



Appeal Decision

Site visit made on 4 December 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2024

Appeal Ref: APP/C1950/W/23/3323609

189 Boundary Lane, Welwyn Garden City, Hertfordshire AL7 4EJ

- 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 Harry Hunt against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2023/0619/FULL, dated 20 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is erection of a single storey, part two storey rear extension with subdivision of plot to facilitate creation of end of terrace dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development listed above has been taken from the decision notice, which is more concise than the description on the application form. I have however had full regard to the description on the application form in my assessment of the appeal.
3. The Council adopted the Welwyn Hatfield Borough Council Local Plan 2016-2036 (LP) after the application was determined. The LP replaced the Welwyn Hatfield District Plan 2005 (DP), and therefore the policies from the DP that are referenced on the decision notice have been replaced. The decision notice also referenced the then emerging Policy SADM 11 of the LP, which has since been adopted and forms part of the development plan.
4. I have been provided with a document which shows the relationship of the DP policies to the new policies in the LP. The table shows that Policies D1, D2 and M14 of the DP have been replaced with Policies SP 9, SP 10, SADM 11 and SADM 12 of the LP. I therefore consider these policies to be the most relevant policies for the consideration of the appeal.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. The parties have been invited to make comments on the revisions to the Framework insofar as they are relevant to the appeal. I have taken the comments received into account in my consideration of the appeal.

Main Issues

6. The main issues are:
 - whether the proposed new dwelling would provide an adequate standard of accommodation for future occupiers, with particular regard to the size of the internal accommodation; and,

- the effect of the development on the availability of on-street car parking space, with particular regard to highway safety and the character and appearance of the area.

Reasons

Standard of accommodation for future occupiers

7. Policy SADM 11 of the LP requires all proposals for dwellinghouses to meet the Technical Housing Standards - Nationally Described Space Standards 2015 (NDSS) unless it can be robustly demonstrated that this would not be feasible or viable.
8. The submitted drawings show the proposed new dwelling would have a kitchen, lounge, and WC at ground floor level, and a bedroom, bathroom and storeroom on the first floor. The total internal floor space within the dwelling would be 58sqm, which would meet the NDSS for a one-bedroom property set over two-stores. At 11.5sqm, the proposed bedroom would also meet the NDSS.
9. It is clearly the appellant's intention that the second room on the first floor would be used as a storeroom. However, the proposed storeroom would be disproportionately large when compared to the relatively modest size of the proposed dwelling. Moreover, the appeal documents show that there would be some alternative designated storage provision on the ground floor, and further space within the proposed bedroom and lounge spaces for storage furniture. Consequently, and given that the proposed layout would facilitate the use of the storeroom as a single bedroom, it is likely that it would be used as such by future occupants. The use of the room is not a matter that could reasonably be controlled through a planning condition and, therefore, in all probability, the dwelling would be occupied as a two-bedroom property.
10. As a two-bedroomed property, the proposed dwelling would fall short of the overall internal floorspace standard of 70sqm as set out in the NDSS. The evidence also indicates that the second bedroom would also fall short of the NDSS standard of 7.5sqm for a single bedroom. Given its small size and L-shaped layout, the second bedroom would be tightly constrained and there would be very limited space available for circulation and the placement of typical bedroom furniture other than a bed. Accordingly, the bedroom would be cramped and uncomfortable for future occupiers. It would, therefore, fail to align with the thrust of the Council's Supplementary Design Guidance, which seeks development of high-quality design that, amongst other things, is adaptable to meet the needs of future occupiers.
11. I conclude that the proposed new dwelling would fail to provide an adequate standard of accommodation for future occupiers, with particular regard to the size of the internal accommodation. Consequently, the proposal conflicts with Policy SADM 11 of the LP, which expects development to meet the NDSS unless it would not be feasible or viable. There would also be conflict with Policy SP 9 of the LP which, amongst other things, requires development to provide adequate internal amenity and functionality for occupiers. The development would also conflict with the Framework, insofar as it seeks to secure high quality design and a high standard of amenity for future users.

12. I do not find Policies SP 10 and SADM 12 of the LP relevant to the consideration of this main issue, because these policies do not relate to the standard of accommodation for new dwellings.

