

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 20 OCTOBER 2022  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**Appeal Decisions 26/07/2022 to 07/10/2022**

6/2021/1791/VAR	
<b>DCLG No:</b>	APP/C1950/W/21/3288121
<b>Appeal By:</b>	Mr Andrew Newland
<b>Site:</b>	Nyn Manor Vineyards Road Northaw Potters Bar EN6 4PQ
<b>Proposal:</b>	Variation of condition 4 (approved plans) on planning permission 6/2019/1813/FULL
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	24/08/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The application was for variations to a planning permission for a machinery shed. The changes sought comprised the installation of bi-fold doors behind the roller shutters and insertion of 5 additional roof lights on one roof slope bringing the total on that roof slope to 8. We refused permission as it was considered that the building was no longer designed for agricultural purposes and, as a consequence, there would be harm to the Green Belt and area's character including heritage assets in the building's setting.</p> <p>Case law was submitted in support of the Council's reasoning behind the building not being designed for agricultural purposes which the Inspector did take account of. However, against that, he noted that agriculture takes place at the farm, the building was being used for the storage of agricultural related machinery and tools, the floor plan hadn't changed and no change of use was sought. It was for those reasons that he concluded that the building is and remains one used for agricultural purposes. As such, the building would be appropriate development in the Green Belt and he considered that it would not harm the setting of the listed buildings.</p>
6/2020/3420/MAJ	
<b>DCLG No:</b>	APP/C1950/W/22/3294860
<b>Appeal By:</b>	HG Group
<b>Site:</b>	Biopark Broadwater Road Welwyn Garden City AL7 3AX
<b>Proposal:</b>	Demolition of existing buildings and construction of 289 residential units (Use Class C3) and community hub (Use Class E/F.2), with public realm and open

	space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	25/08/2022
<b>Delegated or DMC Decision:</b>	Committee
<b>Summary:</b>	<p>The application was refused by the Council at DMC contrary to officers recommendation. The reasons for refusal concerned: 1) inappropriate housing mix; 2) lack of car parking; and 3) poor design. Further information was submitted by the appellant before the start of the Inquiry regarding car parking and that reason for refusal was subsequently removed by the Council. The Inspector however still considered that issue in the decision due to parking issues raised by the Rule 6 Parties.</p> <p>The Inspector considered that the existing BioPark building to be unsightly and lacking architectural merit, being tall, wide and uncompromising its mass. He considered that replacement of the building with a high quality and well-conceived scheme that would significantly break up the mass of built form on site into sperate blocks with spaces between would be an improvement.</p> <p>Whilst noting that the proposed scheme would be of a relatively high density, the Inspector was of the view that it would reflect the garden city principles on which the city was founded, providing communal gardens and open space of various types, including children’s play space and areas for growing fruit with high quality landscaping, including trees. He observed that, whilst the density of the scheme was high in numerical terms, it is not the numerical figure which is important but whether any harm that would arise from that density. He was of the view that no such harm would arise in this instance noting that ‘...delivering a significant number of residential units in an area where they are desperately needed, is to be commended.’</p> <p>The Inspector was of the view that the development would be high quality, would reflect the scale and height of other development nearby and would provide good quality living conditions both internally and externally, including amenity space beyond policy requirements.</p> <p>With regard to impact on the Grade I Listed Hatfield House and Gardens he was of the view that, whilst the proposed development is unlikely to appreciably enhance the heritage assets or their setting, it would not harm them. In this respect he did not agree with Historic England’s assessment that some (less than substantial) harm would result. With regard to impact on the Welwyn Garden City Conservation Area, the Inspector noted that whilst views of the proposed development would be possible from some parts of the conservation area, the existing building is a detracting feature and its replacement with buildings of higher architectural quality would not harm its character or appearance.</p> <p>With regard to housing tenure and mix, the Inspector noted that the benefit of delivering 10% affordable housing in an area where it is demonstrated that there is an acute and unmet need, weighs in favour of the development. Whilst acknowledging this was not the policy compliant level of affordable housing</p>

provision, he noted that the appellant had provided a detailed viability appraisal which demonstrated that the scheme cannot viably provide any affordable housing whilst remaining deliverable.

On the issue of housing mix the Inspector acknowledged that the vast majority of recent housing completions have been smaller properties, largely one and two bed flats and the proposed development would also provide mainly one and two bed flats. However, he also noted that some three bed units and four bed houses are included in the proposed scheme. There would be a high proportion of smaller flats, but this allows for the efficient use of brownfield land at a very centrally located site, close to public transport links and the various shops, services and facilities available within easy walking distance. The proposed mix was also supported by the appellant's viability and market evidence and there would be little prospect of a scheme comprising a higher proportion of larger units coming forward, even if this were desirable. The Inspector also noted that there is also a supply of houses and larger units nearby such that there would not be an over proliferation of small flats in the wider area.

