
Appeal Decision

Site visit made on 12 August 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/C1950/W/25/3367667

18 Douglas Way, Welwyn Garden City, Hertfordshire AL7 2LY

- 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 Richard Seymour against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2025/0575/FULL.
 - The development proposed is change of use from amenity land to residential land to form hard standing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the safety of the highway network.

Reasons

3. The appeal site is within a residential setting forming a narrow area of land at the corner of Wellington Drive and Douglas Way. It is separated from Wellington Drive by a small, grassed verge with large trees, both of which are typical features in the immediate street scene.
4. The appeal proposal seeks to change the use of the land to a residential use associated with the adjacent property, 18 Douglas Way. Specifically, the site is proposed to be laid to hardstanding which could create one on-site parking space. The use of the space would rely on an existing dropped kerb at the corner of Douglas Way. The dropped kerb marries with another at the opposite side of the Douglas Way junction, providing ease of movement for pedestrians and users of wheeled mobility carriages in crossing the mouth of the junction.
5. The introduction of a vehicular access at this location would create confusion to the hierarchy of the street. Whilst the Hertfordshire County Council (HCC) Residential Dropped Kerbs Policy (2025) may not explicitly state that pedestrian dropped kerbs cannot be used as vehicular crossovers, this does not implicitly mean that this form of development will be acceptable.
6. In the case of the appeal proposal, it would leave pedestrians and other users crossing the junction in either direction potentially having to navigate around a vehicle entering or leaving the area of proposed hardstanding, where visibility would be limited by the presence of a hedged boundary. This would create an unacceptable highway safety risk through an increased likelihood of conflict between motor vehicles and pedestrians or other vulnerable road users.

7. I note that the appellant has suggested that the removal of the existing hedge could overcome the concerns regarding reduced visibility. However, I have little substantive evidence before me that the removal of the hedge would provide sufficient visibility in both directions.
8. I observed during my site visit that the site is within a relatively quiet residential setting. This appears to be substantiated by the survey evidence provided by the appellant. There was an abundance of vehicles parked on the highway at the time of my visit, and I acknowledge through the evidence that at times these are parked in a way which blocks access to the dropped kerb. Even in the event that the proposal would likely prevent parking directly at the point of the dropped kerb, the benefits of this would be outweighed by the additional risk in having vehicles travel over this part of the footway.
9. Whilst overall vehicular movement in the area may be low, the presence of parked vehicles only serves to emphasise that the existing environment is already compromised for pedestrians and users of wheeled mobility carriages. The low levels of activity observed during both my site visit and referred to through the evidence, does not justify the introduction of a further potential obstacle to the efficient movement of pedestrians and other road users, which would be the result of the proposed development.
10. The appellant has drawn my attention to the presence of vehicular accesses close to junctions at 4 and 6 Douglas Way. I note that the accesses at 4 and 6 Douglas Way appear to breach the 10-metre distance to a junction guidance set within the HCC Residential Dropped Kerbs Policy. However, I do not know the status of these accesses in respect of whether this guidance (or a similar earlier version) existed at the time of their construction. In any case, neither of these examples have a vehicular access straight onto the corner of the junction as would be the case for the appeal proposal. They are therefore not directly comparable to a degree that they would justify the proposed development before me.
11. Based on the above, the proposal would have a harmful effect on the safety of the highway network. The proposal would therefore be contrary to Policy SADM2 of the Welwyn Hatfield Council Local Plan (WHCLP) (2023) which amongst other matters states that development proposals will be permitted provided there would be no negative impacts on highway safety. It would also be contrary to Policy SADM12 of the WHCLP which in respect to the siting, layout and design of vehicle parking, requires developments to ensure a coherent street scene is maintained.

Other Matters

12. I note that the appellant feels dissatisfied that the likely outcome of an application was not communicated during a visit from the Council's surveyor and that consequently they are of the view that the associated planning and valuation fees should be reimbursed. The appellant has nevertheless confirmed that they do not wish to advance a costs application through the appeal process. The reimbursement of planning fees is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

13. For the reasons given above, having regard to the development plan when read as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

L Gardner

INSPECTOR