

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 27 June 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**Appeal Decisions 27/02/2024 to 18/06/2024**

6/2023/0679/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/23/3328352
<b>Appeal By:</b>	Mr and Mrs Hann
<b>Site:</b>	93 Harmer Green Lane Digswell Welwyn Hertfordshire AL6 0EY
<b>Proposal:</b>	Erection of two storey side extension following demolition of single storey side extension and car port and erection of single storey extensions to rear and southwest elevations
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	01/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The appeal follows the Council's refusal for the demolition of single storey side extension and car port and erection of two storey side extension in their place. Erection of single storey extensions to rear and southwest elevations.</p> <p>The Inspector concluded that, notwithstanding the removal of existing extensions, that the proposed increase in footprint and by extension volume would be more than 50% and would therefore be disproportionate. The proposal would amount to inappropriate development in the Green Belt.</p> <p>In considering openness of the Green Belt, the Inspector said that there would be a modest loss of spatial and visual openness given the larger volume of the proposed extensions currently exist so that the proposed extensions would result in modest harm to the openness of the Green Belt.</p> <p>Regarding character and appearance, it was considered that the proposed two storey extension would be of starkly contemporary design and would be prominent in the street scene. It would not reflect either the architecture or proportions of the original dwelling. The Inspector considered that whilst alternative design should not be rejected simply because it is different, it is still necessary for it to form a sympathetic addition to the host dwelling. The appellants provide several examples of other contemporary design and similar wood cladding on other dwellings, but the Inspector noted that these were not close by. It was concluded that the proposal would have a materially harmful effect on the character and appearance of the host dwelling and the surrounding area.</p> <p>The appellants raised a fallback position as very special circumstances (VSC).</p>

Recently granted Lawful Development Certificates (LDCs) for both a larger single storey side extension to the southwest elevation and a two-storey extension to the northwest elevation have been approved. The appellants calculate that the permitted development additions would add about the same floor area and volume of the original dwelling as the proposed extension and that overall, the fallback would lead to a noticeably larger dwelling that would have a greater effect on Green Belt openness than the appeal proposal. On this point the Inspector noted that the proposed two storey extension would have a materially harmful effect on the character and appearance of the host dwelling and the surrounding area and that this harm would carry significant weight against the proposed development. By contrast, the LDC proposals would be of more conventional design and would harmonise with the host dwelling and would be preferable in that respect.

It was noted that a better layout would be provided by the appeal proposals, and it would improve the property in terms of living accommodation, and this consideration was given limited weight. However, the inspector found that these VSC do not outweigh the identified harm to the Green Belt and the other harms.

The appeal was dismissed.

**6/2022/0499/FULL**

<b>DCLG No:</b>	APP/C1950/W/23/3322378
<b>Appeal By:</b>	Mr Mark Hare
<b>Site:</b>	Woodside Wildhill Road Hatfield Hertfordshire AL9 6DN
<b>Proposal:</b>	Erection of one detached dwelling to enable the restoration of the Walled Garden following the demolition of existing stables
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	04/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the demolition of stables and the erection of one detached dwelling to enable restoration of the Walled Garden</p> <p>The main issues were:</p> <ul style="list-style-type: none"> <li>• whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt and the purposes of including land within it, having regard to local and national policy;</li> <li>• the effect of the proposal on the character and appearance of the area;</li> <li>• whether the appeal site is a suitable location for the development, having regard to local and national policy; and</li> <li>• whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.</li> </ul> <p>Whether inappropriate development</p> <p>The appeal site falls within land defined as Green Belt and comprises a walled</p>

garden with a stable block attached to the outer face of the northeast wall. The existing structures are in a poor state of repair. It is proposed to demolish the attached stables, which are not of historic interest and construct a detached single storey dwelling that would replicate the existing form and allow for the restoration of the historic walls.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, such as safeguarding the countryside from encroachment.

One form of development which is not considered inappropriate, as described in paragraph 154 g) of the Framework, is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

The appeal site is previously developed land. In respect of openness, the appeal proposal would replace the existing stable block with a large, bungalow attached to the historic boundary walls. The footprint and the height of the proposed structure would be significantly larger than the existing stables. Whilst the majority of the built form would be visually hidden within the boundary walls, the proposal would increase the built form on site and spatially reduce the openness of the Green Belt.

Although the proposal would tidy up the appeal site and result in only a negligible increase in light spill, it would result in a more intensive use of the site, with the creation of a parking area and greater pressure for domestic paraphernalia within its curtilage, both inside and outside of the boundary walls. Consequently, when considered in combination, the proposal would cause a small loss to the openness of the Green Belt when compared to the existing situation and therefore would not meet the exception outlined in paragraph 154 g) of the Framework.

The Inspector concludes that the proposal would be inappropriate development in the Green Belt. It would conflict with Policy SADM34 and the associated policies of the Framework which collectively seek to control development within the Green Belt.

#### Character and appearance

The area is rural, characterised by open fields, separated by areas of woodland, and interspersed by groups of buildings with varied uses. The appeal site is located within an enclave of development, including residential and agricultural buildings at Woodside, and is accessed via a shared drive. The enclave is diverse with buildings of varied age, design, and scale. The properties benefit from spacious plots surrounded by fields and woodlands.

The front elevation would be distinctly rural in character. It would replicate certain architectural elements from the existing stable and surrounding buildings. Whilst the portion of the dwelling within the walled garden would be somewhat more domestic, it would mirror historic precedents of structures within walled gardens and be largely hidden from view. Moreover, the extensive use of glazing would

result in a lightweight intervention within the walled garden that would be clearly distinguishable from the existing historic fabric. As such, the proposal would appear subservient despite the increase in height and footprint compared to the existing stables.

Whilst the proposed dwelling would be located away from the cluster of dwellings in the north/west with a larger than average curtilage, it would remain within the wider confines of the enclave and would not encroach on the surrounding fields or woodland. Overall, despite its modern interpretation, the proposal would be in keeping with the surrounding buildings and maintain the rural character of the area.

The Inspector concludes that the proposal would not harm the character and appearance of the area. It would accord with Policies SP9 and SADM16 of the WHLP and the Supplementary Design Guidance (2005), as well as the NPPF.