On the issue of parking the Inspector opined that the level of parking provision will exceed likely car ownership levels for the proposed development, bearing in mind typical car ownership levels associated with flats. Even if the site could not accommodate future parking demand, parking management provisions are to be secured and the submitted parking survey demonstrates that there is ample on-street parking available locally. The possible future introduction of parking restrictions would further discourage car ownership in favour of sustainable modes of travel if onsite parking provision proved insufficient. The site is located very close to the town centre and all of its services, shops, restaurants and facilities, as well as the train station and various bus stops, all of which are within a reasonable walking distance. Whilst the closest bus stops provide a limited service, additional bus stops are within walking distance and serve a greater variety of destinations with their attendant services and facilities, including employment opportunities.

In weighing up the key issues, the Inspector noted that the policies most important for determining the application are out of date due to the lack of a five-year housing land supply and the benefits arising from the proposed development would be substantial. He identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework (NPPF) and the development when taken as a whole. The appeal was allowed subject to conditions and a S106 agreement.

An application for costs to be awarded against the Council was not allowed by the Inspector.

**ENF/2022/0122**

**DCLG No:** APP/C1950/C/22/3305973

**Appeal By:**

**Site:** Vineyards Road, Northaw EN6 4PE

**Proposal:** Clearance to create new access

**Decision:** Late Appeal turned away

<b>Decision Date:</b>	30/08/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	
<b>6/2022/0228/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/22/3300226
<b>Appeal By:</b>	Mr Allan Carter
<b>Site:</b>	35 Meadway Welwyn Garden City AL7 4NQ
<b>Proposal:</b>	Erection of a single storey extension with mono-pitched roof.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	09/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal for a single storey rear extension with two mono-pitched roof elements.</p> <p>The design of the rear extension is proposed in dark render and zinc cladding with partial visibility from the street. However the Inspector noted that “Although visible, the proposed extension would appear subordinate to the main elevation of No.35 and would not cause harm to the character or appearance of the area”.</p> <p>He also went on to say that “it would also accord with paragraph 130 of the National Planning Policy Framework in so far as it seeks to ensure development is sympathetic to local character, while not preventing or discouraging appropriate innovation or change”.</p> <p>The appeal was allowed.</p>
<b>6/2022/0287/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/22/3300571
<b>Appeal By:</b>	Mr & Mrs D Franks
<b>Site:</b>	69 Maple Grove Welwyn Garden City AL7 1NN
<b>Proposal:</b>	Erection of a first floor rear extension
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	09/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal for the erection of a first floor rear extension. The proposed extension would be a depth of 4.8m, designed so that its rear elevation would be flush with the ground floor. The Inspector said that this element of the proposal would not appear unduly prominent or cause harm to the character and appearance of the streetscene.</p>

	<p>However, the proposed extension would have a set-back element, of 3.6m in depth, closest to the adjoined neighbour at No.71 Maple Grove (No.71). This has been designed to ensure no harm is caused to the living conditions of the neighbours at No.71.</p> <p>The Inspector said that this would be “an awkward and poor design detail and the roof form in particular would appear contrived. This I find would cause significant harm to the character and appearance of the host dwelling. Further, whilst I saw on my site visit that there have been other two-storey gable extensions on Maple Grove these have avoided such awkward design details”.</p> <p>The appeal was dismissed.</p>
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**6/2021/1497/FULL**

<b>DCLG No:</b>	APP/C1950/W/22/3294597
<b>Appeal By:</b>	Mrs Indranee Nuckcheddee
<b>Site:</b>	33 Chambers Grove Welwyn Garden City AL7 4FG
<b>Proposal:</b>	Retention of the change of use of the dwelling to a 6-bedroom house in multiple occupation (HMO) and the conversion of the garage to living accommodation
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	09/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal for the retention of a change of use of the dwelling to a 6-bedroom house in multiple occupation (HMO) for up to 9 individuals and the conversion of the garage to living accommodation. The application was refused by the Council as there was an inadequate level of parking provision, cycle storage and waste/recycling facilities for the future occupiers and insufficient drawings and details were provided to fully assess the communal areas/kitchen to adequately assess the proposal in its entirety.</p> <p>The Inspector noted that there are some inconsistencies between the different strands of car parking guidance in the borough for HMO's (SPG, HMO SPD and the Interim Policy). However, a site visit which was carried out as part of the appeal determined that car parking spaces on Leyton Road and Chambers Grove are very limited, there was a high level of on-street parking and some cars were parked across the public footway, even during the mid-morning period when many residents are expected to be at work. As only 1 parking space is achievable on site, it was therefore concluded that there is an existing, and significant, car parking pressure in the locality which would cause significant harm to the character of Chambers Grove and the surrounding area.</p> <p>Although the details were not submitted as part of the application, the Inspector found that as cycle storage and bin storage could easily be provided and there would be appropriate places for these structures, clarification could have been sought on this matter during the determination of the planning application. The large bin on the frontage which is commercial in appearance and noticeably larger than the neighbours bins was acknowledged but was not considered to cause</p>

