



Appeal Decision

Site visit made on 13 February 2019 by

M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2019

Appeal Ref: APP/C1950/W/18/3212114

5 Moor Cottages, Mimram Walk, Welwyn, Hertfordshire AL6 9EZ

- 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 Mrs Bridget Gavin against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/0523/FULL, dated 19 February 2018, was refused by notice dated 17 April 2018.
 - The development proposed is described as the "change of use of existing outbuilding to a self-contained one bedroom dwelling on land to rear of 5 Moor Cottages (Resubmission following the refusal of planning application 6/2017/0798/FULL on 16/06/2017".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice and officer report refer to the policies of the adopted Welwyn Hatfield District Plan. The statement submitted by the Council also refers to the policies of the emerging Welwyn Hatfield Local Plan. The appellant has had the opportunity to comment on the Council's statement and as such there has been no injustice.

Main Issues

3. The main issues raised in this case are the effect of the proposal on:
 - i. the character and appearance of the area, having regard to the sites location in the Welwyn Conservation area;
 - ii. highway safety, with particular regard to parking provision; and

- iii. the living conditions of future occupiers, with particular regard to internal living space.

Reasons

Character and appearance

4. The site lies within the Welwyn Conservation Area (the CA). The significance of this designated heritage asset lies, in part, due to its close-knit urban form, which includes traditionally designed and proportioned properties along narrow
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streets. There is an informality to the pattern of development with pedestrian routes linking streets.

5. The appeal building is a small, single storey structure located to the rear of several properties. Access to the site is gained from a narrow, pedestrian path and through a garden area that is shared by the surrounding properties. Whilst the property would not have its own dedicated access from the street, given the informality of the pattern of development in the area, this would not be incongruous. I observed that many of the properties within the vicinity of the site gain access from routes other than the footway along street frontages. As such, the layout of the development would be reflective of the character of the surrounding development. In this respect, the scheme would exhibit an acceptable and appropriate quality of design. This is particularly so considering that the building already exists, and the appeal scheme would not result in the introduction of any additional built elements into the CA. Whilst currently an ancillary structure to an existing dwelling, the use of the building as an independent dwelling would not be a discordant feature in the area.
6. Consequently, the scheme would not have an adverse effect on, thus it would preserve, the character and appearance of the Welwyn Conservation Area and would not harm its significance as a designated heritage asset. The scheme therefore accords with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan (2005) (the District Plan), Policies SP9 and SADM11 of the emerging Welwyn Hatfield Local Plan (the Local Plan) and the document 'Supplementary Design Guidance' (2005). Together these seek to ensure development in Welwyn is limited to that which is compatible with its character, that development is of a high standard of design, that new development respects and relates to the character and context of an area, that development delivers a sense of place and development takes account of neighbouring buildings and the wider street scene.

Highway safety

7. The National Planning Policy Framework (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the availability of and opportunities for public transport (paragraph 105). The Council's Supplementary Planning Document (SPD) 'Interim Policy for Car Parking Standards and Garage Sizes' (2014) recognises that car parking standards will be treated as guidelines

rather than maximums and that proposals will be determined on a case-by-case basis to achieve a sensible level of provision.

8. The Council acknowledges that the site occupies a central location within Welwyn, with access to bus and train services. As such, the site benefits from a good level of accessibility with public transport available. The size of the unit would also limit the demand for on-street parking, for example, it is unlikely to be occupied by a family. Should there be a requirement for parking, the appellant has provided evidence to demonstrate that this could be provided within the public car parks that are present within the area. I have no substantive reason to doubt that this would be possible.
9. Accordingly, I find that the scheme would be unlikely to result in an increased pressure for on-street parking within the vicinity of the site and therefore the scheme would not result in harm to highway safety. The scheme therefore accords with Policy M14 of the District Plan, Policies SP 4 and SADM2 of the Local Plan and the SPD, together with the advice of the Framework. The policies seek to ensure adequate and suitable levels of parking are provided in development, whilst promoting sustainable modes of transport.

Living conditions

10. The building comprises three rooms: a living room, bedroom and shower room. At the time of my site visit I was able to enter the building and view the interior. I found the accommodation provided to be extremely limited and, in my view, would be a cramped and uncomfortable unit of accommodation within which to reside. The kitchen area provided within the living room limited the amount of accommodation available in this main living space.
11. The Council highlight that the internal floorspace falls below that required by the Nationally Described Space Standards. Whilst adherence with these standards is not required by the policies of the adopted development plan, Policy SADM 11 of the emerging Local Plan does require that new residential development meets them. The appellant argues that these standards apply only to new residential development and not changes of use. However, in my view, the proposal would result in a new, separate dwelling and as such the standards are relevant. In any event, they provide a good indication of the floorspace required to provide an adequate standard of residential accommodation. The lack of compliance with these standards reinforces my view that the accommodation would be cramped and uncomfortable.
12. I acknowledge that the building can currently be utilised for purposes ancillary to the main house. However, as there is a reliance on the facilities and accommodation within the main house, the current use is not comparable to that which is proposed. I also note that the building is currently occupied. Notwithstanding the willingness of individuals to live in the building, this does not dissuade me that the internal accommodation would be substandard.
13. Therefore, I find that the proposal would result in unacceptable living conditions for future occupiers, through inadequate internal living space. The scheme would therefore conflict with Policies D1 and D2 of the District Plan, Policies SP9 and SADM11 of the Local Plan and the document 'Supplementary Design Guidance' (2005). These seek to ensure that development exhibits a

high quality of design, adequate internal amenity is provided for occupiers and that a good standard of amenity is provided in all development.

Other Matters

14. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. However, I find that the adverse impacts of the proposed development, would significantly and demonstrably outweigh the limited benefits that would arise from the contribution of a single dwelling to housing supply when assessed against the policies in the Framework, taken as a whole.
15. It is highlighted that no objection has been raised by the Council in respect of the effect of the proposal on the living conditions of the occupiers of surrounding properties. However, the lack of harm in this regard is not sufficient to outweigh the harm that I have identified above.

Conclusion

16. Whilst I have found that the scheme would not result in harm to the character or appearance of the area, including the CA, or to highway safety, this does not outweigh that the scheme would fail to provide adequate living conditions for future occupiers through a lack of internal living space.
17. For the reasons given above and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR