

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 23/11/2023 to 02/01/2024

6/2023/0626/HOUSE	
DCLG No:	APP/C1950/D/23/3325501
Appeal By:	Mr & Mrs Thomas
Site:	59 Marsden Road Welwyn Garden City AL8 6YH
Proposal:	Erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage
Decision:	Appeal Dismissed
Decision Date:	07/12/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to planning application reference 6/2023/0626/HOUSE for the proposed “erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage”. The existing dwelling already consists of a two storey rear extension.</p> <p>The application was refused as the proposed development would be of a poor standard of design and would be considered as overdevelopment to the existing dwelling and has failed to pay special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Welwyn Garden City Conservation Area, contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM15 of the Emerging Welwyn Hatfield Local Plan 2016, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. No public benefits have been identified.</p> <p>The Inspector recognised our SDG; “The proposal includes the demolition of the existing garage which is detached from the house with a substantial gap. Whilst there would be a 1m gap between the extension and the side boundary, this gap would be less than the current gap. The width of the extension would appear to be more than half the width of the house and it would extend along the majority of the depth of the original footprint. As a result, the extension would add a large bulk to the house.</p> <p>Although the extension would be slightly set back from the front elevation and there would be a minor set down from the main roof ridge, as a result of its width, height and overall scale, it would read as a continuous wide massing across the house. It would therefore not appear as subservient, even allowing for the 1m gap.</p>

	<p>The extension would be highly visible in views along the road further highlighting its prominence.</p> <p>When combining the existing rear extension with the proposed extension, the size of the house would be nearly double the size of that which was originally constructed. The proposal would therefore cumulatively overwhelm the original modest form of the house altering its character and appearance, which would not be alleviated by the space around the house. As a consequence of this, the extension would unbalance the current massing and unity of the terrace and demote the importance and appreciation of the house. Furthermore, the CA includes the back gardens, and the existing rear extension and proposed extension would be apparent to the adjacent residents to the rear of the appeal site.</p> <p>I note that the design intends to follow the front building line and use the same building materials, finishes and window style as those present on the house. However, this would not overcome the disruption which the extension would have on the pattern and rhythm of the terrace and in turn would diminish the positive contribution that the house makes both to the character and the appearance of the CA.</p> <p>In accordance with the terms set out in the National Planning Policy Framework (the Framework), the harm caused to the CA would be less than substantial because it relates to an extension to one house in the CA. Paragraph 202 of the Framework is clear that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal”.</p> <p>The appeal was therefore dismissed.</p>
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6/2021/3279/LAWE	
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DCLG No:	APP/C1950/X/22/3299554
Appeal By:	Mr Giles Pattison
Site:	41 Ayot Green Ayot St Peter Welwyn AL6 9AB
Proposal:	Certificate of lawfulness for the existing garage/annex as a second home (C3)
Decision:	Appeal Dismissed
Decision Date:	07/12/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This application was for a Certificate of lawfulness for the existing garage/annex as a second home (C3).</p> <p>This application was refused for the following reason: Insufficient, and contradictory evidence has been provided to the Local Planning Authority to clearly demonstrate, on the balance of probabilities, that 'the existing garage/annex has been used for the purposes of a second home for a period of at least 4 years.</p> <p>The Planning Inspectorate has gone through points which are useful for the</p>

determination of these types of application including how to consider continuous occupation in assessments.

The Planning Inspectorate has dismissed the appeal.