#### Location

The proposed dwelling would be located within the Small Green Belt Settlement of Woodside, in close proximity to Welham Green, which is identified as a large, excluded village with ample services.

Notwithstanding the above, WHLP Policy SADM1 supports windfall development subject to certain criteria. Part ii) requires that development is accessible to a range of services and facilities by transport modes other than car.

Pedestrian and cycle access to Welham Green is not ideal, and future occupiers would likely have a higher dependency on private motor vehicles for their day-to-day activities. However, given the proximity of Welham Green and other larger towns, with ample jobs, services, and facilities as well as extensive bus and train links, these journeys would not contribute significantly to an increased reliance on cars within the district.

Policy SADM 1 Part v) seeks to prevent disproportionate growth taking into account the position of a settlement within the settlement hierarchy. Whilst the hierarchy suggests that Small Green Belt Settlements such as Woodside are not generally suitable for further development, given that the Inspector concluded that there would be no harm to the character and appearance of the area, they do not consider that one additional dwelling would be disproportionate.

Moreover, the proposal would not be isolated and would make efficient use of previously developed land. In addition, the services and facilities in the surrounding villages would be supported by the occupiers of the proposed dwelling, enhancing the vitality of the rural community.

The Inspector concludes that the appeal site would be a suitable location for the proposed development having regard to local and national policy. The proposal would accord with Policies SADM1, SP1, SP3 and SP4 as set out above, as well as the NPPF.

#### Other considerations

The proposal would provide an additional dwelling on previously developed land within a relatively accessible location. Whilst the Framework seeks to boost the supply of housing and supports the use of previously developed land, the social and economic benefits of a single dwelling would be limited. The proposal would remove the derelict stable block and generally tidy up the site. However, the Inspector is not satisfied that the proposal would be the only way to achieve this goal. As such, limited weight is attributed.

The proposal forms part of the setting of the historic group of buildings associated with Woodside Place, including the Grade II listed Stable Block, Former Coach House, Barn and Pair of Farm Cottages. The walled garden is a non-designated heritage asset in its own right. All of the structures derive significance from their architectural detailing their association to the wider grouping and their historic links to agriculture. Despite its current state of disrepair, the Walled Garden contributes to the rural, agricultural character of the area and is an important structure within the wider grouping.

The Former Coach House, Barn and Pair of Farm Cottages are largely obscured from view by intervening dwellings and mature landscaping and maintain solely a functional link to the Walled Garden. Consequently, due to the intervening distances, buildings, and landscaping, the Inspector is satisfied that there would be no harm to the setting of these three listed buildings. Whilst the proposal would be visible from the stable block, the Inspector has concluded that the proposal would be in keeping with the rural, agricultural character of the area. As such, there would be no harm to the setting of the Stable Block.

Although the proposal would increase the built form attached to the walled garden, due to the lightweight materials used it would be subservient to the historic fabric of the existing walls and would not harm the significance of the Walled Garden. Moreover, the proposal would restore the walls, preserving them for years to come, allowing the Walled Garden to continue to contribute to the significance of the adjacent Grade II listed properties. This is a matter to which the Inspector attributes considerable positive weight.

#### Green Belt Balance and Conclusion

The proposal would be inappropriate development in the Green Belt resulting in a small loss of openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

Whilst the Inspector attributes considerable weight to the restoration of the walled garden, the harm is not clearly outweighed. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

6/2022/0142/FULL

DCLG No:

APP/C1950/W/23/3316609

<b>Appeal By:</b>	Stay New Homes Ltd
<b>Site:</b>	23 & 25 Station Road Digswell Welwyn AL6 0DU
<b>Proposal:</b>	Demolition of two vacant commercial units and erection of two apartments, incorporating a retail unit at ground floor level, and four semi-detached dwellings with residential/private parking, cycle store, refuse store, private and communal amenities
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	04/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This application was for the demolition of two vacant commercial units and erection of two apartments, incorporating a retail unit at ground floor level, and four semi-detached dwellings with residential/private parking, cycle store, refuse store, private and communal amenities.</p> <p>The appeal was for non-determination based on the wait of one month for the next committee meeting. This application was recommended for approval by the Case Officer but was dismissed by the Planning Inspectorate.</p> <p>A detailed analysis by the Planning Inspectorate was undertaken on the impact on car parking for all end users. It was acknowledged by the Case Officer that there was a shortfall in car parking for all the proposed uses and that the current parking plan was unacceptable. However, could see that some improvements to this parking plan could be undertaken by condition. This approach was not agreed on by the Planning Inspectorate. It was not considered that a management plan was enforceable or a revised layout acceptable. Emphasis was put on the lack of car parking for existing dwellings. Therefore the application was refused on car parking grounds.</p> <p>The application was not refused for the impact on the setting, design or size of dwellings or the commercial use. It was not refused on the impact on residential amenity neither to neighbouring properties or for future occupiers. Finally the impact on congestion or traffic, use or vitality of the shopping parade, impact on trees, ecological value, and equality were not refused.</p> <p>The Planning Inspectorate concluded that the application was refused solely based on the lack of car parking for the existing dwellings leading to displacement onto the public highway.</p> <p>Concerns were raised in regards to a revision of the parking plan. Following these comments, mastergov has been reviewed. This plan is shown as superseded on the system and both neighbours and consultees were re-consulted on this plan. This revision was also referred to within the Council's Planning Statement to the Planning Inspectorate.</p>
<b>6/2023/1158/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3336316
<b>Appeal By:</b>	Mr & Mrs Popplestone

