

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 21 OCTOBER
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

Appeal Decisions 03/08/2021 to 08/10/2021

6/2020/2852/HOUSE	
DCLG No:	APP/C1950/D/21/3268635
Appeal By:	Mrs. C. Hunt
Site:	Sawmill Cottage Waterend Lane Ayot St Peter Welwyn AL6 9BB
Proposal:	First floor side extension
Decision:	Appeal Dismissed
Decision Date:	11/08/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>The appeal was dismissed</p> <p>This appeal relates to the refusal of planning permission for a first floor side extension. The decision is odd, in that unlike two previous applications in 2018 and 2009 (attached), the Inspector did not dismiss the appeal on Green Belt grounds and dis-agreed with his predecessors assessments.</p> <p>The Inspector considered that the previous appeals on the site took into account the size of the detached garage building within the grounds of the property when assessing proportionality, and he did not, because the garage building is “clearly detached from, and some distance from the dwelling and does not constitute an extension to it”.</p> <p>He goes on to say: “In reaching this view I am mindful of the wording of Policy RA3 of the DP, however I consider that the reference to outbuildings relates to how they would be assessed if planning permission was required for them, as opposed to including their size in an assessment of proportionality. It is also noteworthy that the supporting text to emerging Policy SADM 34 considers that new free standing incidental buildings further than 5 metres from the dwelling should not be classed as an extension to it, but rather as new buildings in the Green Belt”.</p> <p>Instead the Inspector agreed that the poor design of the first floor side extension would be “out of keeping with the character and appearance of the host dwelling and the contribution that it makes to the character and appearance of the area would be reduced as a result”.</p> <p>The Inspector concludes: “Whilst the proposal would not be inappropriate development in the Green Belt I have found that its design would be harmful to the</p>

character and appearance of the dwelling in conflict with the development plan”.

6/2020/2204/HOUSE

DCLG No:	APP/C1950/D/21/3268054
Appeal By:	Mr and Mrs H Dave
Site:	52 Maryland Hatfield AL10 8DX
Proposal:	Erection of single storey front and two storey rear extension
Decision:	Split Decision - Part Allowed and Part Dismissed
Decision Date:	17/08/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Appeal allowed in part: 52 Maryland Hatfield AL10 8DX.</p> <p>This appeal relates to a householder application for a single storey front extension and two storey rear extension. Adjoining neighbour No. 50 Maryland also submitted a planning application at the same time with the same proposal. As the applications for No. 52 and No. 50 were submitted separately, the subsequent appeal cases were considered separately.</p> <p>The application was refused on the basis of harm to the character of the dwelling and harm to neighbouring amenity.</p> <p>The Inspector found the first floor element of the rear extension would harm the living conditions of No. 50 in respect to outlook but found the rear extension would not harm the character and appearance of the dwelling. The Inspector found the front extension to be limited in size and scale and considered it would have little impact on neighbouring amenity and would not harm the character or appearance of the dwelling.</p> <p>In this case, the Inspector issued a split decision after finding the proposed front extension acceptable in all respects but the rear extension unacceptable in regards to neighbouring amenity.</p>

6/2020/1914/HOUSE

DCLG No:	APP/C1950/D/21/3268055
Appeal By:	Mrs B Grewal
Site:	50 Maryland Hatfield AL10 8DX
Proposal:	Demolition of conservatory and erection of single storey and part two storey rear extension.
Decision:	Split Decision - Part Allowed and Part Dismissed
Decision Date:	17/08/2021
Delegated or DMC Decision:	Delegated
Summary:	Appeal allowed in part: 50 Maryland Hatfield AL10 8DX.