	<p>material harm to the character or appearance of the area.</p> <p>The Inspector found that sufficient information had been provided to assess the proposal fully against the relevant policies. This was due to the site visit which was carried out and the dimensions and details of the internal layout, although it was acknowledged that there were no labels of some of the rooms and bedroom layouts on the plans. The Inspector also stated the communal dining/kitchen area which measures around 17.2sqm is acceptable, suitable and sufficient for the number of occupants.</p> <p>The appeal was dismissed for the reason that the development results in increased parking demand that causes significant harm to the character of the area.</p>
<b>6/2022/0758/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/22/3302120
<b>Appeal By:</b>	Mr Cassiem Jeppe
<b>Site:</b>	49 Mulberry Mead Hatfield AL10 9EH
<b>Proposal:</b>	Erection of a single storey side extension to facilitate conversion of garage into a habitable space.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	13/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to refused planning application 6/2022/0758/HOUSE at 49 Mulberry Mead for the erection of a single storey side extension to facilitate the conversion of the garage into a habitable space.</p> <p>The proposal would result in a habitable space, which was considered feasible to be used as a bedroom by current or future occupiers, increasing the amount of bedrooms from three to four within the site. The proposal would also reduce the size of the garage to an inadequate size to park a vehicle. The application was refused as it was considered to result in inadequate on-site car parking provision which would set an undesirable precedence in an area which was carefully designed to minimise visual intrusion of car parking by virtue of discrete parking courts, set-back driveways and pedestrian only routes.</p> <p>The Inspector took the view that garage as existing was not suitably sized to park most vehicles (at 5.2m in length and 2.5m in width). The Inspector recognised that the habitable space could be used as a bedroom and that the application site is located in an area not within a convenient walking distance to local shops, the town centre or public transport.</p> <p>The Inspector however noted no parking restrictions outside of the site and that there were plenty of parking spaces in bays and alongside the road at the time of their site visit, with no vehicles parked dangerously, illegally or interrupting the safety of footpaths.</p>

	The Inspector was not convinced that if allowed the proposal would set a precedence in the area and after observing no evidence of the local streets being cluttered with moving or parked vehicles, concluded that the development would not cause harm to the safety and convenience of road and footway users, and as such the development would not be contrary to the National Planning Policy Framework; District Plan Policies D1, D2 and M14; the Council's Supplementary Design Guidance; or the Council's Supplementary Parking Guidance.
<b>6/2022/0588/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/22/3302020
<b>Appeal By:</b>	Rohit Kaul
<b>Site:</b>	3 Tanglewood Welwyn Hertfordshire AL6 0RU
<b>Proposal:</b>	Erection of single storey front, side and rear extensions, installation of new fenestration, change to materials.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	14/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the erection of a single storey side and rear extension; front extension and change to materials/fenestration and landscaping.</p> <p>The main issue was the effect of the proposed development on the character and appearance of the host building and the local area.</p> <p>The Inspector considered that the enlarged dwelling, as a result of the proposals, would continue to stand comfortably within a good-sized landscaped plot. When seen from the road, it would remain clearly legible as a bungalow and broadly in keeping with the type and scale of properties along this part of Tanglewood.</p> <p>With regards to the materials, the Inspector considered that the contrasting materials and introduction of feature windows would add visual interest to the new front and rear façades. It would support the contemporary twist given to the appearance of the appeal dwelling. Timber cladding across an expansive area of the front elevation was an unfamiliar feature of buildings in the local area, where brick walls tend to prevail. The distinctive pattern of fenestration would also set the finished dwelling apart from other properties along Tanglewood. Nevertheless, the local area is not so homogenous as to be incapable of assimilating a variety of dwellings in terms of their design and materials.</p> <p>It was considered that the proposal would merely signal a contemporary style dwelling with a balanced front elevation and a coherent design. It would not be obtrusive nor look out of place among the varied built form that characterises the local area.</p> <p>Consequently, the Inspector concluded that the proposed development would not materially harm the character and appearance of the host building or the local area. As such, it does not conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 or the Council's Supplementary Design Guidance.</p>

The appeal was allowed, subject to conditions.