<b>Site:</b>	48 Valley Road Welwyn Garden City AL8 7DN
<b>Proposal:</b>	Erection of a part two, part single, part first floor side and rear extension, and a partial conversion of garage. External alterations and landscape works to the rear and front gardens
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	06/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This application was for the erection of a part single, part double storey extensions to the side and rear and partial conversion of a garage within the Conservation Area.</p> <p>The Planning Inspectorate considered that the first floor side and rear extension would erode the width of the sky gap and unbalance the semi-detached properties. It was considered that this would have an adverse effect on the positive contribution that the sky gap makes to the character and appearance of the streetscene of Valley Road in this locality and within this part of the Conservation Area to which there are no public benefits.</p> <p>It was not considered that the other examples of first floor side extensions outweighed this harm.</p> <p>The appeal was dismissed.</p>
<b>6/2023/1329/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/23/3335842
<b>Appeal By:</b>	Mr Yiannis Neocleous
<b>Site:</b>	13 Bradgate Cuffley Potters Bar EN6 4RW
<b>Proposal:</b>	Erection of single storey front extension and two storey rear extension. Alterations to the roof to include raising the height of the existing roof, formation of two rear dormers, rooflights within the side and front roof slopes, garage conversion and alterations to the external fenestration
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to application reference no.6/2023/1329/HOUSE for the “Erection of single storey front extension and two storey rear extension. Alterations to the roof to include raising the height of the existing roof, formation of two rear dormers, rooflights within the side and front roof slopes, garage conversion and alterations to the external fenestration”</p> <p>The application was refused as the proposal would involve raising the roof ridge and forming a crown roof, which would result in an awkward between the existing gable and new roof.</p> <p>Furthermore, due to the siting of the dwelling and rising land site levels within the</p>

streetscene, the increase in roof height would interrupt the consistency of the stepped roof heights, which is a characteristic feature within this part of the street scene and would be out of character within Bradgate.

The inspector said “Planning permission has previously been granted for extensions to the appeal property which involved raising the roof ridge, and extending the hip to create a balanced side gable. A crown roof was confined to a modest section at the rear of the property, but otherwise the roof design was more reflective of that of the existing dwelling, and the prevailing roof form in the vicinity.

Within this context, I am mindful that the Council does not oppose the principle of raising the height of the dwelling, nor the introduction of a crown roof. However, the proposal would add a degree of height and bulk to the roof that would be out of keeping with the appearance of the host house, and the character of the street scene and area. As part of a reasonably consistent group with a staggered roofscape reflecting the incline of Bradgate, this proposal would disrupt the rhythm of the street scene. I appreciate that the resultant building would be no higher than No.15, but by being so close to its level it would break the pattern.

The appellant advises that the design of the proposal has been guided by that constructed at No.9, but the appeal statement also confirms that the change to the streetscape because of the planning approval for number No. 9 is substantial.

It would appear that the roof built at No.9 is materially different from the approved scheme, and as such offers limited weight to the proposal. Proportionally, the two developments would not be comparable, and with the greater depth of ‘crown’ in the appeal scheme, the proposal would appear unacceptably bulky and dominant. Due to the local topography and the gaps between buildings, the depth and bulk of the crown roof would be apparent in the street scene. Whilst I acknowledge the proposed differences between the proposal and the development at No.9, I am not convinced that the retention of the original front gable, lesser scale of the front extension and the use of materials would mitigate the dominance of the proposal on the dwelling and in the street scene

I have had regard to the previous permission at this site, but do not share the appellant’s view that the crown shape would have less of an impact on the street scape than the full width raised ridge of the approved scheme; that development was lower than now proposed, less bulky, and more reflective of the gabled roofs that predominate in the vicinity”.

The inspector also paid attention to the N&C Neighbourhood Plan “It would not accord with the requirement in NP Policy D1 e., for ridge heights to be in conformity with the adjacent properties to retain a continuous frontage, and with NP Policy D2 and the associated guidance for household extensions in Appendix 2”.

The appeal was therefore dismissed.

6/2023/1239/FULL

DCLG No:

APP/C1950/W/23/3329645



<b>Appeal By:</b>	Carmen Ibie
<b>Site:</b>	59 Tiger Moth Way Hatfield Hertfordshire AL10 9LT
<b>Proposal:</b>	Change of use from HMO to residential institutions (class C2)
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>These appeals relate to three applications from the same applicant at three neighbouring properties:</p> <ul style="list-style-type: none"> <li>• Appeal A- APP/C1950/W/23/3329645: 6/2023/1239/FULL- 59 Tiger Moth Way, Hatfield</li> <li>• Appeal B- APP/C1950/W/23/3329646: 6/2023/1234/FULL- 61 Tiger Moth Way, Hatfield</li> <li>• Appeal C- APP/C1950/W/23/3329959: 6/2023/1233/FULL- 65 Tiger Moth Way, Hatfield</li> </ul> <p>All three applications had the same description of 'Change of use from HMO to residential institutions (class C2)'.</p> <p>The main issues in regard to all three appeals are:</p> <ul style="list-style-type: none"> <li>• the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;</li> <li>• the effect of the proposal on highway safety and parking provision; and</li> <li>• the effect of the proposal on the character of the area.</li> </ul> <p>Living conditions - noise and disturbance</p> <p>Although the appellant set out that social care activities have taken place at the properties over the last 7 years, and that there are no objections from neighbours, there is no substantive evidence before the Inspector which set out the number of residents who live or stay at the properties, either now or proposed, or the management arrangements there, including the numbers of staff that would occupy or visit the sites throughout the day and night. Similarly, there are no details of the numbers or types of deliveries or visitors expected at each of the properties. The Inspector considers that such activity, in the form of regular comings and goings, without any evidence to the contrary, would likely be higher than a typical dwelling or HMO in this location.</p> <p>Detail of the management of the properties goes to the core of this main issue and the Inspector does not consider it appropriate for such details to be requested by condition.</p> <p>In respect of noise, the appellant admits that there may be occasions where some noise may be heard, but that this would be in keeping with a typical family home with children. Moreover, the properties would be managed by staff. Nevertheless, the Council's environmental health specialists have recommended that a noise management plan would be necessary to ensure that measures are in place to</p>

minimise any potential disturbance to existing residential properties adjoining the site. The Inspector considers that these details could be conditioned. This does however not overcome or outweigh the harm identified.

The Inspector therefore considered that the proposals would likely result in harmful effects on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposals would therefore be contrary to the relevant provisions of Policy SADM11 of the Welwyn Hatfield Local Plan 2016 and the NPPF.

#### Highway safety and parking provision

No details of parking provision have been provided by the appellant, but it is acknowledged that on-site parking would not be possible.

During the Inspector's site visit, they acknowledged a moderate volume of parked cars, which would no doubt increase in the evenings and at weekends. Controlled parking zones also exist to permit holders only during the week.

No details are provided of how staff would access the sites, or how frequently, and thus it is likely that at least some staff would need to park nearby. It has been confirmed by the Council that permits would not be applicable to those members of staff.

The Inspector considered that with no evidence to substantiate that the likely uplift in vehicular parking could be acceptably accommodated within the surroundings, any additional on-street parking as a result of the proposals would likely result in inconsiderate parking. This, in turn, could impede the free flow of traffic and potentially be detrimental to highway safety.

Consequently, the Inspector concludes that it has not been satisfactorily demonstrated that the proposals would provide adequate parking provision and therefore have an acceptable effect on highway safety, contrary to the relevant provisions of the Council's Parking Standards Supplementary Planning Guidance (2004) and the Interim Policy for Car Parking Standards and Garage Sizes (2014), as well as the NPPF.

#### Character of the area

The proposals would provide specialist housing for which there is an identified need. This would likely improve the living environments of the residents, integrated within an established residential area with good access to local services and facilities. There is no evidence before the Inspector to demonstrate that the proposals would result in a harmful concentration of specialist housing or that health care services would be unable to support the proposals.

The buildings are already in-situ and no physical changes are proposed. During the Inspector's site inspection, they saw no obvious indication of other properties within the locality of the appeal sites that were in an obvious residential institution use.

The properties subject to the appeals, which are already in use for care provision

according to the appellant, did not stand out as particularly different within the townscape in terms of their appearance or how they are used.

The Inspector agrees that character is not limited to appearance, acknowledging that character is also about how a place is experienced as a whole. Nevertheless, the use of the properties would remain, principally, as residential accommodation which is in keeping with the established residential surroundings.

Overall, the Inspector concludes that the proposals would have an acceptable effect on the character of the area. The proposals would therefore accord with the relevant provisions of LP Policies SP1 and SP9.

#### Other Matters

The Inspector had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposal in this location are a matter to which I give moderate weight in assessing the proposal.

The buildings are intended to provide specialist accommodation. The appeal could result in the loss of the developments, which would mean that the management and residents of the sites would be unable to derive the benefits of the accommodation. This has the potential to disproportionately effect the residents and these equality implications add weight in favour of allowing the appeal.

However, the Inspector notes that the services provided have been taking place at the site for 7 years. They have no evidence to indicate that the purpose of the buildings could not continue as they have been if the appeals were to fail, or that there are not alternative ways to provide the accommodation which would be less harmful. Taking all relevant matters into consideration, the Inspector does not find that the PSED considerations would outweigh the harm identified.

#### Conclusion

The proposals would be contrary to the development plan as a whole and therefore the appeals are dismissed.

**6/2023/1234/FULL**

<b>DCLG No:</b>	APP/C1950/W/23/3329646
<b>Appeal By:</b>	Ms Carmen Ibie
<b>Site:</b>	61 Tiger Moth Way Hatfield Hertfordshire AL10 9LT
<b>Proposal:</b>	Change of use from HMO to residential institutions (class C2)
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2024
<b>Delegated or DMC</b>	Delegated

<b>Decision:</b>	
<b>Summary:</b>	<p>These appeals relate to three applications from the same applicant at three neighbouring properties:</p> <ul style="list-style-type: none"><li>• Appeal A- APP/C1950/W/23/3329645: 6/2023/1239/FULL- 59 Tiger Moth Way, Hatfield</li><li>• Appeal B- APP/C1950/W/23/3329646: 6/2023/1234/FULL- 61 Tiger Moth Way, Hatfield</li><li>• Appeal C- APP/C1950/W/23/3329959: 6/2023/1233/FULL- 65 Tiger Moth Way, Hatfield</li></ul> <p>All three applications had the same description of ‘Change of use from HMO to residential institutions (class C2)’.</p> <p>The main issues in regard to all three appeals are:</p> <ul style="list-style-type: none"><li>• the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;</li><li>• the effect of the proposal on highway safety and parking provision; and</li><li>• the effect of the proposal on the character of the area.</li></ul> <p>Living conditions - noise and disturbance</p> <p>Although the appellant set out that social care activities have taken place at the properties over the last 7 years, and that there are no objections from neighbours, there is no substantive evidence before the Inspector which set out the number of residents who live or stay at the properties, either now or proposed, or the management arrangements there, including the numbers of staff that would occupy or visit the sites throughout the day and night. Similarly, there are no details of the numbers or types of deliveries or visitors expected at each of the properties. The Inspector considers that such activity, in the form of regular comings and goings, without any evidence to the contrary, would likely be higher than a typical dwelling or HMO in this location.</p> <p>Detail of the management of the properties goes to the core of this main issue and the Inspector does not consider it appropriate for such details to be requested by condition.</p> <p>In respect of noise, the appellant admits that there may be occasions where some noise may be heard, but that this would be in keeping with a typical family home with children. Moreover, the properties would be managed by staff. Nevertheless, the Council’s environmental health specialists have recommended that a noise management plan would be necessary to ensure that measures are in place to minimise any potential disturbance to existing residential properties adjoining the site. The Inspector considers that these details could be conditioned. This does however not overcome or outweigh the harm identified.</p> <p>The Inspector therefore considered that the proposals would likely result in harmful effects on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposals would therefore be contrary to the relevant provisions of Policy SADM11 of the Welwyn Hatfield Local Plan 2016 and the</p>

NPPF.

#### Highway safety and parking provision

No details of parking provision have been provided by the appellant, but it is acknowledged that on-site parking would not be possible.

During the Inspector's site visit, they acknowledged a moderate volume of parked cars, which would no doubt increase in the evenings and at weekends. Controlled parking zones also exist to permit holders only during the week.

No details are provided of how staff would access the sites, or how frequently, and thus it is likely that at least some staff would need to park nearby. It has been confirmed by the Council that permits would not be applicable to those members of staff.

The Inspector considered that with no evidence to substantiate that the likely uplift in vehicular parking could be acceptably accommodated within the surroundings, any additional on-street parking as a result of the proposals would likely result in inconsiderate parking. This, in turn, could impede the free flow of traffic and potentially be detrimental to highway safety.

Consequently, the Inspector concludes that it has not been satisfactorily demonstrated that the proposals would provide adequate parking provision and therefore have an acceptable effect on highway safety, contrary to the relevant provisions of the Council's Parking Standards Supplementary Planning Guidance (2004) and the Interim Policy for Car Parking Standards and Garage Sizes (2014), as well as the NPPF.

