

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 5 September 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

Appeal Decisions 31/07/2019 to 16/08/2019

6/2019/0377/HOUSE	
DCLG No:	APP/C1950/D/19/3227866
Appeal By:	Mrs P Maton
Site:	9 Ashley Close Welwyn Garden City AL8 7LH
Proposal:	Formation of vehicular crossover with the erection a rear garage
Decision:	Appeal Dismissed
Decision Date:	01/08/2019
Delegated or DMC Decision:	Delegated
Summary:	<p>The Inspector identified the key issues as being the effect of the proposed garage and associated works on the character and appearance of the street scene of Woodlands Rise and the Welwyn Garden City Conservation Area, and secondly, the effect of the proposed access on highway safety. The Inspector noted the quiet, leafy and pleasant location with wide verges and mature hedging providing an attractive, low density setting, something that is noted within the Welwyn Garden City Conservation Area Appraisal 2007. The Inspector found that, due to the nature of the plot being on the corner of Ashley Close and Woodlands Rise, the garage would be located at the bottom of the garden, sharing the boundary with number 6 Woodlands Rise. The Inspector found the size, location and the creation of a 3.5 metre wide access as well as driveway area would erode a significant portion of the gap between numbers 9 and 6 leading to a noticeable loss of spaciousness and vegetation.</p> <p>The Inspector also agreed with the Council that, having regard to the existing parking arrangements for the property, the proposal would result in an overprovision of car parking at the expense of landscaping, and that this was not justified.</p> <p>On the issue of safety, the Inspector noted that the highway authority objected to the proposal on the basis that the access was unnecessary and would create additional potential for conflict between drivers and pedestrians. The Inspector accepted this argument, albeit they acknowledged that the increased risk was only marginal.</p> <p>In conclusion, the appeal was dismissed due to the harm that the proposal would cause to the character and appearance of Woodlands Rise and that this would fail to preserve or enhance the character or appearance of the Welwyn Garden City</p>

	Conservation Area, and that highway safety would not be maintained.
6/2019/0270/HOUSE	
DCLG No:	APP/C1950/D/19/3228157
Appeal By:	Mr & Mrs Patwal
Site:	9 The Drive Welwyn AL6 0TW
Proposal:	Erection of single storey first floor side extension, with front porch and garage canopy
Decision:	Appeal Allowed
Decision Date:	01/08/2019
Delegated or DMC Decision:	Delegated
Summary:	<p>The key issue the Inspector identified was associated with the effect of the proposed first floor extension on the character and appearance of the host dwellings and the street scene of The Drive. The Inspector noted that The Drive was an unmade street with dwellings on either side, well separated by verges and generous well vegetated frontages. He noted that the character is semi-rural with mature trees visible both in the street scene and behind dwellings, many of which have been significantly enlarged and gaps between dwellings are characteristic but vary considerably in extent. The Inspector noted that the appeal dwelling has recently been enlarged with roof extensions and dormers and side/rear extension behind the existing garage.</p> <p>The Inspector found that although there would be some loss of openness above the garage this would be limited, the roof would remain subservient to the host dwelling and mature trees to the rear would remain visible above it. He noted that nos. 7 and 9 have historically been much closer to one another than most dwellings in the street with only a 0.2m gap and that at No. 7 an increase in roof height above the garage has already been permitted and built, up to the boundary and contrary to the SDG.</p> <p>The Inspector concluded that the proposed first floor side extension would have no materially detrimental effect on the character or appearance of the host dwelling, the street scene of The Drive or the surrounding area.</p> <p>The Inspector also found that with regard to the concerns of the occupier of No. 7 with regard to the proposed extension blocking light to a side bathroom window and dominating their rear amenity space, there would be no significant effect on their living conditions.</p> <p>In conclusion, the appeal was allowed subject to conditions.</p>
6/2018/1548/TPO	
DCLG No:	APP/TPO/C1950/6938
Appeal By:	Ms K Winbow
Site:	19 Scholars Mews Welwyn Garden City AL8 7JQ

Proposal:	Fell 1 x Oak tree and replace with 1 x Oak tree somewhere else in the garden covered by TPO 738 (2018)
Decision:	Appeal Dismissed
Decision Date:	05/08/2019
Delegated or DMC Decision:	Delegated
Summary:	<p>The appeal was made against a refusal to removal an oak tree at 19 Scholars Mews, WGC which is covered by TPO 738.</p> <p>The main issues to considered were the effect of the removal of the oak tree on the character and appearance of the area, and whether sufficient justification has been demonstrated for the proposed felling.</p> <p>The Inspector considered the oak to be of good form and stature and part of an impressive and attractive landscape. It was also noted that this tree makes an important contribution to the verdant character and appearance of the area.</p> <p>The appellant gave several reason for the removal including, that the tree had begun to lean, there was damage to the garden, potential damage to the drains, that squirrels could access the roof and the general proximity to the property.</p> <p>The Inspector summarised that the presence of large trees near to a residential property is not unusual, particularly in in this part of Welwyn Garden City. The inconvenience of shading and leaf litter, amongst other things, is not uncommon in an area where mature trees make a valuable contribution to an attractive place to live. The Inspector continued to say that in this case the loss of the oak tree would result in harm to the charter of the area and there was insufficient evidence put forward to justify its removal.</p> <p>The Inspector concluded that the appeal should be dismissed.</p>
6/2018/3188/OUTLINE	
DCLG No:	APP/C1950/W/19/3227024
Appeal By:	Mr & Mrs N Brunt
Site:	Warrenwood Manor (Equestrian area), Hornbeam Lane, Brookmans Park, Hatfield, AL9 6JF
Proposal:	Outline permission for erection of single storey equestrian building to form covered manege and riding area with landscape details reserved
Decision:	Appeal Allowed
Decision Date:	14/08/2019
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal concerned outline planning permission (with landscaping reserved) for a single storey equestrian building to form covered manege and riding area.</p> <p>The main issue was whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt.</p>

The appeal proposal was considered to fall under the categories of outdoor sport and outdoor recreation. The provision of such facilities are not inappropriate development provided Green Belt openness is preserved and there is no conflict with the purposes of including land within it.

The Inspector outlined that whether any change would cause harm to the openness can depend on factors such as locational context, its spatial or visual implications, as well as scale.

Loss of openness was identified in spatial terms given the scale of the proposal. However, in visual terms, the Inspector considered that the building would be viewed within the same context as the substantial equestrian set-up and main house which is also substantial in size. Furthermore, whilst there would be views of the building from the adjacent Bridleway along Hornbeam Lane, the Inspector felt that these views would be limited given the presence of extensive trees and also short term. It was also noted that whilst views could potentially be heightened when the trees are in de-leaf, the limited visual impacts of the appeal proposal could be mitigated through landscape improvements to be agreed through a reserved matters application. Taking account of all of these factors, the Inspector concluded that there would not be any harm to Green Belt openness. Separately, there would be no conflict with the purposes of including land within the Green Belt.

The appeal was allowed.