6/2021/1247/FULL

**DCLG No:** APP/C1950/W/21/3288495

**Appeal By:** Davis

**Site:**  
The Coach and Horses  
61 Newgate Street Village  
Hertford  
SG13 8RA

**Proposal:** Retention of a temporary structure to the rear of the property

**Decision:** Appeal Dismissed

**Decision Date:** 15/09/2022

**Delegated or DMC Decision:** Delegated

**Summary:** This case is important as it makes a number of key points about Green Belt, impact on noise and setting of the Listed Building. There is also an ongoing enforcement cases at this site so this appeal will form a material consideration.

This appeal was for:

Appeals A and B: APP/C1950/W/21/3283801 and C1950/Y/21/3283803

A retrospective application for planning permission and listed building consent for the retention of a single storey, timber-built outdoor bar within the garden curtilage of The Coach and Horses Public House (Grade II Listed), to be used as a customer drinks service bar, ancillary to the main public house.

Appeals C and D: APP/C1950/W/21/3288495 and C1950/Y/21/3288499

A retrospective planning application for the retention of a temporary enclosure located to the north of Grade II Listed The Coach and Horses for use as a safe, Covid compliant, covered seating area on an existing flagstone patio dining area to accommodate customers wishing to dine at the pub in all weathers. The enclosure comprises a 10m x 12m all-terrain platform, complete with a 10m x 12m single storey flat roof with architectural glass panels.

Decision

The main issues in Appeal A are whether the proposals would:

- preserve the special interest of the listed building and its setting;
- amount to inappropriate development within the Green Belt and, if so, whether very special circumstances exist to outweigh the harm;
- have an unacceptable effect on the living conditions of neighbouring residents with particular regard to noise.

Only the first of these is relevant to Appeal B.



The Planning Inspectorate considered that the outdoor bar is in a well-screened patio area and, in the important views from the road, had limited intervisibility. They considered that the roof materials could be conditioned. For all these reasons, considered that the outdoor bar would not affect the contribution that the setting makes to the significance of the listed building which would be unharmed. Newgate Street Village lies within the Green Belt. Development here would be inappropriate, as defined by the National Planning Policy Framework unless certain exceptions apply, one of which is that it should not be disproportionate to the original building. There are already further structures around the pub which the Council considers already take up its allowance for extensions. Nevertheless, I consider that a small, single storey bar, should not be viewed as a disproportionate extension and that the exception should apply. The Planning Inspectorate has added a condition for limiting noise levels from the use of the bar compared with the background levels. Subject to a condition to protect neighbouring residents, excessive noise and disturbance need be no worse than without the bar.

Appeals C and D

This structure has been removed from the Coach and Horses.

The following points were made:

- The structure...would have intruded into, and harmed, the contribution that the setting makes to the significance of the listed building and would have been a disproportionate extension in the Green Belt. To the extent that it might have encouraged more activity in the garden than within the building, it is likely that without other controls it would have exacerbated any noise and disturbance.
- To my mind, the removal of the structure is an acknowledgement that it is no longer required to accommodate Covid-19 restrictions and that a permanent fixture would not be appropriate. Absent any ongoing justification that might amount to very special circumstances to outweigh the harm to the Green Belt, or public benefits to outweigh the harm to the setting of the listed building. While increased noise could be dealt with through the use of a condition, nevertheless I find that Appeal C should be dismissed.

Outcome

Appeal A is allowed subject to the attached Schedule of Conditions. These have a time limit of two months. Appeal B is allowed. Appeals C and D are dismissed.

**6/2021/1301/LB**

<b>DCLG No:</b>	APP/C1950/Y/21/3288499
<b>Appeal By:</b>	Deborah Davis
<b>Site:</b>	The Coach and Horses 61 Newgate Street Village Hertford SG13 8RA
<b>Proposal:</b>	Retention of temporary enclosure
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	15/09/2022