#### Character of the area

The proposals would provide specialist housing for which there is an identified need. This would likely improve the living environments of the residents, integrated within an established residential area with good access to local services and facilities. There is no evidence before the Inspector to demonstrate that the proposals would result in a harmful concentration of specialist housing or that health care services would be unable to support the proposals.

The buildings are already in-situ and no physical changes are proposed. During the Inspector's site inspection, they saw no obvious indication of other properties within the locality of the appeal sites that were in an obvious residential institution use.

The properties subject to the appeals, which are already in use for care provision according to the appellant, did not stand out as particularly different within the townscape in terms of their appearance or how they are used.

The Inspector agrees that character is not limited to appearance, acknowledging that character is also about how a place is experienced as a whole. Nevertheless, the use of the properties would remain, principally, as residential accommodation which is in keeping with the established residential surroundings.

Overall, the Inspector concludes that the proposals would have an acceptable effect on the character of the area. The proposals would therefore accord with the relevant provisions of LP Policies SP1 and SP9.

#### Other Matters

The Inspector had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposal in this location are a matter to which I give moderate weight in assessing the proposal.

The buildings are intended to provide specialist accommodation. The appeal could result in the loss of the developments, which would mean that the management and residents of the sites would be unable to derive the benefits of the accommodation. This has the potential to disproportionately effect the residents and these equality implications add weight in favour of allowing the appeal.

However, the Inspector notes that the services provided have been taking place at the site for 7 years. They have no evidence to indicate that the purpose of the buildings could not continue as they have been if the appeals were to fail, or that there are not alternative ways to provide the accommodation which would be less harmful. Taking all relevant matters into consideration, the Inspector does not find that the PSED considerations would outweigh the harm identified.

#### Conclusion

The proposals would be contrary to the development plan as a whole and therefore the appeals are dismissed.

**6/2023/1233/FULL**

<b>DCLG No:</b>	APP/C1950/W/23/3329959
<b>Appeal By:</b>	Agape4All Limited
<b>Site:</b>	65 Tiger Moth Way Hatfield AL10 9LT
<b>Proposal:</b>	Change of use from HMO to residential institutions (class C2)
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>These appeals relate to three applications from the same applicant at three neighbouring properties:</p> <ul style="list-style-type: none"><li>• Appeal A- APP/C1950/W/23/3329645: 6/2023/1239/FULL- 59 Tiger Moth Way, Hatfield</li><li>• Appeal B- APP/C1950/W/23/3329646: 6/2023/1234/FULL- 61 Tiger Moth Way, Hatfield</li></ul>

• Appeal C- APP/C1950/W/23/3329959: 6/2023/1233/FULL- 65 Tiger Moth Way, Hatfield

All three applications had the same description of 'Change of use from HMO to residential institutions (class C2)'.

The main issues in regard to all three appeals are:

- the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;
- the effect of the proposal on highway safety and parking provision; and
- the effect of the proposal on the character of the area.

Living conditions - noise and disturbance

Although the appellant set out that social care activities have taken place at the properties over the last 7 years, and that there are no objections from neighbours, there is no substantive evidence before the Inspector which set out the number of residents who live or stay at the properties, either now or proposed, or the management arrangements there, including the numbers of staff that would occupy or visit the sites throughout the day and night. Similarly, there are no details of the numbers or types of deliveries or visitors expected at each of the properties. The Inspector considers that such activity, in the form of regular comings and goings, without any evidence to the contrary, would likely be higher than a typical dwelling or HMO in this location.

Detail of the management of the properties goes to the core of this main issue and the Inspector does not consider it appropriate for such details to be requested by condition.

In respect of noise, the appellant admits that there may be occasions where some noise may be heard, but that this would be in keeping with a typical family home with children. Moreover, the properties would be managed by staff. Nevertheless, the Council's environmental health specialists have recommended that a noise management plan would be necessary to ensure that measures are in place to minimise any potential disturbance to existing residential properties adjoining the site. The Inspector considers that these details could be conditioned. This does however not overcome or outweigh the harm identified.

The Inspector therefore considered that the proposals would likely result in harmful effects on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposals would therefore be contrary to the relevant provisions of Policy SADM11 of the Welwyn Hatfield Local Plan 2016 and the NPPF.

Highway safety and parking provision

No details of parking provision have been provided by the appellant, but it is acknowledged that on-site parking would not be possible.

During the Inspector's site visit, they acknowledged a moderate volume of parked cars, which would no doubt increase in the evenings and at weekends. Controlled

parking zones also exist to permit holders only during the week.

No details are provided of how staff would access the sites, or how frequently, and thus it is likely that at least some staff would need to park nearby. It has been confirmed by the Council that permits would not be applicable to those members of staff.

The Inspector considered that with no evidence to substantiate that the likely uplift in vehicular parking could be acceptably accommodated within the surroundings, any additional on-street parking as a result of the proposals would likely result in inconsiderate parking. This, in turn, could impede the free flow of traffic and potentially be detrimental to highway safety.

Consequently, the Inspector concludes that it has not been satisfactorily demonstrated that the proposals would provide adequate parking provision and therefore have an acceptable effect on highway safety, contrary to the relevant provisions of the Council's Parking Standards Supplementary Planning Guidance (2004) and the Interim Policy for Car Parking Standards and Garage Sizes (2014), as well as the NPPF.

#### Character of the area

The proposals would provide specialist housing for which there is an identified need. This would likely improve the living environments of the residents, integrated within an established residential area with good access to local services and facilities. There is no evidence before the Inspector to demonstrate that the proposals would result in a harmful concentration of specialist housing or that health care services would be unable to support the proposals.

The buildings are already in-situ and no physical changes are proposed. During the Inspector's site inspection, they saw no obvious indication of other properties within the locality of the appeal sites that were in an obvious residential institution use.

The properties subject to the appeals, which are already in use for care provision according to the appellant, did not stand out as particularly different within the townscape in terms of their appearance or how they are used.

The Inspector agrees that character is not limited to appearance, acknowledging that character is also about how a place is experienced as a whole. Nevertheless, the use of the properties would remain, principally, as residential accommodation which is in keeping with the established residential surroundings.

