



Appeal Decision

Site visit made on 9 July 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/C1950/W/25/3363798

5 Lady Grove, Welwyn Garden City AL7 4DS

- 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 Louis Andrea against the decision of Welwyn Hatfield Council.
 - The application Ref. is 6/2024/0945/FULL.
 - The proposed development is change of use to install a driveway.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to install driveway at 5 Lady Grove, Welwyn Garden City AL7 4DS in accordance with the terms of application reference 6/2024/0945/FULL and subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plans: drawing ref: TL 2410 (1:1250 site location plan), drawing number 001 (existing elevations), TQRQM24141171710477 (existing plan 1:100 scale), 002 (proposed elevations), TQRQM24141171710478 (proposed plan 1:100 scale) and TQRQM24141171710471 (proposed plan 1:200 scale).

Main Issues

2. The main issues are the effect on
 - The character and appearance of the street scene.
 - Highway safety.

Reasons

Character and appearance

3. The property on the appeal site is a mid-terraced dwelling located on a residential estate. The street consists of similar short residential terraces with modest front gardens generally with hedges to front boundaries with some individual trees. To the front of the properties is a grass verge with pavement running alongside the carriageway. There are further larger open grassed areas at road junctions. The overall appearance is one of enclosed front gardens interspersed with small areas of open space with individual trees reflecting the pleasant 'garden city' principles of the area.
4. The driveway has already been installed at the appeal site and I note that Estate Management Consent for the 'removal of dying hedgerow and change of

hardstanding to form a driveway (retrospective)' has been obtained from the Borough Council under other legislation. The hardstanding that has been installed consists of a block paved area which has been laid across almost the entire frontage of the appeal site. It also extends to the front of the site over the previously existing grass verge up to the edge of the pavement. Whilst the above works have resulted in the removal of the front boundary hedge, there remain hedges either side which mark the front boundaries of both adjoining properties.

5. The paving has resulted in a hard surface visible in the street scene which, with the addition of parked vehicles, has detracted somewhat from the contribution made to 'greening' the street scene. However, it is not an uncommon arrangement for mid terrace properties, with a similar arrangement directly opposite. Whilst the properties at either end of the terrace also have vehicular access and driveways to the side, there remains a reasonably generous amount of vegetation remaining along the street frontage. Overall, the development does not detract unacceptably from the character and appearance of this part of the street scene or the principal characteristics of the Garden City.
6. The development therefore complies with Policies SP1, SP9 and SADM12 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (2023) (WHLP) which seek to ensure that the siting, layout and design of vehicle parking provides an attractive and coherent street scene, that responds to character and context, relates well to its surroundings and delivers sustainable development. The development also satisfies the Supplementary Design Guidance.

Highway safety

7. The Highway Authority has commented that the part of the parking area that has been installed on the grass verge comprises highway land over which the general public have the right to 'pass and repass without let or hindrance'. Therefore, its use for the parking of vehicles would obstruct the highway. However, that would only be the case when vehicles are actually parked on the drive. The pavement would not be obstructed.
8. Given that there would remain the ability for pedestrians to walk safely along the pavement without having to step into the carriageway itself, there is no resulting issue of highway safety in this regard. The question over whether the parking of vehicles obstructs the highway such as to prevent its lawful use is a matter for control under other legislation. I note that a separate consent for a dropped kerb is also required to be obtained from the Highway Authority to enable vehicles to safely enter and leave the site from the carriageway.
9. Overall, therefore, there would be no unacceptable harm to highway safety. The development therefore complies with WHLP Policy SADM12 which seeks, amongst other things, to ensure that the siting, layout and design of vehicle parking does not prejudice the wider functionality of public space.

Other Matters

10. I have had regard to the National Planning Policy Framework and find for the reasons set out above that the development complies with its policies, in particular, those that seek to achieve well designed places that function well and are sympathetic to local character and that there is no unacceptable impact on highway safety.

Conditions

11. As the development has already taken place the standard time condition is not necessary. A condition to refer to the approved plans is necessary in the interests of clarity and proper planning. The Council has suggested a condition to require a landscaping scheme to be submitted. However, the development involves the block paving of almost the entire frontage with only a small planting area identified along the side boundary. Whilst planting within this area would soften the appearance of the driveway to an extent, a condition to require a scheme to be submitted and approved is not necessary to make the development acceptable.

Conclusion

12. For the above reasons I conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR