

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 03 MARCH 2022  
REPORT OF HEAD OF PLANNING

**Appeal Decisions 08/01/2022 to 18/02/2022**

6/2021/0950/HOUSE	
<b>DCLG No:</b>	APP/C1950/W/21/3280605
<b>Appeal By:</b>	Mr P Kline
<b>Site:</b>	45 Robbery Bottom Lane Welwyn AL6 0UL
<b>Proposal:</b>	Erection of single storey side garage extension to facilitate garage into habitable space.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	17/01/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This application was for the erection of single storey side garage extension to facilitate garage into habitable space.</p> <p>This application was previously appealed.</p> <p>The key issues were the impact of the proposals upon the character and appearance of the area and the living conditions of occupiers of the garage conversion.</p> <p>The character and appearance of the area</p> <p>The Planning Inspector discussed the hierarchy of buildings and garages and the suburban nature of Robbery Bottom Lane. It is said that:</p> <p>‘The proposal before me, through both the extension combined with the insertion of windows into the garage frontage, would change this structure from what is clearly an ancillary and functional building into something that appears much more like a standalone dwelling. The exception being that this proposal would be without the separation, space, landscape or generous gardens being around it. The result would be a dwelling like building upon a small and tight plot with very little in the way of landscape or space to enable it to integrate into the area. The building would therefore appear cramped and cause harm to the character and appearance of the area as a whole.</p> <p>The Planning Inspector wasn’t convinced that the minor changes made by the applicant overcame the impact on the character and appearance of the area and agreed with this refusal point.</p>

	<p>Impact on the living conditions of occupiers of the garage conversion</p> <p>The Planning Inspector agreed with the previous Inspector that the area to the rear of the garage would be a cramped, dark and damp space and therefore not useable as amenity space. However considered that the extra area of garden provided in this application to the existing parking area and the ability to use the garden of the main house would result in a sufficient level and quality of amenity space for residents. The Planning Inspector considers that the requirements for a reasonable level of amenity space have been met for this building as an ancillary habitable space to the main house and that Policy D1 of the Welwyn and Hatfield Local Plan has been met. However, even though they found in favour of the proposal (with regard to Policy D1), the harm which I have identified in relation to Policy D2 and the effect on the character of the area, far outweighs any favourable finding with regard to Policy D1.</p> <p>This appeal was dismissed.</p>
<b>6/2021/0504/FULL</b>	
<b>DCLG No:</b>	APP/C1950/W/21/3275471
<b>Appeal By:</b>	Mr R Norwood
<b>Site:</b>	72 Aldykes Hatfield AL10 8EF
<b>Proposal:</b>	Conversion of HMO dwelling to 2 x apartments, including single storey rear extension.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	20/01/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal following the refusal of full application for the conversion of a HMO dwelling into two apartments, including single storey rear extension which was refused for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed conversion of the building to form two resident flats fails to meet the minimum space standards set out within the Nationally Described Space Standards 2015</li> <li>• The lack of external private amenity space provision for the first floor unit, would represent an over intensive form of development that would result in cramped and unsatisfactory living accommodation for the future occupants.</li> </ul> <p>The Inspector stated that by reasons of the layout of the property, occupiers of the proposed first-floor flat would not have access to the rear garden of the property, and as a consequence, this would prevent the occupiers of the dwelling from experiencing appropriate living conditions due to a lack of access to on-site outdoors recreation. The lack of garden space would also reduce opportunities for future occupiers from matters such as the storing of household waste or undertaking domestic tasks such as the drying of washing.</p> <p>It was considered that whilst the proposed development would be near to various</p>

	<p>small open spaces in the surrounding area which could be used for some recreation, they would not be of a suitable size to undertake the full range of activities and they would not have the same level of privacy as a garden.</p> <p>The Inspector agreed that the proposed development would not comply with the Nationally Described Space Standards (NDSS). However, it was stated that the degree of the shortfall would be relatively small and given the lack of relevant adopted planning policy on the matter, this did not cause significant concerns. The Inspector states that due to the current situation with the new local plan, full weight was not given to emerging policy SADM11.</p> <p>It was therefore concluded that whilst the proposed dwellings would be of an appropriate size, this does not outweigh the concerns arising from the lack of access to appropriate outdoors recreation space for all future occupiers.</p> <p>The appeal was therefore dismissed.</p>
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<b>6/2021/0237/OUTLINE</b>	
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<b>DCLG No:</b>	APP/C1950/W/21/3272408
<b>Appeal By:</b>	Mr Daniel Brunt
<b>Site:</b>	The Bungalow Great North Road Hatfield AL9 6DB
<b>Proposal:</b>	Outline permission for the erection of a detached dwelling with all matters reserved.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	04/02/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal for outline planning permission for the erection of one dwelling with all matters reserved. The application site is a plot of land in between two houses, near to the Esso Garage on Great North Road (A1000).</p> <p>The application was refused by the Council as Bell Bar was not considered to fall within the definition of a village and the application site was also outside of the physical limits of the settlement. In addition, there was uncertainty about the use of part of the site as the design and access statement described the land being used for parking for adjacent businesses. A large number of cars were witnessed as being parked on the site when the site was visited. It was concluded the development would be inappropriate development in the Green Belt, would harm openness and would be contrary to the purposes of the Green Belt.</p> <p>The Inspector confirmed that whether a site is within a defined village boundary in a development plan is not conclusive to determining whether a site is within a village or not, it is for the decision maker to decide whether, as a matter of fact and degree on the ground, the site appears to be in a village. They took the view that a settlement of the scale identified (with houses, a public house, a restaurant and a petrol station) could be classed as a village and Figure 6 of the eLP identifies Bell</p>

	<p>Bar as a village. Therefore, it was reasonable to conclude Bell Bar was a village.</p> <p>The Inspector also found that although the development site extends along the A1000, it would be in a continuous built up frontage and would be visually and physically related to the development along Bell Lane, therefore would form part of the settlement of Bell Bar. As such, it was considered to meet the limited infilling exception under paragraph 149(e) of the NPPF.</p> <p>The Inspector did not refer to any of the points raised about the lawful use of the site/number of parked vehicles from businesses in reaching their decision.</p> <p>The appeal was allowed subject to conditions.</p>
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#### 6/2019/2760/OUTLINE

<b>DCLG No:</b>	APP/C1950/W/20/3253559
<b>Appeal By:</b>	Humphrey Brosnan
<b>Site:</b>	Colesdale Farm Northaw Road West Northaw Potters Bar EN6 4QZ
<b>Proposal:</b>	Outline permission for residential development of site of up to 34 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	15/02/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	To follow

#### 6/2021/1543/FULL

<b>DCLG No:</b>	APP/C1950/W/21/3280027
<b>Appeal By:</b>	Mr Vasile Tanasa
<b>Site:</b>	34 Haseldine Meadows Hatfield AL10 8HB
<b>Proposal:</b>	Proposed change of use of amenity land to a private driveway with hardstanding to accommodate two parking spaces
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	15/02/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	To follow

#### 6/2021/1946/FULL

<b>DCLG No:</b>	APP/C1950/W/21/3283086
<b>Appeal By:</b>	Mr Paul Naughton
<b>Site:</b>	50 Holloways Lane Welham Green Hatfield AL9 7NS
<b>Proposal:</b>	Conversion of a detached double garage to a two-bed dwelling with off street

	parking
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	15/02/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	To follow