Overall, the Inspector concludes that the proposals would have an acceptable effect on the character of the area. The proposals would therefore accord with the relevant provisions of LP Policies SP1 and SP9.

#### Other Matters

The Inspector had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of



opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposal in this location are a matter to which I give moderate weight in assessing the proposal.

The buildings are intended to provide specialist accommodation. The appeal could result in the loss of the developments, which would mean that the management and residents of the sites would be unable to derive the benefits of the accommodation. This has the potential to disproportionately effect the residents and these equality implications add weight in favour of allowing the appeal.

However, the Inspector notes that the services provided have been taking place at the site for 7 years. They have no evidence to indicate that the purpose of the buildings could not continue as they have been if the appeals were to fail, or that there are not alternative ways to provide the accommodation which would be less harmful. Taking all relevant matters into consideration, the Inspector does not find that the PSED considerations would outweigh the harm identified.

Conclusion

The proposals would be contrary to the development plan as a whole and therefore the appeals are dismissed.

**6/2023/1345/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/23/3335868
<b>Appeal By:</b>	Ms Victoria Copeman
<b>Site:</b>	11 Little Youngs Welwyn Garden City AL8 6SL
<b>Proposal:</b>	Installation of solar panels to roof
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	05/04/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the proposed installation of nine solar panels on the front facing roof slope at 11 Little Youngs, WGC.</p> <p>The planning application was refused as the siting, design and appearance of the solar panels were considered to result in less than substantial harm to the Conservation Area (CA) and insufficient information had been submitted to demonstrate that the public benefits (to the environment) of the scheme would outweigh the identified harm.</p> <p>The Inspector states that the positioning and arrangement of the solar panels on the front roof slope would largely reflect the shape of the host roof and the black finish would also help to minimize their visual impact. Notwithstanding, it was acknowledged that the front-facing solar panels would result in a degree of harm to the character and appearance of the host building and the unity of the group along Little Youngs due to them contrasting with the shape, form, size and colour of the tiles on the front roof of the dwelling.</p>

The inspector noted that the appeal is supported by an energy performance appraisal for the chosen solar energy system (which highlights the benefits of the scheme) and was satisfied that there are clear technical reasons why the south-west facing front roof slope had to be utilised. The Inspector considers that addressing climate change is a fundamental priority and is directly related to achieving the NPPF's requirement for environmental, economic and social wellbeing.

In terms of public benefits of the scheme, it was acknowledged that only a single building is involved however the Inspector considers that even small-scale projects provide a valuable contribution to the significant cutting of greenhouse gas emissions, and that due weight should also be given to the potential positive cumulative environmental benefit of many householders installing solar panels on existing dwellings. As such the public benefits that can be attributed to the proposal is considered to significantly outweigh the less than substantial harm to the significance of the designated heritage asset.

**6/2023/1212/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/23/3335878
<b>Appeal By:</b>	Mrs Emma Pigg
<b>Site:</b>	6 Little Youngs Welwyn Garden City AL8 6SL
<b>Proposal:</b>	Installation of solar panels to roof
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	08/04/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the proposed installation of 11 solar panels on the front and side facing roof slope at 6 Little Youngs, WGC.</p> <p>The planning application was refused as the siting, design and appearance of the solar panels were considered to result in less than substantial harm to the Conservation Area (CA) and insufficient information had been submitted to demonstrate that the public benefits (to the environment) of the scheme would outweigh the identified harm.</p> <p>The Inspector states that the positioning and arrangement of the solar panels on the side roof slope would not be seen from any obvious public vantage points and would have limited prominence from the private domain. They concluded that the front roof array of solar panels would contrast with the shape, form, size and colour of the tiles on the front roof of the dwelling and its adjoining neighbour, but they would not appear disorderly. Notwithstanding, it was acknowledged that the front-facing solar panels would result in a degree of harm to the character and appearance of the host building and the unity of the group along Little Youngs.</p> <p>The inspector noted that the appeal is supported by a comprehensive and well researched energy statement and noted that the appellant has already carried out a number of energy saving measures to reduce the property's carbon footprint.</p>

	<p>The Inspector considers that addressing climate change is a fundamental priority and is directly related to achieving the NPPF's requirement for environmental, economic and social wellbeing.</p> <p>In terms of public benefits of the scheme, it was acknowledged that only a single building is involved however the Inspector considers that even small-scale projects provide a valuable contribution to the significant cutting of greenhouse gas emissions, and that due weight should also be given to the potential positive cumulative environmental benefit of many householders installing solar panels on existing dwellings. As such the public benefits that can be attributed to the proposal is considered to significantly outweigh the less than substantial harm to the significance of the designated heritage asset.</p> <p>The appeal was subsequently allowed.</p>
<b>6/2023/1295/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/23/3329306
<b>Appeal By:</b>	Mr Aria Toussi
<b>Site:</b>	4 Swanland Road North Mymms Hatfield AL9 7TG
<b>Proposal:</b>	Alterations to the existing roof to raise the ridge height, hip to half-hip extension, enlarge front and rear gable, installation of dormer windows to the front and rear roof slope and fenestration alterations
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/04/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to alterations to the existing roof to raise the ridge height, hip to half-hip extension, enlarge front and rear gable and installation of dormer windows to the front and rear roof slope.</p> <p>The main issues were:</p> <ul style="list-style-type: none"> <li>• whether the proposal is inappropriate development in the Green Belt (GB) for the purposes of planning policy set out in the Framework and the development plan;</li> <li>• the effect on the openness of the GB;</li> <li>• the effect on the appearance of the appeal property and the character of the area; and</li> <li>• if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.</li> </ul> <p>Whether Inappropriate Development</p> <p>The appeal property is a detached chalet-style dwelling set within a ribbon of housing in the Green Belt. Although the dwellings are of similar scale, most have been extended, including roof extensions and dormer windows. The appeal property is the replacement of a previous property, granted in 1989.</p>

The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. An exception which is not to be regarded as inappropriate is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The glossary to the Framework defines “original” as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

A footnote to LP Policy SADM 34 expands upon this definition, adding that, where an existing building has replaced an original building, any increase in size over the original building will be taken into account in assessing cumulative impact. Having regard to recent case law cited by the Council, and the clarifying footnote to this policy, the Inspector agrees with the Council’s view, rather than the appellant’s, that the ‘starting point’ against which to assess the appeal proposal is the dwelling that existed on site before the replacement was built under permission S6/1989/0267/FP.

