



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/C1950/W/24/3346636

Marlborough Court, Green Close, Brookmans Park AL9 7ST

- 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 Pond (Omnicrest Construction Ltd) against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2024/0181/FUL.
 - The development proposed is the removal of existing roof containing store, first floor extension containing a 2 bed flat, new roof structure containing 1 bed flat with front facing dormers, 3 storey side extension containing staircase and balconies and additional dormer to separate flat, extension to adjoining flat number 19.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether the proposed development would provide satisfactory living conditions for the future occupants with particular regard to noise,
 - 2) whether sufficient vehicle parking is available for the proposed development,
 - 3) whether there are adequate refuse storage arrangements to cater for the proposed development,
 - 4) the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. The appeal site is located adjacent to the East Coast Mainline. This is a busy railway line with frequent trains passing close to the site of the proposed dwellings. Network Rail were consulted on the original application and advised that, in a worst-case scenario, trains could operate along the line for 24 hours a day.
4. Whilst the proposed flats have been designed with no windows or other openings to the aspect facing the railway line, the potential for noise intrusion would still be significant given the proximity. A noise survey has been referred to by the appellant. However, according to the Council, this survey related to a differing scheme and in any case this has not been provided in evidence here.

Accordingly, it is not possible to make a fair assessment on the effects of noise from the railway line upon the future occupants of the proposed flats.

5. The appellant has suggested that such details could be required by way of a condition on any permission granted. However, due to the proximity of the railway line and potential for noise intrusion, I am not satisfied that, based on the evidence before me, that this could be achieved. There is the possibility that noise from passing trains could not be adequately mitigated and therefore a grant of permission with a condition would not pass the test of reasonableness were it subsequently found not to be deliverable.
6. The proposed development therefore fails to comply with policies SADM11 and SADM18 of the Welwyn Hatfield Borough Local Plan 2023 (WHLP), the Supplementary Design Guidance and the National Planning Policy Framework (the Framework) insofar as development should provide good standard of amenity for the occupants.

Vehicle parking

7. The proposed development would displace two parking spaces in order to enable its construction. One would be replaced and would be set beneath the proposed extension. The other would be set adjacent to the repositioned refuse store. The latter, however, is substandard in terms of its dimensions having regard to the Welwyn Hatfield Interim Policy for Car Parking Standards and Garage Sizes (2014) (WHCPS). It would result in a vehicle overhanging the carriageway causing an obstruction to pedestrians, cyclists and vehicles. As such this cannot be regarded as a vehicle parking space.
8. Furthermore, spaces are being removed from the overall allocation of vehicle parking at Marlborough Court creating a further deficit of two parking spaces. This amounts to a net shortfall of three spaces. The Welwyn Hatfield Supplementary Planning Guidance Parking Standards (2004) (WHPGPS) states that 2.5 additional spaces would be required to cater for the development. It has not been demonstrated that these can be provided within the site. No reasons why such standards should be reduced have been nominated by the appellant.
9. The proposed development therefore fails to comply with policies SP9, SADM2 and SADM12 of the WHLP and guidance contained in the WHCPS and WHPGPS in that parking spaces should be appropriately related to the part of the development that they serve.

Refuse storage

10. The plans show a relocated refuse store would be provided for the existing and proposed flats and this would accommodate two 1,100 litre bins for general waste and recycling. My attention has not been drawn to any specific policy requirements for refuse storage and arrangements. Whilst I am aware that the appellant considers such provision would be satisfactory, no indication has been given as to what capacity for refuse storage would be needed to cater for the existing and proposed flats.
11. On this basis, I must conclude that insufficient information has been provided that would allow me to make an assessment as to whether the refuse storage capacity is sufficient to cater for the development. Whilst the storage may be sufficient to cater for the development, and a condition could be imposed to

secure further details, I do not have sufficient detail that would allow me to form such a judgement. The proposed development therefore does not comply with policy SP9 of the WHLP and the Supplementary Design Guidance insofar as these policies require the delivery of high-quality design.

Character and appearance

12. The site is set along Green Close which is a relatively recent development of terraced houses and flats. These buildings are predominantly three storeys in height with the uppermost floors contained within the roof space. Indeed, the proposed extension would be to a building which is presently formed of approximately a dozen flats and houses.
13. The extension would be formed over an existing wing of the building which presently features garaging to the ground floor with a storage area in the roof space. This would be increased in height to broadly align with the height of the remainder of the building. It would be set in a position where Green Close curves round towards the end of the cul-de-sac and accordingly it would be very apparent when entering the Close.
14. The extension would be visible and quite prominent in views along this section of the road as it bends round the corner. This would close off longer views across the railway line and to the countryside beyond. It would also enclose this part of the road by providing a continuous building that would be three storeys in height. The extension would be in line with the height of the existing building and would not be subordinate to it.
15. However, the extension is well designed and would integrate with the existing building. It would reflect its form and features. Although it would not be subordinate in height to the remainder of the building, it would not need to be as it would appear as a natural progression of it that follows the curve in the road. The existing building is presently designed in a manner which disguises its size and proportions through the use of a staggered arrangement to its frontage with projecting elements. The proposed extension would simply continue this arrangement.
16. I therefore conclude that the proposed extension would not be detrimental to the character and appearance of the area and would comply with policies SP1 and SP9 of the WHLP, the Supplementary Design Guidance and provisions of the Framework insofar as it delivers a high quality design that fosters a positive sense of place.

Planning Balance and Conclusion

17. Set against the harm identified, the proposal would deliver a net gain of two new flats with each providing a good standard of accommodation. The scheme would be an efficient use of brownfield land in a sustainable location and could be delivered quickly. This would support the Government's aim of significantly boosting the supply of homes. However, the addition of two dwellings would be limited in this context and I attach minor weight to this benefit. There would be temporary and ongoing economic benefits from the development, including support for sustainable transport in the area, but given the small number of units proposed those benefits would attract relatively minor weight.
18. The appeal proposal would result in substandard living conditions for the future occupants due to the exposure to noise and this harm is significant. There

would also be harm due to the inadequate provision of parking and refuse facilities.

19. The Local Plan dates from 2004 but the weight to be attached to it does not hinge on its age. The Framework notes that developments should ensure a high standard of amenity for users. Therefore, the conflict between the proposal and policies SP9, SADM2, SADM11, SADM12 and SADM18 of the WHLP should be given significant weight in this appeal.
20. The appellant's Planning Statement notes that the Council is not presently able to demonstrate a five-year supply of housing land. This has not been disputed by the Council although neither party has indicated the number of years supply that can be demonstrated or whether there is a significant under delivery of housing.
21. If the appellant is correct, that the Council cannot currently demonstrate this supply of deliverable housing sites, paragraph 11(d)(ii) of the Framework would be engaged. Therefore, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this regard I find that the adverse impacts on the living conditions of the future occupants and lack of satisfactory parking and refuse arrangements would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
22. 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.

N Bowden

INSPECTOR