

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 27 February 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

Appeal Decisions 16/01/2020 to 14/02/2020

ENF/2017/0161	
DCLG No:	APP/C1950/C/19/3226139
Appeal By:	Mr I Mitchell
Site:	30 Astwick Avenue Hatfield AL10 9LA
Proposal:	Retention of change of use from summerhouse to single residential dwelling
Decision:	Appeal Dismissed
Decision Date:	20/01/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>‘This Enforcement Appeal was made with regards to the breach of planning control in relation to the material change of use of a summerhouse to a self-contained unit for residential occupation.</p> <p>The key issues were whether the appeal building provides adequate living conditions for its occupants and the effect of the dwelling on the living conditions of neighbours, having particular regard to overlooking, noise and disturbance, the effect of the dwelling on the character and appearance of the area and whether the dwelling makes satisfactory provision for car parking, bin storage and cycle storage.</p> <p>The Inspector noted that an appeal relating to the site, reference APP/C1950/W/18/3218329, for the change of use of summerhouse to a single residential dwelling, was dismissed on 28 June 2019.</p> <p>Ground (a)</p> <p>The Inspector found that there is a significant level of overlooking between the amenity space to the front of the building and the rear garden of No 30 which the low-level metal fencing does little to mitigate. Noise and disturbance generated by the occupants of both the appeal building and No 30 would compound this loss of privacy and considered such overlooking and loss of privacy is harmful to the living conditions of occupants of both the appeal building and No 30. This would be contrary to Policy D1 of the WHDP and the SDG. When considering the effect of the character of a development on an area the Inspector considered both its appearance and function. Whilst the</p>

building could remain in situ, a detached dwelling to the rear of the dominant building line would be at odds with existing development along Astwick Avenue and, as a result, would diminish the character of the area. The inspector acknowledged that there would be very limited public views of the building, that the scale of the development is modest, and therefore the effect on the appearance of the area would be very limited. However, he was mindful that this sort of development could be replicated elsewhere in the area. Thus, the appeal scheme would conflict with Policies H2, D1 and D2 of the WHDP, the SDG and the Framework, the requirements of which are set out above.

With regards to the car parking and bin storage the Inspector considered it unlikely that the appeal scheme would therefore significantly increase parking pressure on the road and there would be no harm in this respect. It was considered that there was sufficient space for bin storage and although details have not been provided and the Inspector considered that this is something that could be addressed via condition. As such, there would be no conflict with Policies D1 or D2 of the WHDP or the SDG in this regard.

Given the unacceptable impact of the development on living conditions and the character and appearance of the area the Inspector was satisfied that the appeal on ground (a) should fail.

Ground (f)

The appellant asserts that the requirement of the notice is excessive in relation to the cooking equipment but the Inspector found that the cessation of the use without removal of the facilities which enable that use would provide no control on the future use of the outbuilding without continual monitoring, which would be unreasonable. Furthermore, the Inspector was not satisfied that it would remedy the breach of control, which would require both the cessation of the use and the works that facilitated that change of use to be removed. Accordingly, the appeal on ground (f) fails.

Ground (g)

The appellant submits that the period of compliance was too short and would not give the current tenants enough time to find alternative accommodation, the Inspector considered a period of seven months would be more reasonable and therefore varied the notice accordingly.

The appeal under ground (g) succeeds to that extent but, subject to that variation, the appeal shall be dismissed and the enforcement notice upheld.