The Council’s delegated report indicates that, following a review of the planning history, it considers that the original building had a floor space of approximately 110 sqm., and that the subsequent replacement dwelling represented an increase in floorspace of approximately 56.8%. The Council considers that, cumulatively, the appeal proposal would represent an approximate 90% increase over the original floor space. The appellant disputes this, suggesting the increase to be 70%.

This increase in floorspace is not definitive, but the appellant acknowledged in his response to the Local Plan adoption that the proposal would be considered disproportionate under Paragraph 154(c) of the Framework and the now adopted Policy SADM 34.

The proposal would involve a significant increase in floorspace compared to the original dwelling, but would also appear visually larger than the existing building due to the bulk added by the raised height, half-hipped roof form, dormer windows and enlarged gables. As a matter of fact and degree, the Inspector concludes that, considered individually or cumulatively, the proposal would result in disproportionate additions over and above the size of the original building. It would therefore be inappropriate development that is, by definition, harmful to the GB, in conflict with the Framework and LP Policy SADM 34.

#### Effect on Openness

The proposal would materially add to the bulk of the roof of the dwelling, and would result in a more dominant property, with a consequent harmful effect on the openness of the GB. However, being contained within the existing footprint of the building, and within a ribbon of established housing, the Inspector considers this effect on openness to be reasonably limited.

#### Character and Appearance

The group of dwellings within which the appeal property is set vary in design, size and scale. Some have been extended, and dormer windows are commonplace.

Extensions at 5 Swanland Road (No.5) share some similarities with the appeal proposal, although with a strong front gable, it is not the prevailing style or scale of extension in the street scene.

The Council does not oppose in principle the increase in ridge height, change in roof form or the front and rear dormer windows. The Inspector agrees.

The Inspector appreciates that the intention is to make an aesthetic improvement to the dwelling, but the large size and extensive glazing of the proposed front and rear gables would create imposing features on the dwelling, albeit the rear would have more limited impact on the street scene.

The proposed front gable would be materially different in design and detailing from No.5, with the latter more reflective of the host dwelling and the traditional detailing of others in the street scene. In contrast, with its extensive glazing, the proposed front gable would 'draw the eye' and create a visually dominant feature on the dwelling that would be incongruous in the street scene. Combined with the rear gable, they would emphasise the increased bulk of the dwelling at first-floor level.

The Inspector therefore concludes that the proposal would detract from the character and appearance of the appeal dwelling and the street scene, in that it would fail to relate well to the character and proportions of the existing building, the surrounding context and the street scene in terms of mass, scale, detailed design and materials, as required by LP Policy SP 9; and would conflict with the Council's Supplementary Design Guidance (SDG), as well as the NPPF.

#### Other Considerations

The Framework advises that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. It confirms that substantial weight should be given to any harm to the GB, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The appellant has placed much weight on extensions built at 5 Swanland Road, which the appellant advises stem from planning permission S6/2006/1356/FP in 2006. As noted above, the Inspector does not consider this development to have the same visual impact as the gables proposed in this case, and moreover, the front gable at No.5 is not typical of the prevailing scale and form of roof extensions in this part of Swanland Road. Whilst the Inspector accepts that the development was assessed against the SDG which remains in place, it pre-dates current adopted local and national planning policies. Given these circumstances, that development offers only modest support to the appeal.

Prior Approval was issued for a single-storey 8m deep rear extension to the appeal property in April 2023. On the ground, it does not appear that works have commenced, but its construction is a realistic 'fallback' position. The Inspector shares the appellant's view that this would have a greater impact on the openness of the GB than the appeal scheme, and would be greater in footprint, floorspace and volume. In some aspects, its visual and functional relationship with the dwelling would be poorer, although being at the rear of the property it is considered

that it would have less visual impact on the character and appearance of the street scene than the proposal.

The appellant advises that the proposal would have improved environmental performance as a result of the replacement of the roof. This could offer support to the proposal, but in the absence of more detailed information it is not clear what the results would be, and whether or not such improvements could be achieved without such extensive alterations.

The appellant has drawn attention to proposals at 8 Swanland Road, and the weight ascribed to other local extensions in the Council's assessment. However, full details of the case made in support of that scheme have not been supplied, and as such the Inspector has found that the reasoning in that case offers only limited support for this proposal.

#### Conclusion

Having balanced the various matters, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, and harm to its openness; and, harm to the character and appearance of the dwelling and area. The very special circumstances necessary to justify the development do not exist. Consequently, the proposal fails to comply with the Framework and LP Policy SADM 34. The Inspector concludes that the appeal should be dismissed.

### 6/2023/1109/HOUSE

<b>DCLG No:</b>	APP/C1950/D/23/3329319
<b>Appeal By:</b>	Mr Jonathan Curtis
<b>Site:</b>	15 Ramsey Close Hatfield AL9 6NP
<b>Proposal:</b>	Retention of detached garage
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	15/04/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the retention of a detached garage.</p> <p>The main issues were:</p> <ul style="list-style-type: none"><li>• whether the appeal building would be inappropriate development in the Green Belt having regard to local and national policies;</li><li>• the effect on the openness of the GB;</li><li>• the effect on the character and appearance of the appeal site and the wider area; and</li><li>• if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.</li></ul> <p>Whether Inappropriate Development</p>

The appeal property features a detached dwelling near the entrance to a cul-de-sac in the Green Belt. Ramsey Close comprises a group of houses and flats with garaging, overlooking a central open green space. The garage, which is the subject of this appeal, has been constructed within the front garden of the appeal property, close to the dwelling. Given its incidental use and proximity to the main building, the garage is assessed as an extension. The dwelling already benefits from various extensions and outbuildings.

The inspector reviewed the delegated report noting that the previous additions to the appeal building represent an increase of approximately 66% in footprint compared to the original dwelling. The appellant did not dispute these figures. As a development in its own right, the garage is a large addition to the property. Although each of the extensions and outbuildings within the site are single-storey, cumulatively they are significant in terms of size, and disproportionate compared to the original dwelling. The inspector therefore concluded that the appeal scheme is inappropriate development that is, by definition, harmful to the Green Belt. The development therefore conflicts with the NPPF and Local Plan Policy SADM34.