<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This case is important as it makes a number of key points about Green Belt, impact on noise and setting of the Listed Building. There is also an ongoing enforcement cases at this site so this appeal will form a material consideration.</p> <p>This appeal was for:</p> <p>Appeals A and B: APP/C1950/W/21/3283801 and C1950/Y/21/3283803</p> <p>A retrospective application for planning permission and listed building consent for the retention of a single storey, timber-built outdoor bar within the garden curtilage of The Coach and Horses Public House (Grade II Listed), to be used as a customer drinks service bar, ancillary to the main public house.</p> <p>Appeals C and D: APP/C1950/W/21/3288495 and C1950/Y/21/3288499</p> <p>A retrospective planning application for the retention of a temporary enclosure located to the north of Grade II Listed The Coach and Horses for use as a safe, Covid compliant, covered seating area on an existing flagstone patio dining area to accommodate customers wishing to dine at the pub in all weathers. The enclosure comprises a 10m x 12m all-terrain platform, complete with a 10m x 12m single storey flat roof with architectural glass panels.</p> <p>Decision</p> <p>The main issues in Appeal A are whether the proposals would:</p> <ul style="list-style-type: none"> <li>• preserve the special interest of the listed building and its setting;</li> <li>• amount to inappropriate development within the Green Belt and, if so, whether very special circumstances exist to outweigh the harm;</li> <li>• have an unacceptable effect on the living conditions of neighbouring residents with particular regard to noise.</li> </ul> <p>Only the first of these is relevant to Appeal B.</p> <p>The Planning Inspectorate considered that the outdoor bar is in a well-screened patio area and, in the important views from the road, had limited intervisibility. They considered that the roof materials could be conditioned. For all these reasons, considered that the outdoor bar would not affect the contribution that the setting makes to the significance of the listed building which would be unharmed. Newgate Street Village lies within the Green Belt. Development here would be inappropriate, as defined by the National Planning Policy Framework unless certain exceptions apply, one of which is that it should not be disproportionate to the original building. There are already further structures around the pub which the Council considers already take up its allowance for extensions. Nevertheless, I consider that a small, single storey bar, should not be viewed as a disproportionate extension and that the exception should apply.</p> <p>The Planning Inspectorate has added a condition for limiting noise levels from the use of the bar compared with the background levels. Subject to a condition to protect neighbouring residents, excessive noise and disturbance need be no worse than without the bar.</p>

	<p>Appeals C and D</p> <p>This structure has been removed from the Coach and Horses. The following points were made:</p> <ul style="list-style-type: none"> <li>• The structure....would have intruded into, and harmed, the contribution that the setting makes to the significance of the listed building and would have been a disproportionate extension in the Green Belt. To the extent that it might have encouraged more activity in the garden than within the building, it is likely that without other controls it would have exacerbated any noise and disturbance.</li> <li>• To my mind, the removal of the structure is an acknowledgement that it is no longer required to accommodate Covid-19 restrictions and that a permanent fixture would not be appropriate. Absent any ongoing justification that might amount to very special circumstances to outweigh the harm to the Green Belt, or public benefits to outweigh the harm to the setting of the listed building. While increased noise could be dealt with through the use of a condition, nevertheless I find that Appeal C should be dismissed.</li> </ul> <p>Outcome</p> <p>Appeal A is allowed subject to the attached Schedule of Conditions. These have a time limit of two months. Appeal B is allowed. Appeals C and D are dismissed.</p>
<b>6/2021/1313/FULL</b>	
<b>DCLG No:</b>	APP/C1950/W/21/3283801
<b>Appeal By:</b>	Deborah Davis
<b>Site:</b>	The Coach and Horses 61 Newgate Street Village Hertford SG13 8RA
<b>Proposal:</b>	Retention of a single storey outdoor bar
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	15/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This case is important as it makes a number of key points about Green Belt, impact on noise and setting of the Listed Building. There is also an ongoing enforcement cases at this site so this appeal will form a material consideration.</p> <p>This appeal was for:</p> <p>Appeals A and B: APP/C1950/W/21/3283801 and C1950/Y/21/3283803</p> <p>A retrospective application for planning permission and listed building consent for the retention of a single storey, timber-built outdoor bar within the garden curtilage of The Coach and Horses Public House (Grade II Listed), to be used as a customer drinks service bar, ancillary to the main public house.</p> <p>Appeals C and D: APP/C1950/W/21/3288495 and C1950/Y/21/3288499</p> <p>A retrospective planning application for the retention of a temporary enclosure</p>

located to the north of Grade II Listed The Coach and Horses for use as a safe, Covid compliant, covered seating area on an existing flagstone patio dining area to accommodate customers wishing to dine at the pub in all weathers. The enclosure comprises a 10m x 12m all-terrain platform, complete with a 10m x 12m single storey flat roof with architectural glass panels.

