The Planning Inspectorate

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: 3 February 2023

Appeal Ref: APP/C1950/D/22/3305204
8 Thistle Drive HATFIELD, AL10 9FQ

- 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 Mrs Sima Tailor against the decision of Welwyn Hatfield Council.
- The application Ref: 6/2022/0995/HOUSE dated 27 April 2022, was refused by notice dated 20 June 2022.
- The application seeks retrospective approval for the retention of habitable space created from conversion of garage space, for existing 2 bedroom dwelling with study room and associated motorbike and cycle spaces.

Decision

1. The appeal is allowed and planning permission is granted for retention of habitable space for existing two bedroom dwelling with study room and associated parking in accordance with planning application Ref: 6/2022/0995/HOUSE and the plans submitted with it.

Preliminary Matter

2. As internal alterations fall outwith the definition of development requiring planning permission, only works which materially affect the external appearance would be controlled in this matter, but the Council have not raised this as an issue. No Material Change of Use has taken place as the accommodation referred to is part of a single dwellinghouse. The Council's basis of refusal therefore resolves to the relevance of a condition on the root permission for the housing development in which the appeal site is located[1] requiring the retention of garage and parking spaces. I have reasoned accordingly.

Main Issue

3. The main issue is the effect of the use of the garage as habitable accommodation upon the operation and safety of the highway.

Reasons

4. 8 Thistle Close (No.8) is a small dwelling located in an area of two storey, mostly terraced or semi-detached housing built in the first decade of this century, planned at a relatively high density with garaging and/or frontage parking. Retrospective approval is sought for the integration of the attached garage into the dwelling as additional habitable space.

[1] Delegated application report

5. In justification for the conversion the appellant states that the garage has never been used for a car due to its dimensional inadequacy and that the requirement for parking incorrectly assumes that No.8 is a three-bedroom house. I note that there are neighbour comments in support and from my assessment of the plans provided I consider use of the garage would present real practical difficulties to any user of a typical car due to its restricted width and length.

6. The Council refer to an 'unacceptable' loss of a parking space and 'significant impact on the safety and operation of the highway network' by reference to conditions attached to the root permission[2] for the wider housing development. Thistle Road is an estate road within a defined residential area within which traffic will be mostly related to residential use. Even if the garage had been in use prior to its conversion, my observations of the use of the roads and parking do not support the assumptions that the loss of one parking space would have (or has had) any significant impact on the operation of the road network or its safety. The roads are lightly trafficked and vehicle speeds low.

7. The comments of other residents as to the impracticality of the garages in this development add weight to the appellant's suggestion that there has been no loss of parking because the garage was incapable of use. It is also plainly apparent that the tight plot boundary prevents enlargement of the garage. In such circumstances, given the compact size of the dwelling, it is hardly surprising that users might reasonably seek to improve living conditions by converting what would otherwise be a redundant part of this small property.

8. Significantly, the Council itself refers to the Welwyn Hatfield Interim Policy for Car Parking Standards and Garage Sizes (CPS&GS) which requires (that) 'new garages should measure at least 6 metres long by 3 metres wide' going on to refer to the need to accommodate 'modern cars'. It is far from clear why the Council would base their refusal in part upon that policy[3] when it would have been plainly apparent that the garage in question is much smaller such, as the appellant contends, its utility for parking is at best, questionable. For these reasons the conditions referred to must attract very little weight.

9. Overall, I have been unable to identify any planning harm arising from the use of, and related works to, the former garage at No.8. The increase of living space achieved is a tangible benefit whereas the parking space (garage) the Council wish to retain either made no, or at best a questionable, contribution to off-road parking. In any event I found no evidence of risk to safety or the proper operation of the highway. On that basis I conclude no conflict exists with policies D1 and M14 of the Welwyn Hatfield District Plan or the Interim Policy for Car Parking Standards and Garage Sizes (2014). Consequently, having considered all matters raised, the proposal would accord with the development plan taken as a whole such that the appeal succeeds. No conditions are necessary as the works have been carried out in accordance with the plans submitted.

Andrew Boughton

INSPECTOR

[2] Condition 14 attached to S6/1999/0884/FP
[3] dated August 2014