

Appeal Decision

Site visit made on 23 September 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/C1950/W/24/3337063

1 Warren Green, Hatfield, Hertfordshire AL10 0AJ

- 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 Muhammad Bashir against the decision of Welwyn Hatfield Borough Council.
 - The application reference is 6/2023/1065/FULL.
 - The development proposed is a rear extension with flat roof to existing dwelling (No.1); and construction of a two storey, two bedroom house adjacent to the existing dwelling, following demolition of the existing side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide suitably designed parking and access arrangements.

Reasons

3. No objection has been raised to the principle of a new dwelling or the impact on the character or appearance of the area subject to the retention of the existing roadside hedge along Cornerfield. The layout ultimately considered by the council, following a number of revisions, was the Ground Floor Plan A09A amendment 21-09-2023 and Landscaping Plan A04A amendment 21-09-2023. These demonstrate that the side hedge would be retained up to a point, about level with the front elevation of the proposed house. The hedge would be removed across the frontage. A second dropped kerb would be provided for the original house whilst the existing dropped kerb would be retained for the new property.
 4. The highway authority are concerned that it has not been demonstrated how the parking space outside the new house would be utilised based on the layout shown. Although an illustration of a car is provided, no dimensions of the parking space are provided. Although the highway authority asked for a swept path illustration, this has not been submitted.
 5. The planning officer asked for an accurately surveyed plan due to concerns with regard to the space that would be available for parking. I share this
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concern as the detailed layout plans listed above do not appear to correspond exactly with the Proposed Block Plan A03A Amendment 21-09-2023 which includes the red line for the proposal. As an example, the uniform width of pavement shown in front of the existing property does not extend across the full width of the house on the Block Plan but it is shown as being a uniform 3.1m width to a point slightly beyond the frontage of the house on the more detailed Ground Floor Plan. Whilst this is a minor anomaly, it alters the amount of space that would be retained for parking and results in the proposal extending beyond the red line area. This is not the only anomaly but the most obvious, as an example.

6. Notwithstanding the above, it has not been demonstrated, on any plan, that the space available would actually be capable of accommodating a full sized parking space or that the space could be accessed in a convenient manner. Parking, if actually possible fully off the pavement, would require significant manoeuvring within the pavement. It is also likely that access to the front door would be hindered by such parking or alternatively, a parked vehicle would extend onto the pavement. In any event, the layout would result in a particularly poor frontage with unacceptable access arrangements for the new dwelling. The layout proposed represents particularly poor design.
7. The issue of the distance of the crossovers to the junction has been raised by the highway authority. However, the existing crossover is already on the junction and visibility is obscured entirely by the high hedges. This proposal would allow for much greater visibility between vehicle drivers but also between drivers and pedestrians. The addition of a second crossover would not therefore result in greater harm with regard to highway safety.
8. The appellant has suggested that the original access could be used for both dwellings. However, this is not before me and it has not been demonstrated that it would be possible. I have considered the potential to impose a condition that would require that the access and parking arrangements be resolved before first occupation of the dwelling but as it has not been demonstrated how such provision would be made, I am not satisfied that such a condition would be reasonable or sufficiently precise. I have also considered the suggestion that the proposal be car free. Again, this is not what is proposed and as parking is shown, it should be well designed and easily accessible.
9. Overall, the parking and access arrangements and the frontage design of the new property would represent particularly poor design. This is a relatively large plot and it could accommodate a dwelling without the need for such compromised parking and access arrangements. It is not essential that the frontage of the new house follows exactly that of the existing house. A greater set-back would be of benefit to the street scene. A new dwelling could therefore be achieved with a layout that includes much improved parking and access arrangements; and a more satisfactorily designed frontage overall.
10. As the current layout represents particularly poor design and would not provide a suitable means of access or adequate parking provision, it would be contrary to the requirements of policies SP 9 and SADM 2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (2023).

11. The council are unable to demonstrate a five-year supply of land for housing. Paragraph 11d of the *National Planning Policy Framework 2023* requires that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. The *Framework* is clear that development that is not well designed should be refused.
12. I am not satisfied that the plans are suitably accurate or provide an appropriate basis for a positive decision. Even if I were to accept them, although there would be considerable benefits to the provision of a new dwelling in this accessible area of the settlement, I would conclude that the adverse impacts of allowing such a poorly designed development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the *Framework* when taken as a whole. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR