



## Appeal Decision

Site visit made on 5 June 2019

**by Ian McHugh Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 June 2019**

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**Appeal Ref: APP/C1950/W/18/3218329**

**30 Astwick Avenue, Hatfield, AL10 9LA**

- 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 Ian Mitchell against the decision of Welwyn Hatfield Council.
  - The application Ref 6/2018/1959/FULL, dated 24 July 2018, was refused by notice dated 19 September 2018.
  - The development proposed is a change of use of summerhouse to a single residential dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. These are:
  - The effect of the proposal on the character and appearance of the area;
  - Whether the proposal provides adequate living conditions for the occupants of the appeal building, and the effect of the proposal on the living conditions of the occupants of neighbouring properties, with particular regard to privacy and noise and disturbance;
  - Whether the proposal makes adequate provision for vehicle parking, cycle storage and bin storage.

### Procedural Matter

3. The development that is the subject of this appeal has already been carried out. Consequently, I have considered the proposal in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990.

### Reasons

#### *Character and Appearance*

4. The appeal building is a detached single storey timber-clad summerhouse, which is situated at the end of the rear garden of number 30 Astwick Avenue (number 30). The building has been laid out internally to provide a shared living/ bedroom and kitchen area, with a separate wc and shower room. A raised timber decking area is attached at the front of the building, which provides an outdoor sitting area. The building is occupied as a separate self-

- contained unit of accommodation, which can be accessed on foot through the rear garden of number 30 or from a pathway at the side of the dwelling.
5. Astwick Avenue is characterised largely by terraced and semi-detached houses that are laid out in a traditional linear form, with the dwellings facing the road with front gardens and relatively long rear gardens. The area is known locally as Hatfield Garden Village and it is typical of a 1930's suburban layout. A number of properties in the vicinity of the appeal site have outbuildings and other structures in the rear garden areas. In that respect, the appeal building itself is not out of character with the area regarding its position within the garden and its general scale and appearance.
  6. Saved Policy GBSP2 of the Welwyn Hatfield District Plan 2005 (DP) states (amongst other things) that new development in Hatfield is acceptable provided it maintains and enhances its character. Policy D2 of the DP also requires new development to respect and relate to the character and context of the area in which it is proposed. These policies are reinforced in the Council's Supplementary Design Guidance (SDG). I also note that Policy SP 1 of the emerging Local Plan requires new development to be of a high standard of design and to reflect local character. In my opinion, these policies accord with the provisions of paragraph 127 of the National Planning Policy Framework 2019 (the Framework).
  7. Although the building is not readily visible from Astwick Avenue, or from other public areas, the development represents a form of backland development that is wholly at odds and out of character with the established and traditional form and pattern of development in the area. Furthermore, the relatively small size of the dwelling and its associated external space is not reflective of other dwellings in the area and this exacerbates its uncharacteristic form.
  8. For these reasons, I consider that the proposal conflicts with Policies GBSP2 and D2 of the DP.

#### *Living Conditions*

9. The Council considers that the proposal fails to provide adequate living conditions for the existing and future occupants of the dwelling, in terms of internal space standards and because of the limited private open space associated with dwelling. In addition, the Council contends that the proposal poses a threat to the privacy and amenities of the occupants of neighbouring dwellings by overlooking and noise and disturbance.
10. With regard to internal space, reference is made by the Council in its decision notice to Policy D1 of the DP and to its SDG. However, neither the policy nor the SDG provide any guidance or information on internal space standards. The amount of floorspace is relatively small (the appellant quotes 27 sqm) plus the area of decking. However, the interior of the dwelling contains the basic facilities for everyday living and its rectangular shape means that there is space for furniture and internal circulation. Likewise, I consider that the raised decking area provides a relatively attractive outdoor space for the occupants of the appeal property. Consequently, I consider that there is no conflict with Policy D1 or with the SDG.
11. I note that the Council's SDG states that it does not have 'quantitative' standards for separation distances between properties, but it does expect new

development to be designed and positioned in a way that minimises overlooking between dwellings and their private rear gardens. Paragraph 127 f) of the Framework also seeks to ensure that developments create places with a high standard of amenity for existing and future users.

12. In my opinion, the position of the dwelling and its physical and functional relationship with neighbouring dwellings (including number 30), in terms of separation distances and the comings and goings of its occupants, has the potential to adversely affect the amenities of other residents, through noise, general disturbance and overlooking. Likewise the activities associated with the occupants of number 30 have the potential to cause noise, disturbance and loss of privacy to the occupants of the appeal dwelling.
13. I have taken into account the appellant's proposal to erect screen fencing along the edge of the raised decking area. Whilst this would help to mitigate some of the overlooking, its physical presence would further exacerbate the uncharacteristic form of the development and would only serve to highlight that the dwelling is at odds with its surroundings. It would also have an overbearing effect on the outlook from the appeal dwelling itself.
14. Consequently, I find that the proposal is unacceptable in terms of its effect on the living conditions of the occupants of neighbouring properties. As such, it conflicts with the provisions of the Council's SDG and with the Framework, as referred to above.

#### *Parking Cycle and Bin Storage*

15. The Council states that insufficient information has been provided in respect of vehicle parking, secure cycle storage and refuse bin storage facilities. The appellant contends that secure cycle storage can be provided adjacent to the proposed dwelling, whilst parking and bin storage areas will be shared with number 30.
16. Although the plans do not show any provision for cycle storage, I consider that there is adequate space within the decking area for this. With regard to car parking, Policy M14 of the DP seeks to ensure that parking provision accords with the Council's Supplementary Planning Guidance – Parking Standards 2004. In addition, Policy SADM 2 of the emerging Local Plan requires development proposals to provide satisfactory levels of parking. The guidance states that three spaces should be provided for number 30 and one for the proposed dwelling. There are currently two off-street spaces at the front of the dwelling. However, the Council's report states that an Interim Policy for parking now advises that parking provision will be considered on a case by case basis, having regard to the Supplementary Guidance, the circumstances of the proposal, the site context and its wider surroundings.
17. At the time of my site visit (which was mid-afternoon on a Wednesday) I observed a number of vehicles parked along Astwick Avenue and one vehicle parked, off the road, at the front of number 30. Nevertheless, there was parking space available on Astwick Avenue and other nearby streets. Whilst parking demand in the area is likely to vary depending upon the time of day and the day of the week, I consider that there is adequate space in the vicinity of the site to accommodate any parking demands resulting from the development. Consequently, with regard to vehicle parking and cycle storage,

I consider the proposal to be acceptable and not in conflict with Policy M14 of the DP.

18. With regard to bin storage, I note that no details are shown on the submitted plans. However, I consider that there is sufficient space at the side or at the rear of number 30 for additional bins. Consequently, this matter could be addressed through the imposition of a planning condition if the appeal was to be allowed.

**Conclusion**

19. For the reasons given above in respect of character and appearance and living conditions, it is concluded that the appeal should be dismissed.

*Ian McHugh*

INSPECTOR