	<p>This appeal relates to a householder application for a single storey front extension and two storey rear extension. Adjoining neighbour No. 52 Maryland also submitted a planning application at the same time for the same proposal. As the applications for No. 52 and No. 50 were submitted separately, the subsequent appeal cases were considered separately.</p> <p>The application was refused on the basis of harm to the character of the dwelling and harm to neighbouring amenity.</p> <p>The Inspector found the first floor element of the rear extension would harm the living conditions of No. 52 in respect to outlook and loss of sunlight but found the rear extension would not harm the character and appearance of the dwelling. The Inspector found the front extension to be limited in size and scale and considered it would have little impact on neighbouring amenity and would not harm the character or appearance of the dwelling.</p> <p>In this case, the Inspector issued a split decision after finding the proposed front extension acceptable in all respects but the rear extension unacceptable in regards to neighbouring amenity.</p>
6/2020/2929/HOUSE	
DCLG No:	APP/C1950/D/21/3277861
Appeal By:	Marc Tims
Site:	112 Hollybush Lane Welwyn Garden City AL7 4JW
Proposal:	Erection of a single storey rear extension and installation of rear rooflights following the removal of the existing solar thermal system and rear roof dormer
Decision:	Appeal Closed
Decision Date:	25/08/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal was lodged following a decision to decline to determine the proposal in accordance with powers outlined in Section 70C of the Town and Country Planning Act. The reason for this was because some of the proposed plans included elements of an unauthorised development which is the subject of an enforcement notice.</p> <p>The Planning Inspectorate outlined in their response letter that there is no right of appeal to PINS in the event that the LPA has exercised their right to decline to determine the application. This is because the Planning Inspectorate have no jurisdiction to accept an appeal in these circumstances. As a result, the appeal has now been closed.</p>
6/2020/2878/HOUSE	
DCLG No:	APP/C1950/D/21/3270456
Appeal By:	Mr Shyam Gautam
Site:	53 Clover Way Hatfield AL10 9FN

Proposal:	Erection of single storey rear extension and conversion of existing garage into habitable room
Decision:	Appeal Dismissed
Decision Date:	01/09/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal related to the conversion of an existing garage into a bedroom. The resultant 4-bed dwelling would have just one off street parking space.</p> <p>The main issue was the effect of parking on highway safety and the character and appearance of the area.</p> <p>The appeal property is accessed via a shared driveway and is located within a modern housing estate which comprises relatively high density housing.</p> <p>The Inspector acknowledged that whilst the SPG is only guidance, it is a material consideration that carries some weight, as it provides evidence to assess more objectively the impact of the proposed development on highway safety.</p> <p>The Inspector noted that the extra demand for on-street parking would be relatively small and there were on-street parking spaces nearby. The appeal is also located in a relatively sustainable location.</p> <p>Nevertheless, the proposal would result in potentially additional displaced parking on the shared driveway at the front of the property and the surrounding streets, leading to the increased potential for conflicts between traffic and cyclists or pedestrians in the vicinity of the site.</p> <p>In addition, any displaced parking and increase in parked vehicles along the shared driveway and in the narrow access road running alongside the appeal site would add to the cluttered nature of the environment and as such would cause some, albeit limited harm to the character and appearance of the area.</p> <p>The appeal was dismissed.</p>
6/2021/0133/HOUSE	
DCLG No:	APP/C1950/D/21/3272010
Appeal By:	Mr Michele Casiero
Site:	82 Broadwater Crescent Welwyn Garden City AL7 3TU
Proposal:	Erection of a single storey side extension
Decision:	Appeal Dismissed
Decision Date:	01/09/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>RE: 82 Broadwater Crescent, WGC - Appeal Dismissed</p> <p>This appeal relates to a householder application for a single side extension.</p>

The application was refused on the basis of the proposed development fail to appropriately respect or relate to the existing dwelling and it would have a detrimental impact on the character of the area, with the result that it would represent poor quality design. Accordingly the proposal is unacceptable and fails to comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guide and the National Planning Policy Framework.

The inspector stated that “although the proposed extension would not appear overlarge, relative to the overall plot size, the scale and form of the proposed extension would nevertheless still be a significant addition to the appeal property in this location. The awkward design and appearance of the flat roofed extension would be very much at odds with the distinctive mono-pitched roof of the porch extension at the front of the host property.

These shortcomings would be exacerbated by the proposal’s prominent position, which would be visible from a number of public vantage points along Broadwater Crescent. The proposed extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area”.

