

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 10 October 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE)

**Appeal Decisions 16/08/2019 to 19/09/2019**

6/2018/2258/FULL	
<b>DCLG No:</b>	APP/C1950/W/18/3216386
<b>Appeal By:</b>	DPA (London) LTD
<b>Site:</b>	Land Adjacent to 26 Starling Lane Cuffley Potters Bar EN6 4JX
<b>Proposal:</b>	Erection of bungalow
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	16/08/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>There were two appeals for this site both seeking a new dwelling with Appeal A seeking a new vehicle access and Appeal B seeking a car free development. The main issues are: a) The effect of the proposed development in each case on the character and appearance of the surrounding area; b) Whether the proposed vehicle access arrangements in respect of Appeal A are satisfactory to serve the development; c) Whether the lack of any on-site parking provision in respect of Appeal B is acceptable in this location.</p> <p>The appeal site is located on land which fronts a public footpath that adjoins Starling Lane and Oak lane which are residential cul-de-sacs. The Inspector concluded that both proposals, would comprise back land development with no proper road frontage which would be at odds with the layout of the surrounding area. In addition, it was concluded that both proposals would appear as overbearing structures and would represent a cramped form of development.</p> <p>Appeal A sought a vehicle access from Northaw and Cuffley Public Footpath No.18. The Inspector concluded the narrow width of the footpath and the distance to be travelled to reach the hammerhead of Starling Lane would compromise the safety of pedestrians using the public footpath. The Inspector noted that demountable bollards or speed bumps would not overcome this issue.</p> <p>Appeal B sought to propose no vehicle access and subsequently a car free development. The Inspector concluded that the appeal site is isolated from Cuffley centre and local travel facilities and therefore is not a sustainable location. In addition, the Inspector noted that on-street car parking in the vicinity is restricted. It was concluded a car free development would not be acceptable.</p> <p>The Inspector also raised a concern with no vehicle access to facilitate deliveries and emergency vehicles which would result in an implication for the health and</p>

	<p>safety of occupiers of the dwelling in the case of an emergency.</p> <p>Both appeals were dismissed.</p>
<b>6/2018/0764/FULL</b>	
<b>DCLG No:</b>	APP/C1950/W/18/3216378
<b>Appeal By:</b>	Code 4 Ltd
<b>Site:</b>	Land Adjacent to 26 Starling Lane Cuffley EN6 4JX
<b>Proposal:</b>	Erection of a detached dwelling
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	16/08/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>There were two appeals for this site both seeking a new dwelling with Appeal A seeking a new vehicle access and Appeal B seeking a car free development. The main issues are: a) The effect of the proposed development in each case on the character and appearance of the surrounding area; b) Whether the proposed vehicle access arrangements in respect of Appeal A are satisfactory to serve the development; c) Whether the lack of any on-site parking provision in respect of Appeal B is acceptable in this location.</p> <p>The appeal site is located on land which fronts a public footpath that adjoins Starling Lane and Oak lane which are residential cul-de-sacs. The Inspector concluded that both proposals, would comprise back land development with no proper road frontage which would be at odds with the layout of the surrounding area. In addition, it was concluded that both proposals would appear as overbearing structures and would represent a cramped form of development.</p> <p>Appeal A sought a vehicle access from Northaw and Cuffley Public Footpath No.18. The Inspector concluded the narrow width of the footpath and the distance to be travelled to reach the hammerhead of Starling Lane would compromise the safety of pedestrians using the public footpath. The Inspector noted that demountable bollards or speed bumps would not overcome this issue.</p> <p>Appeal B sought to propose no vehicle access and subsequently a car free development. The Inspector concluded that the appeal site is isolated from Cuffley centre and local travel facilities and therefore is not a sustainable location. In addition, the Inspector noted that on-street car parking in the vicinity is restricted. It was concluded a car free development would not be acceptable.</p> <p>The Inspector also raised a concern with no vehicle access to facilitate deliveries and emergency vehicles which would result in an implication for the health and safety of occupiers of the dwelling in the case of an emergency.</p> <p>Both appeals were dismissed.</p>

**6/2018/1186/FULL**

<b>DCLG No:</b>	APP/C1950/W/18/3217973
<b>Appeal By:</b>	Mr G Winter
<b>Site:</b>	11 Hook Lane, Northaw Park, Potters Bar, EN6 4DA
<b>Proposal:</b>	Subdivision of existing single dwelling into two dwellings, with the installation of a front door and window to facilitate conversion of a garage into a hall, corridor and utility room
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	21/08/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>'This appeal concerned the subdivision of an existing dwelling into 2 dwellings. The main issue was whether or not the site would be a suitable location for the proposed development having particular regard to the accessibility of local services and facilities.</p> <p>The Inspector took the view that the dwelling is isolated in the countryside so the proposed subdivision would not be resisted against the NPPF. Whilst acknowledging some harm against Policy H2 of the District Plan in terms of limited accessibility to services by methods of travel other than a private vehicle, she considered the proposal would not undermine the spatial strategy as a whole</p> <p>The appeal was allowed'.</p>

**6/2018/2482/FULL**

<b>DCLG No:</b>	APP/C1950/W/18/3219098
<b>Appeal By:</b>	Mr M Mindru
<b>Site:</b>	1A Meadow Croft, Hatfield, AL10 0SG
<b>Proposal:</b>	Retrospective change of use for existing side extension to be used as a separate 1 bedroom dwelling
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	21/08/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>'This appeal concerned the retrospective change of use of a side extension to be used as a separate 1 bedroom dwelling. The key issue was whether the proposal provides adequate living conditions for occupants.</p> <p>The gross internal area and double bedroom of the property fell below the Space Standards. The Inspector also viewed each room and considered that the bedroom and shower room were particularly cramped. The living room was also small and had limited scope for furnishing. Furthermore, the functionality of the additional room as a dressing room was deemed questionable and would lend to conversion into another small bedroom without further planning permission</p>

	<p>bringing the property even further below the Space Standards. For these reasons the Inspector found that the proposal fails to provide a high standard of living conditions for future occupiers.</p> <p>The appeal was dismissed'.</p>
<b>6/2018/2741/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/19/3223885
<b>Appeal By:</b>	Mr I D Apetrei
<b>Site:</b>	44 Heron Way Hatfield AL10 8QX
<b>Proposal:</b>	Retention of outdoor barbecue area
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	30/08/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal was made following the refusal of a retrospective application for an extension incorporating a barbeque room with a five metre high chimney. It was refused on the grounds of the extension and the chimney representing an incongruous addition to the dwelling, incompatible with and harmful to its character, and it being out of keeping with the established character of the area and the appearance of the neighbouring and surrounding dwellings.</p> <p>The Inspector considered that the extension, although of an unusual triangular shape, is acceptable in terms of its relationship to the dwelling. However, at 5m high, projecting above the flat roofed extension by 2.3m, the chimney is incongruous and harmful to the character of the dwelling and the area, it being set away from the main two storey element of the dwelling, and particularly as it is visible from both sides of Heron Way when approaching the site from the south. Its impact is exacerbated by the fact that it has been constructed from red brick with light coloured mortar in contrast to the darker bricks of the extension and the existing dwelling.</p> <p>The Inspector did not consider that the chimney is harmful to the amenities of the neighbouring and surrounding properties however, as a result of narrow width of brickwork that it presents to the views from those properties.</p> <p>The appeal was dismissed.</p>
<b>6/2019/2414/FULL</b>	
<b>DCLG No:</b>	APP/C1950/W/19/3232105
<b>Appeal By:</b>	Mr P Nicholson
<b>Site:</b>	22 Great Ganett Welwyn Garden City AL7 3DE
<b>Proposal:</b>	Change of use from amenity to residential land and the formation of a hardstanding to include a pathway
<b>Decision:</b>	Appeal Allowed

<b>Decision Date:</b>	19/09/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal was for a change of use from amenity to residential land and the formation of a hardstanding to include a pathway which was allowed.</p> <p>The Inspector considered that the green spaces in Great Ganett, with their landscaping and street trees, afford the locality a strong sense of space and openness and is reflective of the pattern of development in the area, where junctions are generally accompanied by such open spaces. This was considered an important characteristic of the area, to which the appeal site contributes.</p> <p>However, the Inspector concluded that whilst the additional hardstanding would reduce the amount of soft landscaping, the presence of an already existing adjacent hardstanding has already established a character to this area which includes such a feature and car parking and it was not considered that the proposal would significantly reduce the sense of space and openness identified above.</p> <p>It was concluded that the proposed development would not result in harm to the character and appearance of the surrounding area. Furthermore it was noted that the provision of the access would be unlikely to result in any significant increase in risk to users of the public highway.</p>