

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 7 March 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 30/01/2024 to 27/02/2024

| 6/2023/0374/FULL | |
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| DCLG No: | APP/C1950/W/23/3323499 |
| Appeal By: | Mr A Sarno |
| Site: | 11 Tolmers Gardens Cuffley Potters Bar EN6 4JE |
| Proposal: | Conversion and extension to existing dwelling to create four self-contained units with associated infrastructure |
| Decision: | Appeal Allowed with Conditions |
| Decision Date: | 01/02/2024 |
| Delegated or DMC Decision: | Delegated |
| Summary: | <p>This appeal relates to the conversion and extension of the existing dwellinghouse to create four 1-bed apartments at 11 Tolmers Gardens, Cuffley (application ref 6/2023/0374/FULL)</p> <p>The main issues were:</p> <ul style="list-style-type: none">• the effect of the proposed development on the character and appearance of the area;• the effect of the proposed development on the living conditions of neighbouring occupiers of 12 Tolmers Gardens with particular reference to the communal garden space, outlook and the proposed location of the refuse and recycling store;• whether future occupiers of the proposed development would be likely to experience adequate living conditions, with particular reference to the communal garden space, daylight and the proposed location of the refuse and recycling store; and• the effect of the proposed car parking provision and the proposed location of the refuse and recycling store on the safety of users of Tolmers Gardens. <p>Character and appearance</p> <p>The Inspector acknowledged that the proposed development would extend the existing dwelling to create four apartments, increasing the scale and bulk of the property. However, as currently one of the smallest detached two-storey dwellings in the cul-de-sac, even with this increase, the Inspector found that the scale of the proposed development would not be significantly greater than other properties nearby. Furthermore, gaps between the neighbouring buildings would be retained, albeit to a lesser extent, and the proposed roofscape would maintain the pattern of ridge heights which step down with the topography.</p> |

The application plans indicate a refuse/recycling collection point adjacent to the pavement to meet the requirements of the Manual for Streets and the convenience of future occupiers. The Inspector acknowledged that future occupiers may leave various bins at the front of the property permanently or may not return them to the store promptly once emptied. Whilst this would have a detrimental effect on the street scene, the Inspector found no reason to conclude that the probability of this happening would be any greater than within other parts of the cul-de-sac.

Living conditions – neighbouring occupiers

The proposed communal garden would combine the existing garden of No 11 with the communal amenity space currently serving the neighbouring occupiers of the eight flats at No 12. Subject to the approval of a suitable scheme of hard and soft landscape works, the Inspector found that combined communal garden, shared across a total of 12 flats, would not harm the living conditions of the neighbouring occupiers.

The outlook from the rear-facing windows of No 12 would be marginally reduced by the rear extension to No 11, but not to the extent that it would be harmful to the living conditions of the occupants of these flats. Furthermore, the Inspector found that there was no reason to conclude that the proposed development would lead to a loss of daylight reaching the rooms served by these windows.

The proposed refuse and recycling store would be located in the gap between No 11 and No 12 which would also provide access to the rear communal garden. The Inspector found no reason to conclude that the bins would result in unpleasant odours and prevent neighbouring occupiers of No 12 from opening their windows. Therefore, the proposed store would not be likely to cause a health risk nor harm the living conditions of occupiers of No 12.

Whilst a balcony at first-floor level would provide views into the private amenity space of neighbouring occupants, such views would not be significantly greater than those typically experienced and accepted in similar residential environments. Therefore, the inspector found that the proposed development would not cause an unacceptable loss of privacy to neighbouring occupiers.

Living conditions – future occupiers

The proposed flats would be of adequate size to meet local and national policy.

While the flats are described as one-bedroom, they would each have a sizeable study and utility room. Officers considered the likelihood of the studies being used as bedrooms at some point throughout the lifetime of the building, either on their own or combined with utility rooms, such that the flats could be used as two-bedroom dwellings. Nevertheless, the Inspector found that because the rooms marked as a study fell below the minimum floor space required for a single bedroom, the use of these rooms as an additional bedroom is unlikely.