#### Effect on Openness

Notwithstanding the new garage, the inspector discussed how the front garden is generally open and thus a large addition now exists in a location where there was an absence of built form previously. The garage represents a prominent feature highly visible within the street scene and so the development was discussed to harm the openness of the Green Belt both spatially and visually.

The appellant suggested that a condition could be imposed to secure additional landscaping. However, the inspector explained how given the size and position of the building, further planting could not mitigate its visual impact.

The inspector concluded that further to the harm to the Green Belt by reason of the appeal building being inappropriate development, there is additional harm arising from the effect of the building on the openness of the Green Belt.

#### Character and Appearance

Although other brick-built garages in the area project slightly forward of the dwellings, their modest size and position set back from the road means that they appear subservient and discreet in the street scene.

The inspector agreed with the appellant's view that outbuildings are an integral part of the distinctiveness of the locality. However, the inspector argued that rather than being subordinate to the dwelling and site as suggested by the appellant, it is a large timber, shallow pitched building out of keeping with the architectural design, character, proportions and materials of the main house, as required by Local Plan Policy SP9. Its design contrasts with others in the vicinity, and this is more noticeable due to its prominent and highly visible location in the street scene.

Short and long range views are available of the appeal building which is visible above the hedge and behind trees within the front garden. The inspector concluded that the appeal building detracts from the character and appearance of

the appeal site and wider area, in conflict with the design objectives of the NPPF, and Local Plan Policy SP9. In addition, it is contrary to Policy SADM11, which amongst other criteria seeks to ensure that new development is not overbearing upon existing buildings and open spaces; and in conflict with guidance set out in the Council's Supplementary Design Guidance, for new development to respect and relate to the character and context of the area in which it is proposed.

#### Other Considerations

The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It confirms that substantial weight should be given to any harm to the GB, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Matters of the design and use of the building, its scale and materials, landscaping, visual impact, and the effect on openness and local character, have already been addressed. For the reasons given, these factors did not add weight in support of the appeal.

The appellant considered that the appeal development does not undermine the purpose of countryside policy, and cited three of the five purposes served by the Green Belt, as identified in paragraph 143 of the NPPF. However, any absence of harm in this respect is a neutral factor in the planning balance.

#### Planning Balance and Conclusion

The appellant's view, that a number of factors ordinary in themselves can combine to create something very special, was acknowledged. However, having balanced the various matters individually and together, other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, the harm to the openness of the Green Belt, and harm to the character and appearance of the site and wider area. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the NPPF does not indicate in favour of the development, which also fails to accord with Local Plan Policies SADM11, SADM34 and SP9.

The inspector concluded that material considerations do not outweigh the conflict with the development plan. The appeal was therefore dismissed.

### 6/2023/2034/HOUSE

<b>DCLG No:</b>	APP/C1950/D/24/3339740
<b>Appeal By:</b>	Mr P Gilbert
<b>Site:</b>	110 Guessens Road Welwyn Garden City AL8 6RS
<b>Proposal:</b>	Erection of a first floor side extension, two storey rear extension and front porch
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	05/06/2024



<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal decision relates to planning application reference 6/2023/2024/HOUSE for the “Erection of a first floor side extension, two storey rear extension and front porch” which was refused 6th December 2023.</p> <p>The application was refused because the proposed extensions, by virtue of their scale, form and appearance, fail to relate well to the character and proportions of the existing building, the surrounding context or the street scene. The proposed development would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area. Accordingly, the proposed development represents a poor quality of design that would be contrary to Policies SP9, SP15 and SADM15 of the Welwyn Hatfield Borough Local Plan 2016-2036, the Welwyn Hatfield Supplementary Design Guidance 2005, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.</p> <p>The Inspector said that “In this case, the character and appearance of the Conservation Area is derived from the siting of the detached and semi-detached dwellings within spacious and verdant plots. Fronting Handside Lane and Guessens Road, there are dwellings of a similar neo-Georgian design as the property which are of red brick and tile construction, possess steep hipped roofs with visually prominent angled chimney stacks and have single storey side additions. The design of the dwellings and the choice of external materials make a positive contribution to the Conservation Area’s character and appearance, particularly around the junction of Handside Lane and Gussens Road.</p> <p>The proposed development includes the erection of a first floor extension above a single storey side addition. Although set back from the front elevation of the property and possessing similar eaves height but lower ridge height than the main roof, the proposed side extension would be visible within the streetscene along Guessens Road.</p> <p>From Guessens Road, the appeal scheme would unbalance the symmetrical appearance of the neo-Georgian designed host property at first floor and roof levels. This symmetry is a characteristic of dwellings within this part of the Conservation Area. Further, the proposed window within the front elevation would not align with a ground floor opening within the single storey addition below.</p> <p>In conjunction with the existing 2-storey rear addition, the cumulative alterations to the host property would not be subservient in scale. The proximity of the proposed roof to the chimney stack would reduce its positive visual and physical contribution to the character and appearance of the property. As identified, angled chimney stacks are a feature within the streetscene of the Conservation Area around the junction of Handside Lane and Gussens Road.</p> <p>At roof level, a larger crown roof form would be created which is not reflective of the predominance of hipped roofs associated with the neo-Georgian style of the property and neighbouring similarly designed dwellings. However, when compared to the current roof form above the 2-storey rear extension, the proposed crown roof would be a more sympathetic design, but this visual improvement to the property</p>

would be limited to only glimpsed views from Handslide Lane. Accordingly, this matter does not outweigh the unacceptable harm which has been identified associated with the siting, scale and design of the proposed extension.

The proposed development would cause less than substantial harm to the significance of the Conservation Area and this harm should be weighed against the public benefits of the proposal. In this case, the public benefits which have been identified are generally short term comprising construction jobs and associated economic activity. Other benefits referenced include improved residential accommodation addressing the medical requirements of an occupier and for the appellant to be able to stay in the area, but none of these are public benefits. The public benefits which have been identified are limited in nature and do not outweigh the unacceptable harm caused to the heritage asset”.

The appeal was therefore dismissed.