6/2019/1084/HOUSE

DCLG No: APP/C1950/D/19/3238104

Appeal By: Mr S Dunn

Site:	7 Dudley Hill Close Welwyn AL6 0QQ
Proposal:	Erection of a two storey rear extension and two single storey side extensions following demolition of existing garage and store
Decision:	Appeal Allowed with Conditions
Decision Date:	21/01/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal concerned the erection of a two storey rear extension and two single storey side extensions.</p> <p>The key issue was the effect of the proposed development on the character and appearance of the host dwelling.</p> <p>The Inspector found that the proposed two storey rear extension would be substantial in size by virtue of its full width nature and depth. However, as a result of the existing depth of the property and the existing single storey additions creating a wider property at ground floor, the host dwelling could accommodate the extensions without them appearing as dominant features.</p> <p>The appeal was allowed.</p>

6/2019/1064/FULL

DCLG No:	APP/C1950/W/19/3238498
Appeal By:	Mrs Pattison
Site:	51 School Lane Welwyn AL6 9PL
Proposal:	Change of use of outbuilding to a self-contained one-bedroom dwelling
Decision:	Appeal Dismissed
Decision Date:	28/01/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>The main issues within this appeal were the effect of the development on the character and appearance of the area; whether it would provide adequate living conditions for future occupants, with regard to the amount of outdoor amenity space and outlook; and, the effect on the living conditions of the occupants of 51 School Lane, with regard to outlook and light.</p> <p>The Inspector found that the subdivision of the plot would fail to respect and relate to the character and plot sizes of the immediate area. It was considered that this marked contrast in plot sizes would result in the site appearing cramped and overdeveloped when read in the context of the more generous plots of the surrounding properties, diminishing the overall spaciousness of the area.</p>

It was found that although the living conditions for future occupiers in terms of both internal and outdoor space would be limited, given the size of the proposed dwelling, this would not be unacceptable.

With regards to the living conditions for No. 51 School Lane, it was considered that the remaining outdoor amenity space would be of a sufficient size to enable adequate provision for outdoor play, outdoor seating, hanging clothes out to dry and other activities associated with family living. Although the high boundary fence would reduce the outlook from the rear of No 51, there would be sufficient garden depth to ensure that adequate outlook from the rear windows in No 51 is retained.

As a consequence, the Inspector concluded that although the living conditions of existing and future occupants would be acceptable, it would be found that these aspects did not overcome the harm that the development would have on the character and appearance of the immediate area.

6/2019/0324/FULL

DCLG No:	APP/C1950/W/19/3234208
Appeal By:	Mr P Brennan
Site:	Lower Farm 2 Bell Lane Brookmans Park Hatfield AL9 7AY
Proposal:	Change of use and conversion of existing single storey farm building to form 2 x dwellings, new vehicular access and crossover including alterations to openings
Decision:	Appeal Dismissed
Decision Date:	04/02/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>The appeal concerned the change of use and conversion of a redundant farm building to form two dwellings. The subject farm building is located within the curtilage and setting of a Grade II Listed building (Lower Farm Farmhouse).</p> <p>The key issue was the effect of the proposal on the character and appearance of the building, together with the setting of the nearby Grade II listed building, Lower Farm Farmhouse.</p> <p>The inspector considered that new windows on the west elevation of the building would be more modern and at odds to its current uncomplicated appearance. Also, the introduction of 7 rooflights would result in a cluttered appearance, detracting from the simple form and elevations of the building.</p> <p>Additionally, new boundary treatments would have the effect of severing the outbuilding from the curtilage of the farmhouse and, as a</p>

consequence, would curtail the curtilage and diminish the attractiveness of the listed building. The building would appear as a separate entity from the farmhouse, rather than an associated building.

For the above reasons, the Inspector was of the view that the proposal would have a harmful effect on the character and appearance of the building, together with the setting of the nearby Lower Farm Farmhouse. In failing to preserve the setting of the listed building, he found that the scheme would result in less than substantial harm to a designated heritage asset. Given the scale of the scheme for two dwellings, the public benefits (additional housing and economic benefits) were not sufficient to outweigh the harm identified.