Overall, the Inspector concluded that future occupiers of the proposed development would be likely to experience adequate living conditions, with particular reference to the communal garden space, daylight and the proposed

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| | <p>location of the refuse and recycling store.</p> <p>Highway safety</p> <p>Four parking spaces are to be provided for the proposed flats – three spaces would be located at the front of the site, and one space would be in front of No 12, which is outside of the application site but within the control of the appellant. As a parking area is currently provided to the front of No 11 and given the low-trafficked nature of the cul-de-sac, the Inspector found no reason to conclude the location of the proposed spaces would harm the safety of users of Tolmers Gardens in this respect.</p> <p>The appeal was accompanied by a Transport Note which demonstrated that one space per dwelling would be sufficient for the proposed development based on levels of car ownership in the local area and acknowledging the parking restrictions currently within Tolmers Gardens. A range of shops, services and facilities are located within walking distance of the site. Cuffley railway station also lies within walking distance of the site with bus services operating from the station. Therefore, combined with the provision of a cycle store for eight cycles, future residents would not need to rely on the use of a private vehicle to meet their everyday needs.</p> <p>The Inspector found that the potential for various bins to be left on the pavement, obstructing pedestrian movement is not unique to the appeal scheme. The provision of a refuse and recycling store via a condition in a location and of a size acceptable to the Council would encourage future occupiers to store bins appropriately to prevent the obstruction of public and private spaces.</p> <p>The Inspector concluded that the proposed car parking provision and the proposed location of the refuse and recycling store would not cause harm to the safety of users of Tolmers Gardens.</p> <p>Conclusion</p> <p>The appeal was allowed subject to various conditions.</p> |
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6/2023/0619/FULL

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| DCLG No: | APP/C1950/W/23/3323609 |
| Appeal By: | Mr Harry Hunt |
| Site: | 189 Boundary Lane Welwyn Garden City AL7 4EJ |
| Proposal: | Erection of a single storey, part two storey rear extension with subdivision of plot to facilitate creation of end of terrace dwelling |
| Decision: | Appeal Dismissed |
| Decision Date: | 05/02/2024 |
| Delegated or DMC Decision: | Delegated |
| Summary: | This appeal was for the erection of a part single storey, part two storey rear extension with subdivision of the plot to facilitate the creation of an end of terrace |

dwelling.

The first reason for refusal was because the development failed to provide adequate living conditions as it would not meet the Nationally Described Space Standards (NDSS). The Inspector said that although the appellant described the use of a room on the first floor as a store room, it would be disproportionately large for this purpose. Due to the alternative storage options available elsewhere in the property, it would facilitate the use of the room as a single bedroom and therefore the dwelling would likely be occupied as a two-bedroom property. The proposal failed to meet the NDSS for a two-bedroom property due to the internal floor space and single bedroom size falling below the size requirements.

The Inspector also noted that the second bedroom would be cramped and uncomfortable for future users, failing to align with the thrust of the SDG which seeks development of high-quality design that, amongst other things, is adaptable to meet the needs of future occupiers. It was concluded that the proposed new dwelling would fail to provide an adequate standard of accommodation for future occupiers.

The second reason for refusal was for due to the deficit of on-site parking for both the proposed dwelling and the donor property, which would increase the pressure for on-street parking in the area. The Inspector observed parking on grass verges and footways when on site, which has resulted in harm to the character and appearance of the area. The obstacles also presented a highway safety hazard for pedestrians, and obstructed intervisibility between the main carriageway and driveway entrances. The Inspector concluded the proposal would be likely to intensify unsafe parking practices on Boundary Lane to the detriment of highway safety for pedestrians and road users. It would also lead to further degradation of grass verges, causing material harm to the character and appearance of the area.

Significant weight was attached to the reasons set out above. Limited weight was attributed to the social and economic benefits arising from the proposal, due to the modest contribution that would be made by one dwelling. It was concluded that the adverse impacts would significantly and demonstrably outweigh the benefits of the development.

The appeal was dismissed.

6/2022/1015/FULL

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| DCLG No: | APP/C1950/W/22/3305719 |
| Appeal By: | Mr Larry Kenney |
| Site: | 110 Hawkshead Road Little Heath Potters Bar EN6 1NG |
| Proposal: | Demolition of existing property and erection of new dwelling |
| Decision: | Appeal Dismissed |
| Decision Date: | 07/02/2024 |
| Delegated or DMC Decision: | Delegated |
| Summary: | This was an appeal for the erection of a new dwelling following the demolition of |

the existing property.

