



Appeal Decision

Site visit made on 10 May 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/C1950/W/23/3329970

48 Brookside Crescent, Cuffley, Potters Bar, Hertfordshire EN6 4QN

- 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 Mr G Ricotta, Ludgate Property Development Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2023/1161/FULL.
 - The development proposed is the construction of a new 1-bedroom house along with amenity, parking, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision on the planning application, the Welwyn Hatfield Local Plan 2016 (Local Plan) has been adopted. The Council confirmed the new policy references in their questionnaire and statement.
3. The Council have clarified their position on their supply of deliverable housing sites and the appellant was given the opportunity to comment. No response was received.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

5. Brookside Crescent comprises an estate of largely detached chalet style and two storey houses dating from the 1960s. The appeal site is set in a cul-de-sac to the south side of the estate which loops around a large green space at its far end. The houses are regularly spaced, set in generous plots with front and rear gardens. The area has a spacious and verdant character, enhanced by the extensive grass verges and mature planting.
6. The appeal site comprises what is currently the side garden of No. 48, and it forms a prominent corner site where the road turns to loop around the green space. A grass verge in front of the site effectively cuts the corner off the plot, meaning the plot has a chamfered street frontage.
7. The appeal proposal is for a two storey, one bedroom house which would align with the front elevation of No. 48, and its return elevation would be broadly in line with the front elevation of No. 46. Off street parking would be provided

- adjacent to No. 46. There would be sufficient space for a small rear garden as well as a front/side garden where the plot chamfers.
8. Across Brookside Crescent, the open character is derived in part from the large plots, along with the low front boundary treatments and extensive areas of grass verge and planting. The side gardens of corner plots contribute significantly to the sense of openness to the wider estate. Although I acknowledge that the position of the proposed house within the plot would align with the properties to the side and rear, the resultant building would appear as a cramped form of development in terms of the scale of the building relative to the plot size.
 9. The proposals would also reduce the garden area available for the host property at No. 48 with the consequence of producing two adjacent much smaller plots than is characteristic of the area. The proposed scheme would be inconsistent with the established pattern and grain of development in the immediate surroundings and would therefore harm the character and appearance of the area.
 10. The site has also been subject to an appeal decision which dismissed an outline scheme for a single residential unit on this plot¹. The Inspector found that in severing the existing plot, the proposed development would result in both the host dwelling and the appeal property being served by gardens which would be distinctly smaller than those in the immediately surrounding area. I do not consider that the situation has changed with regard to the appeal before me.
 11. Whilst there are some examples of subdivided plots locally, the examples are not so frequent that infill development could be said to be characteristic of the immediate vicinity. My attention has been drawn to three examples of infill development at 2a Brookside Crescent, 2a Acorn Lane and 2a High Ridge. I have no details before me of when these schemes were granted planning permission. They are all located on reasonably constrained sites. Whilst they each contain a single dwelling on an infill site, none are in prominent, highly visible corner positions and as such are not directly comparable to the appeal site.
 12. In terms of the detailed design and use of materials, the simple form of the house with a gable roof would be appropriate and would be in keeping with the palette of materials and styles found within the estate. Whilst I consider the detailed design is acceptable, the absence of harm in this respect is a neutral factor which does not weigh for or against the proposal.
 13. For the reasons set out above, the proposal would be uncharacteristic of the pattern of development in the vicinity and would consequently harm the character and appearance of the area. The proposal would run contrary to Policies SP1 and SP9 of the Local Plan. These policies, amongst other things, aim to secure high quality design, requiring development proposals to respond to the character and context so they relate well to their surroundings and local distinctiveness. It would also run contrary to policy D2 of the Cuffley and Northaw Neighbourhood Plan (CNNP). This policy relates to local character, encouraging a strong sense of place by addressing the character and context analysis.

¹ APP/C1950/W/18/3211826

14. The Council have also referred to Local Plan Policy SADM 1 which sets out criteria relating to windfall development, but the criteria do not specifically relate to matters of character or appearance. SADM 11 relates to amenity and layout, and as such is not directly determinative over matters of character and appearance. Policy D1 of the CNP is also cited in the reasons for refusal. This policy relates to matters of detailed layout and design for new residential development. Figure 3.3 referred to by the Parish Council provides for a 45-degree rule and separation distances for site layout, largely to protect living conditions and is not directly determinative in terms of the effect of the appeal scheme on the character and appearance of the area.

Other Matters

15. I have noted objections raised by interested parties with respect to matters including, but not limited to, the effect of the proposals on parking, privacy and daylight. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to pursue these matters further here.

Planning Balance

16. Set against the harm identified, the proposal would deliver a net gain of one new dwelling. The scheme would be an efficient use of land in a sustainable location. This would support the Government's aim of significantly boosting the supply of homes. However, the addition of a single dwelling would provide a limited contribution in this context and I attach limited weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the single additional dwelling, those benefits would be limited.
17. Paragraph 76 of the National Planning Policy Framework (the Framework) does not require local planning authorities to identify and update annually a supply of specific deliverable housing sites provided that a) the adopted plan is less than five years old and b) at the time the examination concluded, the plan identified at least a five-year supply of specific, deliverable sites. The Welwyn Hatfield Local Plan was adopted in October 2023 and at the time the Local Plan examination concluded, the plan identified a five-year supply of deliverable housing sites. However, footnotes 40 and 79 of the Framework clarify that these provisions are only applicable to applications submitted after the publication of the December 2023 version of the Framework.
18. Given the appeal application was submitted in June 2023 and determined in September 2023, the above provisions do not apply. Notwithstanding the recently adopted development plan, the Council acknowledges that they currently cannot demonstrate a five-year supply of deliverable housing sites and the reported supply is equivalent to 3.1 to 4.4 years. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. As described above the benefits associated with a single additional dwelling would be relatively small, taking account of the Framework's objective of boosting significantly the supply of housing and the Council's housing land

supply position, even at its lowest figure of 3.1 years. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

20. The adverse impacts to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

21. The proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR