



Appeal Decision

Site visit made on 27 June 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/C1950/W/22/3312459

Land Adjacent to 26 Starling Lane, Cuffley, Potters Bar, Herts EN6 4JX

- 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 Giuseppe Ricotta on behalf of Code 4 Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2022/1785/FULL, dated 28 July 2022, was refused by notice dated 17 November 2022.
 - The development proposed is construction of a one-storey, one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision, the Welwyn Hatfield Borough Council Local Plan (2016 – 2036) ('WHBLP') has been adopted. This plan replaces the previous Welwyn Hatfield District Plan (2005), and I have therefore dealt with the appeal on this basis. The main parties have been afforded opportunity to comment on the implications of the adoption of the WHBLP, and as a result would not be prejudiced.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and area appearance of the area, and;
 - whether the proposal would provide satisfactory parking arrangements.

Reasons

Character and appearance

4. The appeal site comprises an area of former garden land, located adjacent to 26 Starling Lane and to the rear of gardens to 66 and 68 Tolmer Road. The appeal site has no road frontage, and a wide public footpath runs adjacent to the site boundary, beyond a wall which is indicated on the plans as being 2 meters in height.
5. As the appeal site has no road frontage and is located adjacent to the rear of several other residential properties, the appeal proposal, despite its modest scale and flat roof, would appear as backland development in an area where existing dwellings predominantly address roads.

6. Although the building would, in some respects resemble a large garden building in appearance, it would nevertheless have the character of a separate dwelling as opposed to a building related to existing development as it would be located within its own space, with its own pedestrian accesses, and have its own provision for waste storage and collection via a bin store addressing the adjacent public footpath.
7. The introduction of a small, single bedroom property into a plot of limited size, in an area of generally larger properties set within generous gardens, would highlight the incongruity between the character of the appeal proposal and the character of development that surrounds it. The cited example of the sub-division of a plot on Oak Lane is not directly comparable in either scale, or situation and does not influence the character or appearance of the immediate surroundings of the appeal site.
8. The development would not be extensively visible from public vantage points, due to the boundary wall. However, its roof would nevertheless likely be visible to users of the adjacent footpath, and the structure would also be visible from other neighbouring properties and gardens, several of which overlook the appeal site. As a result, this would not mitigate the clear difference in scale and character that would result from the proposal, which would be appreciable from beyond the boundaries of the appeal site.
9. The Council refused planning permission for a previous, similarly designed scheme which was subsequently dismissed on appeal, for a different form of development without raising concerns about its effect upon the character and appearance of the area. However, the evidence before me in relation to that proposal is limited and does not override my concerns with regard to the proposal now before me in this respect. Accordingly, I can afford only limited weight to this previous proposal in relation to the consideration of design matters.
10. For these reasons, I find that the proposal would harm the character and appearance of the area contrary to Policies SP1 and SP9 of the WHBLP. Together, and amongst other factors, these policies require high standards of design for new development that reflect local character, and relate well to their surroundings and local distinctiveness, including the wider townscape. It would also conflict with Paragraph 130 of the National Planning Policy Framework ('the Framework') which states that developments should be sympathetic to local character, including the surrounding built environment.
11. Furthermore, the proposal would also conflict with advice within the Council's Supplementary Design Guidance, which highlights the importance of context and the relationships between buildings and spaces.

Lack of on-site parking provision

12. The appeal site is located adjacent to and is accessed solely from a public footpath connecting Oak Lane and Starling Lane. The path is of such a width that bollards are located within the footpath to prevent access by vehicles. The bollards would be retained. Starling Lane is a cul-de-sac with a turning head located close to the entrance to the footpath, and like many of the streets in the local area, is subject to restrictions preventing on-street parking on Monday to Friday between 1100 and 1300.

13. WHBLP Policy SADM12 requires parking provision for new development to be in accordance with the standards set out in the Parking Standards Supplementary Guidance ('PSSG'). This states that the standards within it comprise maximum allowable provision, except with regard to cycle parking and spaces for disabled persons. In such cases, minimum levels of provision apply. The PSSG sets out that new residential development should provide a single space for the disabled motorists for every dwelling built to mobility standards.
14. The subsequent Interim Policy for Car Parking Standards advises that the PSSG is not wholly compatible with the Framework in that it seeks to impose maximum provision levels, and as a result, that parking provision will be assessed on an individual basis. However, as the PSSG sets out minimum parking provision standards for disabled persons, the PSSG aligns with the Framework in this particular respect, and I therefore afford considerable weight to it.
15. The proposal seeks to provide no parking provision within the appeal site. The closest point at which a vehicle could be parked would be at the head of Starling Lane, and a vehicle displaying a disability "blue badge" could be exempt from the parking restrictions on this street. However, such a vehicle would nevertheless have to be parked some distance from the appeal site itself and require further travel between the parked vehicle and the dwelling.
16. The proposal would be designed so as to meet access requirements set out in Building Regulations, and I acknowledge that not all future occupants would necessarily own a vehicle. However, the proposed arrangement would nevertheless require any resident or visitor with specific needs, which could include impaired mobility, to travel some distance between the proposed dwelling and a vehicle. Whilst assistance could be provided in some cases, this would not necessarily always be the case, or always be appropriate. In any event, the provision of assistance would not wholly mitigate the harm that would arise from the lack of on-site parking provision for disabled occupiers or visitors.
17. The appeal site is located such that it would be accessible in terms of access to shops, services and means of public transport, and could therefore operate with a lower level of parking provision in more general terms. Furthermore, I saw that many existing properties in the area have on-site parking provision for several vehicles. The provided car parking survey, although only a snapshot in time, indicates that there is not significant demand for on-street parking within Starling Lane, and I have no reason to disagree.
18. I therefore accept that the proposal is unlikely to generate a significant level of visitor traffic. The available on-street parking would be suitable for occasional visitors to the dwelling, even with the parking restrictions in place, which cover only a relatively short period of each day.
19. Furthermore, based upon the provided Transport Statement, I am satisfied that the site would be adequately accessible for servicing and emergency services purposes, with smaller emergency vehicles able to travel part of the way along the path to gain closer access to the site, and that fire appliances parked either on Starling Lane or Oak Lane would be within adequate distance of the appeal site.

20. Nevertheless, I conclude that the proposal would provide unsatisfactory parking arrangements for disabled motorists. It would therefore be contrary to WHBLP Policy SADM12 which, amongst other criteria, states that parking for motorists should be provided in accordance with the Council's standards. It would also conflict with Chapter 9 of the Framework which advises that the needs of those with disabilities and reduced mobility should be addressed.

Planning Balance and Conclusion

21. As set out above, I have found that the development would lead to harm to the character and appearance of the area and would fail to provide satisfactory parking arrangements. These policies are broadly consistent with the Framework. The proposed development would conflict with the development plan in these respects, and I attach substantial weight to this.
22. Set against this, the development would make a modest contribution towards the supply of housing in a location with good access to facilities and services. It would also result in some minor economic benefits during the construction phase and through local expenditure by future occupiers. Given the Government's objective of significantly boosting the supply of homes, set out at Paragraph 60 of the Framework, I give these considerations moderate weight.
23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that a decision must be taken in accordance with the development plan unless material considerations indicate otherwise. No considerations have been identified that would outweigh the harm and conflict with the development plan that I have found.
24. For the reasons given, the appeal is dismissed.

C Harding

INSPECTOR