

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 27th July 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 02/06/2023 to 13/07/2023

6/2022/1423/FULL	
DCLG No:	APP/C1950/W/22/3311431
Appeal By:	Mrs Snehal Kajar
Site:	10 Hill Ley Hatfield Hertfordshire AL10 8LX
Proposal:	Change of use from amenity to residential land with the formation of a new access, crossover, hardstanding and driveway
Decision:	Appeal Dismissed
Decision Date:	27/06/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This was an appeal for the change of use from amenity land to residential land with the formation of a crossover and hardstanding for vehicular parking at 10 Hill Ley, Hatfield. Hill Ley is characterised by rows of terraced dwellings and the application site is situated centrally within its terrace. Each property within the terrace benefits from a narrow front garden, the majority of which are enclosed by hedges, low fences or boundary walls. Between the gardens and the highway is a grass verge intersected by narrow footpaths that lead from the pavement to a number of dwellings. The grassed area is public amenity land and provides a pleasant contribution to the character of the area. While a number of other properties in the wider area have driveways, the stretch of grass where the application site is situated is not disrupted by vehicular crossovers or car parking.</p> <p>The application was refused on the basis that the development would represent an incongruous addition which fails to respect the function and purpose of the public amenity area and would result in an erosion of the soft landscaped area which contributes to the character and appearance of the streetscene.</p> <p>The Inspector described the application site as seemingly part of the wider 'Radburn' inspired estate of houses as the area is largely defined by rows of houses often with open plan areas of landscape or amenity land to their frontages and small areas of front gardens. The Inspector states such a character is predominant and a defining characteristic of the estate as a whole. While the Inspector acknowledged there are some departures from this character, the areas of landscape form an important linking characteristic.</p> <p>The Inspector gave great weight to what they consider the defining characteristics of the area, namely the plethora of green areas and amenity grassland that the</p>

	<p>Inspector considered was likely an intentional design element for the original estate. While the Inspector recognised the largely private benefits of being able to park a vehicle immediately outside one's property, the Inspector concluded that the proposal would erode a core component of the character of the area and introduce vehicles upon an area of important landscaping which would cause serious harm to both the character of the area and the appearance of the streetscene.</p> <p>The appeal was therefore dismissed.</p>
ENF/2021/0145	
DCLG No:	APP/C1950/C/23/3322351; APP/C1950/C/23/3322352
Appeal By:	Mr Michael Wager, Mrs Karen Wager
Site:	Land to the South of Darby Drive, Spinney Lane
Proposal:	Change of use to car scrap yard
Decision:	Appeal Withdrawn
Decision Date:	04/07/2023
Delegated or DMC Decision:	Delegated
Summary:	This appeal ceased by the Inspectorate as enforcement notice withdrawn by Council. New and amended enforcement notice served, and new appeal will be heard in due course
6/2022/1358/PN8	
DCLG No:	APP/C1950/D/22/3304114
Appeal By:	Mr Ariel Nazara
Site:	53 Heay Fields Welwyn Garden City AL7 2EH
Proposal:	Prior approval for the erection of a single storey rear extension measuring 4m in depth, 3.52m in height and 2.4m to the eaves
Decision:	Appeal Dismissed
Decision Date:	10/07/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a prior notification for a larger home extension. The application was refused because permitted development rights was removed for the application site.</p> <p>The Inspector confirmed “On the basis of the evidence before me, the limitations set out in Condition 5 of planning permission N6/755/74 continue to apply to the appeal property and having regard to Article 3(4) of the GPDO 2015, the appeal proposal would not benefit from the permitted development rights given by Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, planning permission is required for the proposal”.</p> <p>The appeal was dismissed.</p>

6/2021/2829/HOUSE

DCLG No:	APP/C1950/D/21/3289534
Appeal By:	Mr D Wickramasinghe
Site:	25 The Avenue Welwyn AL6 0PW
Proposal:	Part two storey, part single storey front, side and rear extensions and new rear dormer and garage roof alterations
Decision:	Appeal Dismissed
Decision Date:	10/07/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a proposal for a part single and part two storey front, side and rear extension and a new dormer and garage roof alterations at 25 The Avenue, Welwyn AL6 0PW. The site is within the Green Belt.</p> <p>In terms of Policy, the Inspector noted that he has been referred to policy SADM34 of the ELP. He said “that plan is well-advanced, having been through examination. I have not been drawn to any inconsistencies between SADM34 and the policies of the Framework and the emerging policy can be given significant weight accordingly. The relevant part of the policy is similar to saved policy RA3, albeit framed slightly differently”.</p> <p>In his assessment considering Policy SAD34 he says: “The comparison must be made against the original building, not the general scale of development in the locality. The fact that larger buildings may be present in the wider area does not affect that assessment. Thus, where the second sentence of the relevant part of SADM34 requires consideration of the general pattern of development and character of the area, I am minded to view that as a secondary requirement because those factors relate to the wider impact as opposed to a comparison between the size of an extension and the size of the original building” ,</p> <p>The Inspector concluded that when compared to the modest size of the original property, the cumulative increase of the proposal, together with previous additions, would represent a disproportionate increase over and above the size of the original building.</p> <p>He found the proposed extensions to be well designed in architectural terms to match the main property, but this did not alter his conclusion that the proposal would amount to a disproportionate addition over and above the size of the original building.</p> <p>In his assessment on whether the development should be considered as limited infilling within a village under paragraph 149(e) of the Framework and policy SADM34 of the ELP, he had reservations as to whether the site could be said to fall within a village. The Inspector concluded that the proposal in this case would not fill in a gap between buildings because the existing dwelling is already in situ and there is no obvious gap in the street frontage to fill. He concluded that the</p>

extension would fall under paragraph 149(c) of the Framework, as opposed to infilling under 149(e).

In his assessment of Openness of the Green Belt, the Inspector said that although the impact on openness would be small, the proposal would adversely affect openness, contrary to one of the fundamental aims of the Green Belt, as set out at paragraph 137 of the Framework.

In the absence of very special circumstances, the Inspector found that the proposal would amount to inappropriate development within the Green Belt and would also lead to a small but harmful effect on the openness of the Green Belt.

Any costs applications?