



Appeal Decision

Site visit made on 30 December 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/C1950/D/22/3305302

18 St. Albans Road East HATFIELD, AL10 0EH

- 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 Bogdan Gervasa against the decision of Welwyn Hatfield Council.
 - The application Ref: 6/2022/0756/HOUSE dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is installation of a vehicular access, crossover and hardstanding; and erection of boundary wall, railing, sliding gate and pedestrian gate.
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Decision

1. The appeal is allowed and planning permission is granted for dropped kerb to front of dwelling with parking spaces and hardstanding, closing of existing access and alterations to fencing and new gates subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 01A & Plan 02A.
 - 3) The use of the parking area shall not commence unless and until the perimeter walling as appearing on the approved drawings including the sliding gate have been completed in accordance with the plans hereby approved.
 - 4) The use of the parking area shall not commence unless and until the areas indicated for planting (marked green) on the approved plans are prepared for planting according to a scheme of planting which has previously been submitted to, and approved in writing by, the local Planning Authority.
 - 5) All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the parking area hereby permitted and any trees or plants which within a period of 5 years from the first use of the parking area die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 5) The forecourt parking space shall be used by no more than one vehicle at any time
 - 6) The sliding gate hereby approved shall be capable of operation by remote control.

Preliminary Matters

2. The Council report that development had commenced at the time of their decision but not in accordance with the drawings submitted, indeed it was apparent at my site visit that what has been effected is materially different from the proposal before me (and with the drawing submitted as 'existing'). For that reason this decision is not retrospective and I have used the description of development used by the Council, which differs from that appearing on the application form, as this includes the works appearing on the submitted plans which are relevant to the basis of my decision.

Main Issue:

3. The main issue is the effect of the proposed development upon the safety and operation of the highway.

Reasons:

4. 18 St.Albans Road East (No.18) is a semi-detached house dating from the mid twentieth century located on a corner plot at the junction with Stonecross Road (the side road). St.Albans Road East (the main road) is a busy secondary route within Hatfield. It is used by buses and school traffic to the nearby Countess Anne Primary School. There are parking restrictions to the main road and side road in the vicinity of the appeal site including permit parking for residents on the side road all of which indicate parking pressure and a desire for off-road parking where possible.
5. The appellant and Town Council refer to various precedents for frontage parking. Whilst it may be argued that off-road parking eases congestion and reduces obstruction to the benefit of other road users, the examples presented are either historic or relate to circumstances where off-road parking would, otherwise, be absent. This is not the case with the appeal property which benefits from an existing dropped kerb and single parking space at its rear, accessed from the relatively less-trafficked side road. The proposal would therefore duplicate an existing provision of a drop kerb. Whilst no justification has been provided as to the necessity for this additional space, given the shortage of on-street parking in the area some weight can be attached to the benefit of one additional parking space such that No.18 , which is a family-sized dwelling, would have off street parking for two cars.
6. The Council and appellant refer to several policies within the development plan including the Welwyn Hatfield District Plan 2005 (WHDP) and the emerging Welwyn Hatfield Borough Council – Draft Local Plan Submission version 2016, (WHDLP). These policies broadly address the provision and design of new development whereas this matter concerns the impacts consequent upon the addition of new parking provision in terms of safety and operation of the highway. The Council raise concerns as to the proximity of the appeal site to a junction, the risks to other road users including pedestrians and cyclists from emerging vehicles (which are increased unless the vehicle leaves in a forward gear) and obstruction by vehicles waiting to open the gates due to the absence of set back from the pavement.
7. My observations as to the shortage of on-street parking and the high levels of car ownership in the area add weight to the benefit of providing a second parking space for this family sized dwelling whereas, to my mind, the concerns

raised by the Council attract a similar degree of weight. It seems to me, however, that these concerns can be mitigated by ensuring appropriate measures including those put forward in the proposal are delivered in full.

8. Whilst the turning area does not achieve the desirable 5m parking depth and 6m manoeuvring space it seems to me that there is sufficient width and depth to facilitate the manoeuvre necessary for forward-facing egress providing the parking area is used for only one vehicle. Secondly, the use of sliding gates would address the conflict with setback requirements and reduce the likelihood of pavement obstruction or road congestion but only if the gates are open immediately upon a user's wish to enter the site. For that reason conditions to limit the use of the front parking area and requiring such gates to be capable of remote operation would be appropriate to make that aspect of the proposal acceptable in planning terms. A further concern is visibility and the obstruction caused by the recently constructed perimeter wall, which is solid to a height of 90cm and therefore not compliant with the usual visibility requirement of 60cm height. As built the perimeter wall not only impairs visibility of approaching traffic but also screens pavement users such as dogs and small children. The proposed design for piers and intervening metal railings would significantly mitigate that hazard; suitably-worded conditions could be included to address this issue.
9. On that basis, the objectives of saved Policy D1 of the WHDP and policies SADM2, SADM11 and SADM12 of the DHDLP seeking suitable access and the safe operation of the highway would be served by the measures identified and, in addition, support the objectives as to design quality such that there would, in consequence, be no conflict with the development plan taken as a whole or with the objectives of national policy.

Other Matters

10. The recent works to the dwelling frontage have removed all areas of soft landscaping which is uncharacteristic of the locality whereas the proposal drawings indicate such areas as having the potential to introduce soft landscape. A suitable scheme of planting would better harmonise with the surrounding area where soft landscape is a prominent feature according with the Welwyn Hatfield Supplementary Design Guidance and saved Policy GBSP2 of the WHDP.

Conclusions and Conditions.

11. Taking all matters raised into account, my reasoning shows the considerations are finely balanced such that conditions are necessary to make the proposal acceptable in terms of safety and operation of the highway. The benefit of ensuring the reintroduction and retention of soft landscaping within the scheme adds weight in favour of the proposal. On that basis and subject to the usual plans and timing conditions, the appeal succeeds.

Andrew Boughton

INSPECTOR