Green Belt

The Inspector acknowledged the proposed dwelling would be deeper and would have a greater footprint than the existing dwelling, with a substantial increase in external volume, therefore it would be materially larger than the building it would replace. As an existing dwelling with a detached garage is already located on the site, the proposed development would not result in the introduction of development into an area otherwise devoid of built form. However, the increased bulk at the first-floor level would be apparent in the street scene and would lead to a reduction in the openness of the site, albeit to a limited degree. It was also considered that the proposal would conflict with one of the fundamental aims of the Green Belt, which is to safeguard the countryside from encroachment.

Character and appearance

The Inspector found that the replacement dwelling would add to variety in built form, with the proposed ridgeline orientated at right angles to the road. However, the greater ground to eaves height, combined with the dominant plain rendered wall in the façade would contrast starkly with other properties nearby. The proposed openings would also comprise an excessive variety in terms of size and proportion, which would be inconsistent and irregular in design. The effect of this would emphasise the amount of blank wall which is proposed. Although the redevelopment of a vacant site would enhance the street scene in principle, it was considered that the design would result in harm to the character and appearance of the area.

Highway Safety

The Inspector acknowledged that although pedestrian movements along the pavement could be impeded by a vehicle waiting for the gates at the entrance to be opened, this would be unlikely to delay pavement users to such an extent that they would be forced to use the carriageway. It was also found that the required visibility splays could be accommodated in this space via a condition requiring details of the proposed boundary treatments to be approved by the Council. No harm to highway safety or other road users was therefore identified.

Planning Balance

The Inspector afforded moderate weight to the removal of hoarding along the site frontage and the erection of a new dwelling which would meet modern living standards. No weight was attributed to the lack of harm to living conditions of adjoining occupiers which would be a neutral factor. Matters relating to pre-application advice and the application process were beyond the Inspector's control, and different developments comprising new dwellings in the Green Belt were not relevant as the circumstances were not directly comparable. The substantial harm by virtue of the site being inappropriate development in the Green Belt, as well as harm to openness, was not outweighed by the benefits of the scheme. As such, the very special circumstances required to justify the grant of permission did not exist.

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| | The appeal was dismissed. |
| 6/2023/1556/HOUSE | |
| DCLG No: | APP/C1950/D/23/3330152 |
| Appeal By: | Mrs Gavin |
| Site: | 5 Mimram Walk Welwyn AL6 9EZ |
| Proposal: | Erection of porch to front elevation (retrospective) |
| Decision: | Appeal Dismissed |
| Decision Date: | 12/02/2024 |
| Delegated or DMC Decision: | Delegated |
| Summary: | <p>This application was for a retrospective front porch.</p> <p>The Planning Inspectorate agreed that the proposed porch formed a prominent and disproportionately large addition to the host dwelling, obscuring and detracting from its simple, flat fronted appearance and jarring with the other similar dwellings in the street. As a result, it undermines the character of the host dwelling and diminishes its contribution to the group value. In consequence, if the porch was allowed to remain, the character or appearance of the CA would not be preserved or enhanced and the significance of the heritage asset would be diminished.</p> <p>The Planning Inspectorate agreed that there was limited public benefit and only private benefit to the homeowner.</p> <p>The appeal was dismissed.</p> |
| 6/2023/0261/OUTLINE | |
| DCLG No: | APP/C1950/W/23/3323564 |
| Appeal By: | Land Group (Welwyn) Ltd |
| Site: | The Avenue Welwyn AL6 0PW |
| Proposal: | Outline permission for up to 24 dwellings with all matters reserved except means of access |
| Decision: | Appeal Dismissed |
| Decision Date: | 16/02/2024 |
| Delegated or DMC Decision: | Delegated |
| Summary: | <p>This appeal was in relation to an outline application for 24 dwellings. The appeal was heard as a Public Inquiry which ran from the 28th November until the 1st December 2023.</p> <p>The application was refused on six grounds which are summarised below:</p> <p>1)The development was inappropriate within the Green Belt, and it would have unacceptable impact on the openness and purposes of the Green Belt;</p> |