6/2021/0545/HOUSE

DCLG No:	APP/C1950/D/21/3277499
Appeal By:	Amelia Tongue
Site:	48 Brookside Crescent Cuffley Potters Bar EN6 4QN
Proposal:	Erection of two-storey side extension and alterations to openings
Decision:	Appeal Withdrawn
Decision Date:	09/09/2021
Delegated or DMC Decision:	Delegated
Summary:	

6/2020/2740/PN27

DCLG No:	APP/C1950/D/21/3274012
Appeal By:	Mr J & Mrs K Compton
Site:	53 The Ridgeway Cuffley Potters Bar EN6 4BD
Proposal:	Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.68m in height.
Decision:	Appeal Dismissed
Decision Date:	14/09/2021
Delegated or DMC Decision:	Delegated

Decision:	
Summary:	<p>This was an appeal against two prior approval applications under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (enlargement of a dwellinghouse by construction of additional storeys). Both applications were refused for failing to adhere to the following criteria:</p> <p>AA.1.Development is not permitted by Class AA if—</p> <p>(i) Any additional storey is constructed other than on the principal part of the dwellinghouse.</p> <p>The application property is a chalet style bungalow which has a front projection with a hipped roof. This is also attached to a single storey front extension (granted in 1965) which has a crown roof. Both elements sit below the ridge height of the property. The appellant’s view was that the principal part of the dwelling included the front elements as they are of the same eaves height and floor level to the rest of the dwelling.</p> <p>It is important to note that the GPDO offers the following clarification about the principal part of the dwelling:</p> <p>“principal part”, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;</p> <p>The Inspector’s view was that there was limited scope for subjectivity on this matter and that the proposed additional storey would, to a lesser or greater degree, extend over the existing front extension which is of a lower height than the original dwelling. As such, in both schemes the proposed additional storey would be constructed other than on the principal part of the dwellinghouse.</p> <p>Appeals A and B were both dismissed.</p>
6/2020/2894/HOUSE	
DCLG No:	APP/C1950/D/21/3270998
Appeal By:	Mrs B. Grewal
Site:	31 Aldykes Hatfield AL10 8ED
Proposal:	Erection of front and rear extensions
Decision:	Appeal Allowed
Decision Date:	17/09/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Appeal allowed: 31 Aldykes Hatfield AL10 8ED</p> <p>This appeal relates to a householder application for the erection of a front and partial two storey rear extension.</p>

	<p>The application was refused on the basis that the resultant internal layout would represent a poor standard of design and harm the living conditions of the future occupiers.</p> <p>The Inspector however considered that the proposal would result in a larger and more spacious living areas for future occupiers and the additional W.C. facilities at the ground and first floor level would improve the accessibility and overall standard of accommodation within the property.</p> <p>The appeal was therefore allowed as the Inspector found that the proposal would provide an acceptable standard of living accommodation for future occupiers.</p>
6/2021/0112/HOUSE	
DCLG No:	APP/C1950/D/21/3272036
Appeal By:	Mrs Emine Keles
Site:	58 Tolmers Road Cuffley Potters Bar EN6 4JY
Proposal:	Erection of a part single, part two storey rear extension with Juliette balcony, enlargement of existing front porch, front dormer, alterations to existing window openings and proposed window openings to dwellinghouse
Decision:	Appeal Dismissed
Decision Date:	21/09/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Appeal dismissed: 58 Tolmers Road Cuffley Potters Bar EN6 4JY</p> <p>This appeal relates to a householder application for the erection of a part single, part two storey rear extension with Juliette balcony, enlargement of existing front porch, installation of front dormer and alterations to fenestration.</p> <p>The application was refused on the basis that:</p> <ul style="list-style-type: none"> • The proposed front extension would fail to respect and relate to the application dwelling and would appear as an incoherent and incongruous addition to the property. • The proposed front dormer would be a cramped addition and, together with existing dormers, would result in a cluttered appearance. • The proposed ground floor rear extension would be unduly dominant from the nearest ground floor windows and private rear garden of No. 60 Tolmers Road, and would also result in significant loss of light to this property, resulting in harm to the living conditions of the occupiers of No. 60. <p>The Inspector considered that the front dormer window would not be positioned in such a manner that it would appear cramped. However, the Inspector continued and found that the proposal for the front extension would be an uncomplimentary and incongruous addition to the application dwelling. The Inspector also found the ground floor rear extension would appear overbearing towards adjoining neighbour No. 60, as well as resulting in No. 60 to experience a loss of light.</p> <p>The appeal was therefore dismissed.</p>