#### Decision

The main issues in Appeal A are whether the proposals would:

- preserve the special interest of the listed building and its setting;
- amount to inappropriate development within the Green Belt and, if so, whether very special circumstances exist to outweigh the harm;
- have an unacceptable effect on the living conditions of neighbouring residents with particular regard to noise.

Only the first of these is relevant to Appeal B.

The Planning Inspectorate considered that the outdoor bar is in a well-screened patio area and, in the important views from the road, had limited intervisibility. They considered that the roof materials could be conditioned. For all these reasons, considered that the outdoor bar would not affect the contribution that the setting makes to the significance of the listed building which would be unharmed.

Newgate Street Village lies within the Green Belt. Development here would be inappropriate, as defined by the National Planning Policy Framework unless certain exceptions apply, one of which is that it should not be disproportionate to the original building. There are already further structures around the pub which the Council considers already take up its allowance for extensions. Nevertheless, I consider that a small, single storey bar, should not be viewed as a disproportionate extension and that the exception should apply.

The Planning Inspectorate has added a condition for limiting noise levels from the use of the bar compared with the background levels. Subject to a condition to protect neighbouring residents, excessive noise and disturbance need be no worse than without the bar.

#### Appeals C and D

This structure has been removed from the Coach and Horses.

The following points were made:

- The structure...would have intruded into, and harmed, the contribution that the setting makes to the significance of the listed building and would have been a disproportionate extension in the Green Belt. To the extent that it might have encouraged more activity in the garden than within the building, it is likely that without other controls it would have exacerbated any noise and disturbance.
- To my mind, the removal of the structure is an acknowledgement that it is no longer required to accommodate Covid-19 restrictions and that a permanent fixture would not be appropriate. Absent any ongoing justification that might amount to very special circumstances to outweigh the harm to the Green Belt, or public benefits to outweigh the harm to the setting of the listed building. While increased noise could be dealt with through the use of a condition, nevertheless I find that Appeal C should be dismissed.

Outcome

Appeal A is allowed subject to the attached Schedule of Conditions. These have a time limit of two months. Appeal B is allowed. Appeals C and D are dismissed.

6/2021/1314/LB

**DCLG No:** app/c1950/y/21/3283803

**Appeal By:** Davis

**Site:** The Coach And Horses 61 Newgate Street Village Hertford SG13 8RA

**Proposal:** Listed building consent for retention of a single storey outdoor bar

**Decision:** Appeal Allowed

**Decision Date:** 15/09/2022

**Delegated or DMC Decision:** Delegated

**Summary:**

This case is important as it makes a number of key points about Green Belt, impact on noise and setting of the Listed Building. There is also an ongoing enforcement cases at this site so this appeal will form a material consideration.

This appeal was for:

Appeals A and B: APP/C1950/W/21/3283801 and C1950/Y/21/3283803

A retrospective application for planning permission and listed building consent for the retention of a single storey, timber-built outdoor bar within the garden curtilage of The Coach and Horses Public House (Grade II Listed), to be used as a customer drinks service bar, ancillary to the main public house.

Appeals C and D: APP/C1950/W/21/3288495 and C1950/Y/21/3288499

A retrospective planning application for the retention of a temporary enclosure located to the north of Grade II Listed The Coach and Horses for use as a safe, Covid compliant, covered seating area on an existing flagstone patio dining area to accommodate customers wishing to dine at the pub in all weathers. The enclosure comprises a 10m x 12m all-terrain platform, complete with a 10m x 12m single storey flat roof with architectural glass panels.

Decision

The main issues in Appeal A are whether the proposals would:

- preserve the special interest of the listed building and its setting;
- amount to inappropriate development within the Green Belt and, if so, whether very special circumstances exist to outweigh the harm;
- have an unacceptable effect on the living conditions of neighbouring residents with particular regard to noise.

Only the first of these is relevant to Appeal B.

The Planning Inspectorate considered that the outdoor bar is in a well-screened patio area and, in the important views from the road, had limited intervisibility. They considered that the roof materials could be conditioned. For all these reasons, considered that the outdoor bar would not affect the contribution that the setting makes to the significance of the listed building which would be unharmed. Newgate Street Village lies within the Green Belt. Development here would be inappropriate, as defined by the National Planning Policy Framework unless certain exceptions apply, one of which is that it should not be disproportionate to the original building. There are already further structures around the pub which the Council considers already take up its allowance for extensions. Nevertheless, I consider that a small, single storey bar, should not be viewed as a disproportionate extension and that the exception should apply. The Planning Inspectorate has added a condition for limiting noise levels from the use of the bar compared with the background levels. Subject to a condition to protect neighbouring residents, excessive noise and disturbance need be no worse than without the bar.