The appeal was dismissed

6/2019/1130/HOUSE

DCLG No:	APP/C1950/D/19/3240092
Appeal By:	Mrs Begum
Site:	170 Crawford Road Hatfield AL10 0PA
Proposal:	Retention of replacement roof and first floor front elevation wall and retention of first floor side extension, side elevation window and rear dormer
Decision:	Split Decision - Part Allowed and Part Dismissed
Decision Date:	07/02/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal concerned the retention of a two storey rear, two storey side, front extensions and loft conversion with a rear dormer and roof lights. The application was refused as a result of the poor quality design of the rear dormer and insufficient and inaccurate drawings in relation to the existing extensions.</p> <p>The Inspector considered the rear dormer to be contrived and of poor quality design. It was concluded that in terms of its form and design in relation to the main roof, it detracts from both the character and appearance of the host dwelling and the area. Limited weight was given to the fact it is not overly prominent in the streetscene.</p> <p>A revised drawing was submitted with the appeal to address the second reason for refusal. The Inspector was satisfied with the accuracy of the drawing other than in respect of the roof lights and rear dormer.</p> <p>The decision was split. It was dismissed insofar of the loft conversion but allowed for the rest of the development.</p>

6/2019/0166/FULL

DCLG No:	APP/C1950/W/19/3233205
Appeal By:	Mr S Goulden
Site:	Units Peartree Farm Welwyn Garden City AL7 3UW
Proposal:	Construction of coach workshop & office with 2 parking spaces, resurface of yard/wash down area following demolition of existing office and garage
Decision:	Appeal Allowed
Decision Date:	10/02/2020
Delegated or DMC Decision:	Committee
Summary:	<p>The main issue raised in this appeal is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise.</p> <p>The proposals include the demolition of all existing buildings on the site and the provision of two new buildings, comprising one as a workshop and another for an office.</p> <p>The Inspector found that as a result of the proposed workshop building, particularly the size of the roller shutter door to the front elevation, that a double decker coach would not be able to fit inside of it. As such, it would be necessary to undertake servicing and maintenance of this particular vehicle in the open area. The Inspector also found that many of the activities currently undertaken in the open will be relocated to inside of the building which would result in an improvement over the existing situation and to the living condition of nearby residents. He found that the proposal would be closer to the boundary with neighbouring properties than the existing areas, but it would be screened to some degree, by the single storey office building. This would limit the effect of activities undertaken on the double decker coach. The specific activities associated with this vehicle would not be any more intrusive than currently.</p> <p>The Inspector concluded that the proposal would not result in an adverse effect on the living conditions of neighbouring occupiers with particular reference to noise and the proposal was subsequently allowed.</p>

6/2019/1386/HOUSE

DCLG No:	APP/C1950/D/19/3238505
Appeal By:	Mr G Anastasiou
Site:	15 Northaw Road West Northaw Potters Bar EN6 4NW
Proposal:	Erection of single storey rear, part side, part first floor extension following demolition of garage

Decision:	Appeal Dismissed
Decision Date:	12/02/2020
Delegated or DMC Decision:	Delegated
Summary:	<p>The key issues were whether the proposed development would be inappropriate development in the Green Belt; the effect of the proposal on the character and appearance of the host property and surrounding area; and whether the harm to the Green Belt would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.</p> <p>The Inspector found that due to the size of the proposed development it would add significant bulk to the house and would appear disproportionate to the original dwelling when viewed from the rear. As such it was inappropriate development in the Green Belt. He also found that the proposal would cause a loss of spatial and visual openness of the site. In isolation, the loss of openness would be small, but nevertheless, the proposal would harm one of the essential characteristics of the Green Belt.</p> <p>He also found that the proposal would harm the character and appearance of the host property. Although he did find that the proposed rendering of the external walls would not harm the character or appearance of the conservation area. He found that the benefits of the appeal scheme and all other considerations do not clearly outweigh the totality of harm the development causes to the Green Belt and the other harm that has been identified. Consequently the very special circumstances necessary to justify the development do not exist.</p> <p>The appellant asked to issue a split decision that allows the first floor extension but does not permit the single storey extension. However the Inspector was uncertain that the first floor element of the proposal is clearly severable from the other parts of the proposed development and so a split decision as requested would not be appropriate.</p> <p>He concluded that the appeal should be dismissed.</p>