Availability of on-street car parking space

13. Boundary Lane is a relatively narrow road where the majority of dwellings provide on-plot parking provision. Consequently, there are many vehicular crossovers to driveways situated close to each other along the street frontage, which limits opportunities for on-street parking. From my observations, where vehicles are parked on-street they are often parked across grass verges and footways to allow sufficient space for moving vehicles to pass. From the evidence, and my own observations, this causes a highway safety hazard for pedestrians, and obstructs intervisibility between the main carriageway and driveway entrances. The grass verges are also severely damaged, which has caused harm to the character and appearance of the area.
14. The host property currently provides on-plot parking for two vehicles. However, the development would reallocate one of these parking spaces to the proposed new dwelling. Accordingly, the two properties together would provide a total of two on-plot parking spaces. Taken together, the Welwyn Hatfield District Plan Review Supplementary Planning Guidance Parking Standards (2004) (Parking SPG) and the Interim Policy for Car Parking Standards and Garage Sizes (2014) (Interim Car Parking Policy) set out that the existing and proposed dwellings together would generate the need for around 3-4 car parking spaces. Therefore, even if the proposed dwelling were occupied as a one-bedroom property, the proposed development would fall short of the local parking standards. Whilst the Parking SPG and Interim Car Parking Policy do not form part of the development plan, they nevertheless provide guidance as to the parking requirements for development and, therefore, should be taken into account in decision-making.
15. I have been referred to another development where planning permission was granted despite the absence of off-street parking provision. Whilst I have limited information before me to establish the full circumstances that led to that development being allowed, it illustrates that there may be circumstances where a shortfall of on-plot parking spaces may be accepted. Nevertheless, in the specific circumstances of the appeal scheme and the site context and surroundings, the shortfall of on-plot parking spaces would exacerbate pressure for on-street parking. This, in turn, would be likely to intensify unsafe parking practices on Boundary Lane to the detriment of highway safety for pedestrians and road users. It would also lead to further degradation of grass verges, causing material harm to the character and appearance of the area.
16. I have had regard to the comments made by the Highway Authority, in which it was stated that the development would be unlikely to generate extra vehicle movements that would cause harm to the free flow of traffic and highway capacity. However, these comments do not alter my view as to the effect of the development on pressure for on-street parking.
17. I conclude that the development would increase pressure for on-street parking to the detriment of highway safety and the character and appearance of the area. It would therefore be contrary to Policies SP 9 and SADM 12 of the LP, and the Framework which, taken together and amongst other things, seek to ensure that development is accessible, easy to move through, and provides

suitable levels of parking. There would also be conflict with Policy SADM 11 insofar as it seeks to ensure satisfactory visual amenity, taking account of the wider street scene, including the design of parking.

18. Policy SP 10 of the LP does not relate to parking, and therefore has not been determinative in my consideration of this main issue.

Other Matters

19. The proposed development would enable some social and economic benefits, including through the delivery of an additional dwelling within an existing settlement boundary. This would be in accordance with the provisions of the Framework, insofar as it seeks to significantly boost the supply of homes.

Planning Balance

20. The proposed development would conflict with the aforementioned development plan policies, which is sufficient to draw the proposal into conflict with the development plan when read as a whole.
21. However, the evidence indicates that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. I do not have definitive evidence before me to identify the precise extent of the shortfall. However, the Council has indicated that its supply is currently between 3.1 and 4.4 years.
22. In these circumstances, paragraph 11(d) of the Framework says that permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The evidence does not indicate that paragraph 11(d)(i) is engaged. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
23. I have found that the proposal would fail to provide an adequate standard of accommodation for future occupiers and would increase on-street parking pressure to the detriment of highway safety and the character and appearance of the area, contrary to the relevant policies in the Framework. I attach significant weight to these matters.
24. I have also found that there would be some social and economic benefits arising from the proposal. However, I attach limited weight to these benefits due to the modest contribution that would be made by a single dwelling.
25. Consequently, in the specific circumstances of this case, the adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole.

Conclusion

26. The proposed development conflicts with the development plan when read as a whole. There are no material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified. Therefore, for the reasons given, I conclude the appeal should be dismissed.

E Catchside
INSPECTOR