Appeals C and D

This structure has been removed from the Coach and Horses.

The following points were made:

- The structure....would have intruded into, and harmed, the contribution that the setting makes to the significance of the listed building and would have been a disproportionate extension in the Green Belt. To the extent that it might have encouraged more activity in the garden than within the building, it is likely that without other controls it would have exacerbated any noise and disturbance.
- To my mind, the removal of the structure is an acknowledgement that it is no longer required to accommodate Covid-19 restrictions and that a permanent fixture would not be appropriate. Absent any ongoing justification that might amount to very special circumstances to outweigh the harm to the Green Belt, or public benefits to outweigh the harm to the setting of the listed building. While increased noise could be dealt with through the use of a condition, nevertheless I find that Appeal C should be dismissed.

Outcome

Appeal A is allowed subject to the attached Schedule of Conditions. These have a time limit of two months. Appeal B is allowed. Appeals C and D are dismissed.

### 6/2021/2041/HOUSE

<b>DCLG No:</b>	APP/C1950/D/21/3286008
<b>Appeal By:</b>	Mr Carter
<b>Site:</b>	116 Harmer Green Lane Digswell Welwyn AL6 0ET
<b>Proposal:</b>	Demolition of existing rear extension and construction of a part single, part two storey rear extension. Demolition of front porch and construction of single storey front extension. Addition of window and doors to existing side elevations.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	21/09/2022

<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the proposal for the demolition of the existing rear extension and construction of a part single, part two storey rear extension. Demolition of the front porch and construction of single storey front extension with the addition of windows and doors to the existing side elevations. The site is within the Green Belt.</p> <p>It is noted that the application was assessed by an Appeal Planning Officer whose recommendation was then looked at by the Inspector.</p> <p>It was concluded that the works were inappropriate development. The Officer said that “the proposal would effectively double the footprint of the building and would create a deeper dwelling over two storeys, and this would add a significant amount of new built form to the original building. Whilst this second storey extension would only add around 14 square metres of additional floor space, the proposed double pitched hipped roof over this rear extension would create a much bulkier roof”.</p> <p>In assessing the openness of the Green Belt, the Officer noted that much of the proposed works would be to the rear, however, it was conclude that the proposal would also extend the first storey of the house and “given the siting of the dwelling relatively close to Harmer Green Lane, this extension would be visible from the road as well as from the Public Right of Way (PRoW) that passes the house”. The Officer concluded that the front extension would increase the scale and massing of the house and there would be “moderate loss to the visual openness of the Green Belt”.</p> <p>In terms of the character and appearance of the host dwelling and the area, the Officer concluded that although some elements would not be harmful, the size and design of the proposed double pitched hipped roof above the rear first floor extension would detract from the appearance of the existing hipped roof.</p> <p>No very special circumstances were identified.</p> <p>The appeal was dismissed.</p>
<b>6/2020/2268/MAJ</b>	
<b>DCLG No:</b>	APP/C1950/W/21/3284525
<b>Appeal By:</b>	Mr D Cooper
<b>Site:</b>	73 Bridge Road East Welwyn Garden City AL7 1UT
<b>Proposal:</b>	Erection of two new buildings comprising 111 residential apartments, access, car and cycle parking, landscaping and ancillary development involving demolition of existing building
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	23/09/2022
<b>Delegated or DMC Decision:</b>	Delegated

**Summary:**

The above appeal for the erection of 2 residential apartment buildings comprising of 111 units following the demolition of existing car showroom was recommended for approval at DMC however the application was subsequently refused by members contrary to officers recommendation for the following reasons:

- 1) Design;
- 2) Loss of employment;
- 3) Insufficient parking provision; and
- 4) Housing Mix

In terms of design, the Inspector found that although the proposal would represent a very large mass of development on the site and at a prominent location, the overall design and scale of the proposal has the ability to assimilate with the surrounding patterns of development without resulting in harm to its character or appearance.

With respect to loss of employment site, the Inspector noted that although the appeal site does not have a current B class use, it is nonetheless within a designated employment area and the private interests of the landowners and its restrictive lease on the land is an appropriate mechanism to satisfy the requirements of Policy EMP2. It was therefore considered that the appellant has failed to demonstrate that the site is no longer required for the purposes of employment, business, or community needs.

In respect to parking, the Inspector stated that, in accordance with the NPPF, development should only be prevented or refused on highway grounds if residual cumulative impacts would be severe and in this case, given the location of the appeal site close to transport links and services and amenities, there is not considered to be any detrimental harm to either the future occupants of the development or the surrounding road network as a result of the proposed level of onsite parking.