- 2)The proposals would fail to relate the site's surroundings and local distinctiveness, including the wider landscape and its character;
- 3)The dwellings would be in locationally unsustainable location and would not be served by an appropriate footway, which would mean that the site would not provide suitable access for all users;
- 4)Insufficient information was provided enable the Council to fully assess drainage and flood risk implications of the development;
- 5)Insufficient information was provided to allow for a proper assessment of the potential ecological implications of the proposed development; and;
- 6)The lack of a S106 agreement as part of the application meant that the application failed to provide an appropriate mechanism to secure the necessary infrastructure to mitigate the impact of the development and was therefore unacceptable on this basis.

In his decision letter the Inspector agreed with officers that the proposed development would amount to inappropriate development because it would not fall within any of the exceptions listed within Paragraphs 154 or 155 of the NPPF. He also found that the development would have a significant impact on the openness and purposes of the Green Belt, contrary to the aims of both Local and National Policy. This was because he found that the introduction of up to 24 dwellings, which would be 2 storey in height, onto a site which is currently undeveloped, open and free from any buildings would result in a significant encroachment of built form into the countryside and would significantly reduce the openness of the Green Belt. In accordance with the NPPF he attributed substantial weight to these harms.

Turning to the impact which the development would have on the character of its surroundings, the Inspector found the proposed development would fail to relate well to its surroundings and local distinctiveness, including the wider landscape and its character. As a result, he found that the scheme would intrude into the countryside and harm the character and appearance of the area.

On the issue of drainage and flood risk, the Inspector found that the appellant failed to demonstrate the development was acceptable because there were certain matters which required further clarification, including the likely depth of flooding and its duration across the site's access road. As a result, he judged that at there was simply inadequate evidence in front of him for him to be able to consider whether an appropriate solution could be secure via the use of a Grampian condition. He therefore judged that whilst further appropriate information and modelling may overcome the current concerns, given the evidence available it would be inappropriate to grant planning permission at this time.

With regards to the locational sustainability of the site the Inspector found that whilst the services and facilities in Oaklands and Mardley Heath were approximately 1km from the site, they would be walkable for many people. As a result, he considered that sustainable options other than the use of private vehicles would be available for future occupiers. In addition, on the issue of whether the site would have a safe and suitable access for all, the Inspector concluded that whilst future occupiers would be required to walk in the road for approximately 30m, given the low traffic volumes and car speeds within the Avenue, as well as the limited distance involved, that on balance, the proposal would not endanger pedestrian safety.

With regards to the reasons for refusal in relation to the lack of a S106 and Ecology, as part of the appeal a S106 agreement was agreed, and the appellant provided sufficient information to address the Council's ecology concerns. As a result, it was agreed by all parties that these reasons for refusal were overcome and addressed.

In weighing the various benefits of the scheme, the Inspector found that given the Council's lack of a 5 year housing supply that it was reasonable to attribute substantial weight to the proposal delivery of up to 24 dwellings. In relation to the proposed provision of up to 11 affordable dwellings, which would be three dwellings more required by policy, he attached substantial weight to this because of the acute need for affordable housing within the borough. The Inspector also gave moderate weight to the economic benefits which would result from the proposal. In addition, as it was found that as the site was reasonably accessible to a range of services and facilities that moderate weight should be attributed to this benefit. On the issue of safe and suitable access for all whilst he concluded that on balance this should not be a reason for refusal, this did not weigh in favour of the appeal, and at best could be considered a neutral factor.

In conclusion, whilst the Inspector acknowledged the benefits which the scheme would deliver, he found that there were clear reasons for refusing this application because of the identified Green Belt harms of the proposals, as well as the other harms which would result from the development. As a result, therefore in accordance with Paragraph 11(d) of the NPPF the tilted balance was not engaged. Furthermore, the Inspector concluded that the other considerations that might amount to very special circumstances sufficient to outweigh the harm to the Green Belt did not exist. Accordingly, he concluded that the proposed development would be contrary to relevant Local and National policy, and therefore he dismissed the appeal.