



Appeal Decision

Site visit made on 15 July 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/C1950/W/24/3340044

Land off Booths Close, Holloways Lane, Welham Green, Hatfield, AL9 7NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Peter Carr against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2022/2784/OUTLINE.
 - The development proposed is the erection of a single-storey 2-bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. This is an outline application for development where all matters except layout and access are reserved for future approval.

Main Issues

3. The main issues in this case are the effect of the proposed bungalow on:
 - The character and appearance of the area around Booths Close, Holloways Lane and Skimpans Close, and
 - Highway safety along Booths Close

Reasons

4. The appeal site is a parcel of land situated at the rear of No 20 Booths Close and between the rear gardens of properties on Holloway Lane and Skimpans Close, to which it most closely relates. It has the nature of a backland site, being over 60 metres from the roadway at Booths Close and with access from the road via a narrow 3m wide passageway. At the time of my visit, most of the appeal site was overgrown, with just the passageway and a strip of land around the site cleared of undergrowth to enable my view of the site. The site is rectangular in shape and is approximately 0.05 hectares in area.
5. The proposed development would involve the construction of a single dwelling, which is indicated on the submitted documents as a bungalow, sited in the middle of the plot, with a parking area to the north and a garden area to the south. The access driveway would have speed humps along its length to minimise traffic speeds.

6. Policy SP9 of the Welwyn Hatfield Local Plan 2016 – 2036 (LP) indicates that that development proposals should be informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness. In addition, building entrances should be appropriately sited and designed, in order to maximise natural surveillance and a sense of safety. Policy SADM11 of the LP indicates that the outlook and visual amenity afforded from within buildings and private garden areas should be satisfactory, taking account of the relationship with neighbouring buildings, including the design of parking, boundary treatments and landscaping.
7. Policy SADM2 of the LP states that development proposals will be permitted provided there would be no negative impacts on highway safety, and that they are designed to allow safe and suitable means of access to and from the site for all users. Policy 5 of the Hertfordshire Local Transport Plan 2017 (LTP) states that access arrangements should be safe, suitable for all people, built to an adequate standard, and adhere to the Council's Highway Design Standards.

Character and appearance

8. The dwellings on both Holloway Lane and Skimpans Close have long rear gardens, as has No 20 Booths Close. The houses on Holloway Lane that back onto the appeal site are large, detached, two-storey dwellings, whilst those on Skimpans Close are semi-detached, two-storey dwellings. The scale of the site and the bungalow proposed to be constructed on it would be significantly out of character with their surroundings. I acknowledge that the site, in itself, is large enough for a small house and small garden, with parking provision. However, in the context of its surroundings and as an enclosed backland site, it would not relate well to the character, appearance or local distinctiveness of the area.
9. As a bungalow, the proposed dwelling would not significantly harm the outlook from the neighbouring houses. Moreover, by virtue of its distance from those houses and limited height, it would not compromise privacy. However, it would result in a very restricted outlook for its occupiers, being on a largely enclosed site with substantial border planting and/or high boundary fences on all sides. In addition, by virtue of its distance from Booths Close and the narrowness of the access passageway, I have concerns that the level of surveillance and security at the site could be inadequate.
10. In conclusion on this issue, by virtue of its relatively limited size, its shape, its enclosed nature, and its restricted outlook, I find that the proposal would be harmful to the character, appearance and local distinctiveness of the area around Booths Close, Holloway Lane and Skimpans Close. It would conflict with Policies SP9, SADM2 and SADM11 of the LP.

Highway safety

11. The access to the site is currently an unmade track over 60 metres long and around 3 metres wide. The Council and the Highway Authority have raised a number of concerns about the suitability and safety of this access. I note that the Fire Service has indicated that if the bungalow were to be fitted with sprinklers, the distance from the road need not be an issue. The appellants have noted that the access is straight with unrestricted views between the road and the site, and that vehicle speeds would be kept to a minimum by use of humps along its length. I acknowledge that these factors need not be harmful issues in themselves.

12. There is some disagreement regarding the need for pedestrian visibility splays. The appellants note that there is only one pavement along Booths Close and that it is on the opposite side of the road from the access to the appeal site. I note this. However, there is an existing dwelling (No 20) to the west of the access, and another building was under construction at the time of my visit on the opposite side of the access. Both are likely to have pedestrians as well as vehicles entering and leaving these premises very close to the where the access joins Booths Close. Whilst the numbers may be small, it is important that there is clear visibility for users of the roadway and the access, and detail on visibility splays is lacking from the submitted information.
13. I also have some concerns that any large visiting/service vehicles using the access passageway may find difficulty turning within the site if the parking spaces are both occupied. Turning circles are not shown. In addition, the submitted layout plan shows space for bins and post/parcels close to the entrance to the access passageway. This is a long way for bins to be taken/brought back, and for parcels etc to be collected. I have further concerns, therefore, that bins/post facilities may be left in the access passageway for a period of time, and that this would reduce the effective width of the access for vehicle use. While this is a relatively minor point, it adds to my concerns that the access passageway is very narrow and potentially harmful in terms of highway safety around its junction with Booths Close.
14. In conclusion on this issue, I find that that there would be some danger to highway safety around the junction of the access passageway with Booths Close and, though this would be relatively limited in degree, nevertheless, there would be harm. On this basis, the proposal would conflict with Policy SADM2 of the LP and Policy 5 of the LTP.

Other Matters

15. There have been issues raised by objectors relating to noise and disturbance from use of the access passageway and from construction processes. I do not consider that the limited number of vehicles that would use the access would be harmful to local amenity, and the construction processes could be dealt with by way of a suitable construction management plan condition.
16. It would appear that the Council cannot show a 5 year supply of housing land and that, as a result, consideration of Paragraph 11(d) of the National Planning Policy Framework is necessary. In this case, I consider that the adverse impacts resulting from the proposal would significantly and demonstrably outweigh the limited benefits of just one extra dwelling.

Conclusion

17. I find that the proposal would be harmful to the character and appearance of the area around Booths Close, Holloway Lane and Skimpans Close, and would be harmful to highway safety along Booths Close. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR