

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 26 MAY 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

**Appeal Decisions 14/04/2016 to 10/05/2016**

1. DCLG No: C1950/W/15/3138481

Application No: 6/2015/0817/FP

Appeal By: Mr K Dollimore

Site: 10 & 12 Oaklands Rise, Welwyn, AL6 0RN

Proposal: Erection of 4no detached dwellings with associated car parking and landscaping following demolition of existing 2no dwellings

Summary: The Inspector noted that there is variety in the size and design of dwellings surrounding the site, and agreed that that its redevelopment is acceptable in principle. Whilst the Inspector felt that the proposed dwellings were of a high design, they judged that the courtyard design of development with dwellings facing away from Oaklands Rise and situated close to the site's boundaries would be at odds with the area's spacious and well-landscaped layout. The addition of dwellings and significant areas of paving well into the site were also judged to have detrimental impacts on the amenity of the area and of neighbouring occupiers. Whilst some weight was given to the benefit of additional housing supply, the Inspector considered that the need to secure high quality design and amenity in accordance with Policies D1 and D2 of the District Plan and the NPPF outweighed this.

Decision: Appeal Dismissed

Delegated or DMC Decision: Delegated
  
2. DCLG No: APP/C1950/C/14/3000355

Application No: 2013/0406

Appeal By: Mr Roy Canning

Site: White Lodge Farm, Bulls Lane, Hatfield, AL9 7AZ

Proposal: Without planning permission the erection of a building

Summary: Whilst the building has existed in its current form since before 2006, the Inspector concluded that it has only been continuously inhabited as a dwelling since 2013 and its use in that regard is therefore not lawful. The Inspector agreed that the building had been deliberately constructed as a 'house that looks like a barn', and that the appellant had gone to 'considerable lengths' to deceive the Council in this regard – they therefore concluded that the building itself is also not lawful.

On the issue of whether or not the dwelling should be granted planning permission in any case, the Inspector considered the proposal to be inappropriate in the green belt because the building has not previously been in a lawful use (and therefore cannot be judged to be an appropriate reuse of an existing building). It was further considered that even if the building was lawfully a barn, its change of use to residential would reduce the openness of the green belt and result in harm to it. The site is a considerable distance from facilities and public transport and the proposed could not be judged to be sustainable – accordingly the Inspector concluded that there were no very special circumstances to justify the building's retention. The enforcement notices therefore stand, with minor amendments for clarity.

Decision: Appeal Dismissed

Delegated or  
DMC Decision: Delegated

3. DCLG No: APP/C1950/D/16/3143365

Application No: 6/2015/2002/HOUSE

Appeal By: Mr V Filipovich

Site: 22 Homestead Lane, Welwyn Garden City, AL7 4LU

Proposal: Replacement of outbuildings following fire

Summary: The applicant had attempted to justify the design of the new building on the ground that it would be less at risk of fire, but the Inspector did not take this into account as it is not a planning matter. The Inspector judged that whilst the outbuilding is of a large scale for a garden context and would be partly visible from adjacent roads, these issues were not sufficiently harmful on their own to necessitate the appeal being dismissed. However, in combination with the building's poor design and disjointed appearance there was considered to be unacceptable harm to the character and appearance of

the surrounding area – contrary to Policies D1 and D2 of the District Plan.

Decision: Appeal Dismissed

Delegated or  
DMC Decision: Delegated