6/2021/1233/HOUSE	
DCLG No:	APP/C1950/D/21/3282414
Appeal By:	Mr Liam Day
Site:	2 Elmwood Welwyn Garden City AL8 6LE
Proposal:	Erection of two single storey side extensions and rear porch
Decision:	Late Appeal turned away
Decision Date:	22/09/2021
Delegated or DMC Decision:	Delegated
Summary:	
6/2020/0714/MAJ	
DCLG No:	APP/C1950/W/21/3269378
Appeal By:	Mr Kevin McBride
Site:	Land at Oakleigh Farm Industrial Estate, Codicote Road, Welwyn, AL6 9TY
Proposal:	Change of use of land from general industrial and storage (B2 and B8) to dwelling houses (C3) to facilitate erection of 7x dwellings following demolition of existing buildings
Decision:	Appeal Allowed with Conditions
Decision Date:	29/09/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal related to proposed redevelopment of a site, which would deliver seven dwellings. It is important to note that part of the proposed development would be in North Herts.</p> <p>The application was refused for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development was inappropriate development within the Green Belt by definition, with further substantial harm caused by its impact on the openness of the Green Belt and because it would conflict with the purposes of including land within the Green Belt. • The proposed development failed to provide an appropriate level of financial contributions to mitigate the impact that the development would have on local infrastructure. <p>Background</p> <p>It is important to note that the applicant had previously submitted a Section 191 application (existing certificate of lawfulness). As part of this application the applicant tried to establish that the site had a lawful commercial use because it had occurred continuously for more than 10 years. This application was refused by the Council because the it was decided that the applicant had failed to demonstrate</p>

this through this application. While the Council's reach this decision, North Herts in determining their application found that the site had a lawful commercial use.

Decision

While the Inspector noted that the Council position that the applicant was unable to prove that the site had a lawful commercial use(s), he considered that the evidence before him demonstrated that it was reasonable to conclude that the site contained permanent structures which were not used for agricultural purposes. The Inspector therefore found it was reasonable to conclude the site was previously developed, with the result that the development could fall within exception 149(g) of the NPPF.

Having found that the development could fall within this exception the Inspector found that overall, when the proposed development was compared to the existing built form and use of the site that it would not result in a spatial loss of Green Belt openness. In addition, the Inspector concluded that the proposed soft landscaping and extensive planting around the boundaries would provide more greenery to soften the appearance of the site and restrict views of the buildings, access road and gardens in the surroundings. Furthermore, the Inspector found the proposed development would not encroach into the countryside and would therefore not conflict with the purposes of including land within the Green Belt. Accordingly it was found that the proposed development would fall within exception 149(g) of the NPPF with the result that it was appropriate development by definition. It was also considered that the proposed development would be in keeping with the character and appearance of the surrounding area because whilst the domestic appearance of the site would result in a degree of visual change, the development would appear discreet in the surroundings due to the modest scale of the dwellings and the new planting. It would also be seen in the context of other residential properties nearby.

With regards to the suggested contributions, the Inspector found that based on the submitted evidence and having regard to the small amount of proposed dwellings, that this was not sufficient to demonstrate that the financial contributions requested were necessary. It was therefore concluded that a planning obligation for financial contributions towards local infrastructure and services were not necessary to make the proposal acceptable in planning terms having regard to the statutory tests in Regulations 122 of the CIL Regulations.

Further to the above the Inspector concluded that the proposed development was acceptable, subject to conditions, with the result that he allowed the appeal.