In terms of the housing mix, the Inspector did not consider that the proposal would, in this instance, result in conflict with Policy SP7. It was stated that following modifications to the wording of the policy, rather than having to 'reflect' the Council's latest housing evidence, each site must be considered on its own merits, having regard to the evidence of housing need. The Inspector noted that the Framework makes it clear that plans should seek to optimise the use of land and meet as much of the identified need for housing as possible. In this case, given the site's sustainable location and the Council's housing current housing land supply position, weight was afforded in favour of the proposals for higher density development as it would promote the effective use of land in a sustainable location.

In the planning balance exercise, the Inspector noted that the Council cannot demonstrate a five-year supply of deliverable housing sites and therefore the policies that are the most important for the determination of the application are deemed to be out-of-date. Whilst the proposal was found to be in conflict with Policy EMP2 of the WHDP, significant weight was afforded to the benefits arising from the proposed development in terms of the provision of additional market and affordable housing. It was identified that no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF and the development when taken as a whole.



The appeal was subsequently allowed subject to conditions suggested by the council and the S106 agreement.

Furthermore, an application for costs to be awarded against the Council was partially allowed by the Inspector for the reasons for refusal relating to Parking and Housing Mix as the council was unable to produce substantive evidence to explain its concerns or counter the evidence provided by the appellant on these matters.

### 6/2022/0480/HOUSE

<b>DCLG No:</b>	APP/M1900/D/22/3301801
<b>Appeal By:</b>	Mr & Mrs D. Woodward
<b>Site:</b>	17 Ground Lane Hatfield Hertfordshire AL10 0HQ
<b>Proposal:</b>	Erection of single storey rear extension with insertion of roof lights to existing roof.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	23/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the erection of a single storey rear extension with insertion of roof lights to proposed and existing roofs.</p> <p>The main issue was the effect of the proposed development on the living conditions of the occupiers of 19 Ground Lane with particular regard to visual impact, sense of enclosure and light.</p> <p>The Inspector considers that the proposal would draw the side elevation of the appeal dwelling nearer to the ground floor rear windows of No 19. Even so, the new building would be modest in height with an eaves level not significantly higher than the existing boundary fence. By also introducing a new ridgeline set back from the boundary with No 19, the proposal would keep a low profile when seen from the rear of this neighbouring property.</p> <p>Moreover, the foliage of several trees within the back garden of No 19 close to the rear of this adjacent dwelling would heavily filter the natural light reaching the rooms served by both of these windows.</p> <p>The Inspector also considers that the outlook from the ground floor window of No 19 facing the site would remain largely unaltered with a new wall replacing the existing fence at a similar height. Consequently, neither the scale, siting or design of the proposed extension would cause it to be so imposing as to overbear, unduly heighten a sense of enclosure nor appreciably reduce the daylight and sunlight reaching the rear of this adjacent property</p> <p>To conclude the Inspector considers that the proposed development would not significantly harm the living conditions of the occupiers of No 19.</p> <p>The appeal was allowed, subject to conditions.</p>

**6/2022/0491/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/22/3302131
<b>Appeal By:</b>	Mrs Griffin
<b>Site:</b>	12 Elmoor Avenue Welwyn AL6 9PA
<b>Proposal:</b>	Erection of single storey rear extension (part retrospective) and addition of rendering to property following refusal 6/2021/1994/HOUSE
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	29/09/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to refused planning application 6/2022/0491/HOUSE for the “Erection of single storey rear extension (part retrospective) and addition of rendering to property following refusal 6/2021/1994/HOUSE”.</p> <p>This application was a resubmission and the agent had reduced the amount of render on the dwelling, however I again refused due to the visibility of the proposed render from the Conservation Area.</p> <p>The inspector agreed that even the application site was just outside the Conservation Area, the proposed render to the dwelling would be visible within Ellesfield.</p> <p>“In my experience, dwellings that differ in appearance due to the materials used can positively contribute to the diversity of an area and add visual interest to the street scene to which they belong. However, in this case, the extensive use of render, as proposed, would draw the eye as a discordant and uncharacteristic feature within an area of predominantly brick buildings.</p> <p>I therefore conclude that the proposed development would cause significant harm to the character or appearance of the local area. Accordingly, it is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan and the Council’s Supplementary Design Guidance. These policies and guidance require that new development achieves a high standard of design and respects the character and context of the area. It is also at odds with the National Planning Policy Framework, which states that development should be sympathetic to local character and add to the overall quality of the area.”.</p> <p>Appeal dismissed.</p>