



Appeal Decision

Site visit made on 21 May 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2024

Appeal Ref: APP/C1950/W/23/3333841

89 Haymeads, Welwyn Garden City, Hertfordshire AL8 7AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sharon Bromley against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2023/1771/FULL.
 - The development proposed is extension of terrace to create new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their submission, the appellant has provided amended drawings which alter the internal layout, fenestration, and chimney arrangements for the proposed dwelling. The revised plans also identify the materials proposed for the parking area. Collectively, the proposed amendments seek to overcome some of the Council's reasons for refusal.
3. The guidance set out in the Procedural Guide: Planning Appeals – England (Updated 11 January 2024) makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
4. The Council considered the scheme on the basis of the plans submitted with the planning application, and it was those plans that were subject to consultation. Moreover, the Council has not provided comments on the revised plans submitted with the appeal. Therefore, in the interests of fairness, I have considered the appeal on the basis of the plans submitted with the planning application, rather than the amended plans submitted with the appeal. To proceed otherwise could unacceptably prejudice the interests of other parties.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character or appearance of the area; and
 - whether the proposal would provide an adequate standard of accommodation for future occupiers with particular regard to the internal floorspace and storage.

Reasons

Character and appearance

6. The area around the appeal site is characterised by terraced rows of dwellings and apartment blocks, laid out in a distinctive uniform pattern around streets and amenity spaces. The buildings have a cohesive identity, including by way of their simple form and materials, fenestration patterns, and evenly spaced chimneys. The character of the area is notably verdant, owing to the mature street trees and boundary hedging, wide grass verges, and the pockets of green space between buildings. The side space between the host dwelling and Haymeads contributes positively to the green character of the area due to its dense boundary hedging and the absence of buildings. The host terrace has a good degree of symmetry with the dwellings opposite, at 77-87 Haymeads.
7. The side elevation of the proposed dwelling would sit forward of the rear building line of 101-107 Haymeads and the side wall of No 77. Consequently, it would disrupt the spatial relationship between existing building blocks that is a key defining feature of the area. At two-storeys high, the new dwelling would be a prominent feature in the street scene and, given its width, height, and siting, it would detract from longer views along Haymeads that reveal the distinctive uniform arrangement of buildings.
8. The design of the proposed dwelling would largely reflect the height, scale, form and appearance of neighbouring properties. However, the side wall would present to the public realm as a blank brick façade due to the absence of fenestration. It would therefore be an unattractive and unduly anomalous structure when viewed in context with nearby properties. Furthermore, the absence of a chimney stack would further depart from the cohesive appearance of neighbouring dwellings. Consequently, the dwelling would be an incongruent addition to the street scene.
9. Moreover, whilst the setback of existing dwellings from the highway edge varies, and some side space would be retained as part of the proposal, a large proportion of it would be hard surfaced to provide a parking area for four vehicles. Given it is proposed to remove the existing well-established hedgerow along the highway boundary, the parking area would detract from the sylvan character on this part of Haymeads. The appearance of the parking area could, to some extent, be softened by surfacing materials, tree planting and the proposed privet hedge. Further landscaping could also be secured through condition. However, given the width, depth, and siting of the proposed parking area, I am not persuaded these measures could provide adequate screening so as to avoid visual harm to the area. The parking area would therefore be exposed to views from Haymeads and surrounding properties and would have a direct and deleterious effect on local character.
10. I have had regard to the existing garage blocks and parking spaces along the east side of Haymeads. However most, albeit not all, dedicated parking provision on the west side of the road is in parking courts. Other dedicated parking arrangements, including driveways with access from Haymeads are the exception rather than the norm. Therefore, the proposed parking spaces on the Haymeads frontage would be at odds with the prevailing and well-established pattern of development on this side of the street. Moreover, the proposed parking area would be significantly wider than the permitted dropped kerb at the appeal site and it would therefore be more harmful to the street scene.

11. Overall, due to the scale, siting and architectural details of the new dwelling, along with the proposed parking area, the development would fail to accord with the Council's Supplementary Design Guidance insofar as it expects all new development to respect and relate to the character and context of the area in which it is proposed.
12. I have had regard to the fact that other front and side extensions to dwellings have been permitted or have become established within the local area, including at 99 Haymeads and 151 Harwood Hill. I do not have sufficient information before me to establish the full circumstances that led to those developments being accepted. However, on my site visit, I did not observe any existing extensions that are comparable to the appeal scheme by way of their scale and extent. Moreover, I have not been directed to any exposed car parking areas on the west side of Haymeads that are comparable to the appeal scheme by way of their width, depth and level of screening. Therefore, whilst I have accounted for the presence of other nearby developments insofar as they form part of the character of the area, they do not alter my view as to the harm that would be caused by the proposed development.
13. It has been put to me that the host property could be altered and extended through a variety of permitted development rights. However, there is no substantive evidence before me to indicate that any such permitted developments would be comparable to the appeal scheme, which would be a two-storey additional dwelling to the side of No 89.
14. Overall, the proposed development would have an unduly harmful effect on the character and appearance of the area. It would therefore conflict with Policy SP9 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) LP, and the National Planning Policy Framework, insofar as they expect proposals to deliver high quality design that relate well to their surroundings.

