity area to prevent parking. The appellant has also drawn my attention to the Council's Supplementary Parking Guidance and makes the case that there is a shortfall in car parking against standards of 12/13 spaces. I have, however, been provided with the Council's *Interim Policy for Car Parking Standards and Garage Sizes (2014)* that establishes that all car parking standards will be treated as guidelines, rather than maximums (or indeed minimums as suggested by the appellant). The proposed change of use would facilitate access to an additional car parking space which I accept would benefit overall parking provision in Coningsby Close and provide convenient access for elderly visitors of No.4. However, this would not outweigh the harm I identify above to the character and appearance of the area, or the function of the public amenity area. Further, I did not observe, nor do I have any evidence before me, of any parking in Coningsby Close that would cause a highway danger to children and pedestrians, as alleged by the appellant.
9. The appellant wishes to purchase an electric car and park it close to No.4 to enable convenient charging, reducing greenhouse gases and in turn protecting the environment. I accept that this is consistent with the guidance at paragraph 152 of the Framework that the planning system should support the transition to a low carbon future in a changing climate, and support renewable and low carbon energy and associated infrastructure. Although a clear benefit of the scheme, in this case, facilitating electric charging for the occupiers of

No.4 does not outweigh the harm I describe above. Nor do I have any evidence that electric charging could not be provided elsewhere in the communal car parking area of Coningsby Close.

Conclusions

10. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR