

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 14 November 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

**Appeal Decisions 18/09/2019 to 23/10/2019**

6/2018/2552/FULL	
<b>DCLG No:</b>	APP/C1950/W/19/3230504
<b>Appeal By:</b>	James Taylor Homes Ltd.
<b>Site:</b>	Maynard House 1 The Common Hatfield AL10 0NF
<b>Proposal:</b>	Erection of second floor extension to create 8 x 2 bedroom apartments following part demolition of existing building and removal of ground floor social club (D1)
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	19/09/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal concerned planning permission for the erection of a second floor extension to provide 8 x 2 bedroom apartments and removal of ground floor social club (D1) at Maynard House, 1 The Common, Hatfield. The application was refused at DMC by members contrary to officers recommendation, on poor quality design and failing to take the opportunities available for improving the character and quality of the area and the way it functions.</p> <p>The extension proposed a flat roof design and changes to the external appearance of the building including new equally proportionated windows and vertical panels of white render finish amongst red brick on all elevations. The Inspector outlined that the proposed flat roof design would be consistent with the design and appearance of other buildings within the locality and she highlighted that whilst building would host a relatively simple design, the addition of a render finish would give it more vertical emphasis and provide a more modern appearance. It was concluded that the proposed development would not cause harm to the character and appearance of the area.</p> <p>The appeal was allowed.</p> <p>In terms of conditions, it is worth noting that the Inspector omitted officers suggested condition requiring the dwellings to be built as adaptable and accessible homes as she found Policies D1 and H10 of the District Plan to not be specific enough for the inclusion of this requirement and gave limited weight to emerging Policy SP7.</p> <p><b><u>Costs decision</u></b></p> <p>This appeal was also subject to an application for costs to be awarded against the Council. In considering this claim the Inspector considered the guidance set out in</p>

the Planning Practice Guidance (PPG) which sets out that costs may be awarded if a party has acted unreasonably and that this behaviour has directly resulted in unnecessary expense in the appeal process. Examples of unreasonable behaviour noted by the Inspector include a failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

The appellant's grounds were associated with the reason for refusal by members has not been substantiated or justified by the Council. The appellant also referred to the decision being taken for political, rather than technical reasons. This has resulted in the proposal being refused on unfounded reasons and the applicant being put to unnecessary expense in submitting the appeal.

The Inspector found no evidence to suggest the decision was politically based. However, the Inspector concluded that the basis of the refusal appears to be on a point of preference rather than planning judgement and the Inspector was not provided with any substantiated reasons as to why, on planning grounds, the proposal is unacceptable.

The refusal of planning permission on this basis therefore constitutes unreasonable behaviour contrary to the basic guidance in the Framework and the PPG and the appellant has been faced with unnecessary expense of lodging the appeal.

The Inspector considered an award of costs was justified.

**6/2018/2833/FULL**

<b>DCLG No:</b>	APP/C1950/W/19/3231961
<b>Appeal By:</b>	Mr & Mrs Barton
<b>Site:</b>	111 Wheatley Road Welwyn Garden City AL7 3LD
<b>Proposal:</b>	Change of use of amenity land to residential driveway with new dropped kerb to highway.
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	24/09/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the change of use of amenity land to a residential driveway, with a new dropped kerb to the highway at 111 Wheatley Road, Welwyn Garden City.</p> <p>The scheme was refused as it was considered to result in adverse harm upon the character and appearance of the site and surrounding area.</p> <p>The Inspectorate stated that in the context of the street scene where some properties have hard standing in their front gardens, the proposal would not appear incongruous Furthermore, due to a recent appeal being allowed at no.113 Wheatley Road for a similar proposal, the Inspectorate concluded that the driveway would not appear at odds with the established character of the area and</p>

	<p>therefore would not be harmful to the character and appearance of the site and surrounding area.</p> <p>The appeal was allowed.</p> <p>It is worth noting, that the Officer Report and reason for refusal included Policy SP 9 of the emerging Local Plan. The Inspectorate commented that “it is not clear the extent to which there are unresolved objections to its policies”. Subsequently concluding that it does not form part of the adopted development plan and therefore the Inspectorate gave the emerging plan policies (Policy SP 9) limited weight.</p>
<b>6/2018/3012/FULL</b>	
<b>DCLG No:</b>	APP/C1950/W/19/3232245
<b>Appeal By:</b>	Mr K Jones
<b>Site:</b>	10 & 10A Hawkshead Lane North Mymms Hatfield AL9 7TB
<b>Proposal:</b>	Subdivision of existing single dwelling into two detached dwellings with two front porches and single rear extension, alterations to the roof and insertion of front dormers
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	08/10/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to refused permission for the subdivision of existing single dwelling into two detached dwellings at 10 Hawkshead Lane, North Mymms in the Green Belt.</p> <p>The existing dwelling is a large chalet bungalow with a hipped roof design occupying a substantial plot. The proposal would involve the part demolition of the existing dwelling to the side and through the middle to create two separate dwellings with mansard roofs, front dormers, a rear extension and front porch.</p> <p>The main issues are: 1. Whether the proposal would be inappropriate development in the Green Belt and 2. The effect of the development on the character and appearance of the area.</p> <p>The Inspector refers to the Green Belt having both a spatial and a visual dimension. He acknowledges that floor area would slightly decrease as a result of the demolition works, however in visual terms the bulkiness of the built form of the roof would result in a loss of openness. It was concluded that the additional roof structure would amount to inappropriate development in the Green Belt.</p> <p>The Inspector considered that the roof would fail to be subordinate in scale and would not reflect the design and character of the existing dwelling. He noted the roof design would be at variance and discordant with the established style of roofs in Hawkshead Lane that give the area a degree of harmony in built form. It was concluded that the proposal would result in harm to the character and appearance of the area.</p>

The appeal was dismissed.

6/2019/0796/Full

<b>DCLG No:</b>	APP/C1950/W/19/3232350
<b>Appeal By:</b>	Ms Lorraine Edwards
<b>Site:</b>	Beavers Lodge Farm, Tylers Causeway, Newgate Street, Hertford, SG13 8QN
<b>Proposal:</b>	Retention of building following part demolition of adjacent attached building
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	08/10/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>'This appeal concerned retention of extension on a storage building following part-demolition of an attached timber building. The extensions are subject to an enforcement notice requiring their removal. The main issues included appropriateness in the Green Belt and effect on Green Belt openness.</p> <p>Limited weight was afforded to the supporting text of Policy SADM34 of the Emerging Local Plan regarding 'offsetting' given the early stage of the plan and absence of support in the NPPF. In line with the extant enforcement notice, the Inspector considered that the extended building represents inappropriate development in the Green Belt and results in a loss of Green Belt openness. The inspector was not convinced that removal of the extension would be terminal to the dog rescue operation. Very special circumstances necessary to justify inappropriate development in the Green Belt did not exist and consequently the appeal was dismissed'.</p>