Standard of accommodation

15. Amongst other things, Policy SADM11 of the LP requires all proposals for dwellinghouses to meet the Nationally Described Space Standards¹ (NDSS) unless it can be robustly demonstrated that this would not be feasible or viable.
16. The total internal floorspace in the proposed dwelling would meet the minimum internal floor area requirements set out in the NDSS. The floorspace within bedroom 1 would exceed 11.5m² and, therefore, would also meet the NDSS for a double bedroom. I have been provided with two different interpretations of the floorspace within bedroom 2. Therefore, I cannot be certain as to its proposed dimensions. However, based on the submitted plans, there would be sufficient space within bedroom 2 for a single bed and some other bedroom furniture. Consequently, and in the absence of any substantive evidence to the contrary, bedroom 2 would be adequate in size for a single bedroom.
17. However, the floorspace within bedroom 3 would fall short of the minimum NDSS standard for a single bedroom. Given its small size, there would be very limited space within bedroom 3 between walls for the placement of a bed and other bedroom furniture without unacceptably compromising circulation space or blocking the window. Consequently, movement within the room would be

¹ Technical housing standards – nationally described space standard (Department for Communities and Local Government, March 2015)

severely restricted, and the space within the bedroom would be constrained and uncomfortable for future occupiers.

18. Furthermore, the submitted plans show limited in-built storage facilities are proposed within the dwelling. Therefore, the evidence does not persuade me that the minimum storage requirements set out in the NDSS have been met. It is reasonably likely that a family of four would require storage space for a wide range of personal and household items. Therefore, space would be required within the ground floor rooms for freestanding storage facilities in addition to other furniture. This would restrict the space available between internal walls for movement. Consequently, due to the combined effect of the shortfall of space in bedroom 3 and the limited in-built storage provision, the dwelling would be cramped and unpleasant for 4-person occupancy.
19. It has been put to me that bedroom 3 could be used for other uses, such as a study. However, the submitted plans clearly show a 3-bed dwelling and I have therefore considered the appeal on this basis. Moreover, the use of bedroom 3 is not a matter that could reasonably be controlled through a planning condition. Given a separate study is proposed on the ground floor of the dwelling, bedroom 3 would in all reasonable probability be used as a bedroom. Therefore, that the proposal could meet the NDSS for a 2-bedroom, 3-person dwelling is not determinative to my consideration of this main issue.
20. There is no substantive evidence before me that robustly demonstrates that it is not feasible or viable to meet the NDSS. Therefore, I conclude that the proposal would fail to provide an adequate standard of accommodation for future occupiers, with particular regard to the internal floorspace and storage. Therefore, there would be conflict with Policy SADM11 of the LP insofar as it requires all new dwellings to meet the NDSS, unless it can be robustly demonstrated that this would not be feasible or viable. There would also be conflict with the Framework which, amongst other things, requires developments to provide a high standard of amenity for future users.

Planning Balance

21. The proposal is not in accordance with the aforementioned development plan policies and it therefore conflicts with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
22. In that regard, the Planning Statement refers to two appeal decisions² which identify a significant shortfall of housing land supply in the local area, although both decisions pre-date the adoption of the LP. I do not have sufficient information before me to establish the current housing land supply position. However, the 2022 Housing Delivery Test shows the delivery of housing has fallen below 75% of the requirement over the previous 3 years. In this circumstance, and in the absence of any definitive evidence to suggest otherwise, I shall make my determination on the basis that paragraph 11(d) of the Framework is engaged.
23. The evidence does not indicate that paragraph 11(d)(i) applies to the proposal. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).

² Appeal ref. APP/C1950/W/22/3294860, dated 25 August 2022 and APP/B1930/W/20/3265925, dated 14 June 2021

24. The proposal would cause harm to the character and appearance of the area, and it would fail to provide an adequate standard of accommodation for future occupiers, contrary to the provisions of the Framework. I attach significant weight to these matters.
25. The development would contribute an additional family dwelling to local housing needs in an established residential area with good access to services, facilities, and public transport provision. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, it carries only moderate weight because the contribution made by a single dwelling would be modest.
26. 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 read as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR