

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 15 SEPTEMBER 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

**Appeal Decisions 28/07/2016 to 24/08/2016**

1. DCLG No: C1950/W/16/3143612
- Application No: S6/2015/1207/FP
- Appeal By: Mr R Rodwell
- Site: The Stables, White Lodge Farm, Bulls Lane, Hatfield,  
AL9 7AZ
- Proposal: Change of use and conversion of existing building to form  
a 1no. bedroom dwelling with 2no. car parking spaces and  
rear garden
- Summary: The lawfulness of the existing building to be converted is  
disputed. In the absence of any Certificate of Lawful  
Development, the Inspector concluded that there could be  
no fallback position in support of the proposal. The  
Inspector gave significant weight to the harm to the Green  
Belt by virtue of the inappropriateness of the change of  
use of a large area of land to residential, and its  
'domestication' in appearance through boundary  
treatments, car parking etc. Whilst the Inspector gave  
some weight to the benefits of providing an additional  
dwelling for the borough's housing stock, this was not  
considered to amount to very special circumstances or  
outweigh the harm to the Green Belt.
- Decision: Appeal Dismissed
- Delegated or  
DMC Decision: Delegated

2. DCLG No: TPO/J1915/5020
- Application No: 6/2015/1860/TPO
- Appeal By: Mr D Brough
- Site: 10 The Chase, Welwyn, AL6 0QT
- Proposal: Removal of Cedar tree covered by TPO 330
- Summary: Whilst the Inspector concluded that views of the tree from the surrounding area are limited, he concluded that it makes a positive contribution to the local environment. However, the Inspector agreed with the appellant's view that the tree is too large for its plot and considered it 'awkward looking' and 'out of scale', being a tree more suited, in the Inspector's opinion, to parkland or a mansion house garden than a residential cul-de-sac. For the remainder of the tree's life it will require continual maintenance to manage its spread, with it being concluded that this process would harm its natural appearance. Accordingly, the Inspector found that replacement of the tree with a smaller tree would positively enhance the area.
- Decision: Appeal Allowed with Conditions
- Delegated or DMC Decision: Delegated
3. DCLG No: C1950/W/16/3146896
- Application No: N6/2015/1253/FP
- Appeal By: Mr P Smith
- Site: 19 Mimram Road, Welwyn, AL6 9HA
- Proposal: Erection of one 3 bedroom dwelling with amenity and parking and external alterations to No19
- Summary: The size and positioning of the appeal property makes it a prominent building at the end of Mimram Road, and the Inspector considered that the additions to the building would be overbearing and jarring in relation to adjacent bungalows. The River Mimram and a public car park adjoin the rear of the site, and the Inspector also

considered that the additional prominence of the proposal would reduce the openness of the pleasant riverside setting. In addition, whilst the Inspector noted that Welwyn is typified by tight and narrow historic streets, they considered that the re-orientation of the appeal property so that its principal elevations face a footpath would further contribute to an overall harm to the character of the surrounding environment. Finally, the Inspector agreed that the applicant's submitted Flood Risk Assessment did not adequately demonstrate that the additional dwelling would not be at risk of flooding.

Decision: Appeal Dismissed

Delegated or  
DMC Decision: Delegated

4. DCLG No: C1950/D/16/314/9244

Application No: 6/2016/0226/PN8

Appeal By: Mr B Winston

Site: 125 Peplins Way, Brookmans Park, Hatfield, AL9 7UT

Proposal: Prior approval for the erection of single storey rear extension measuring 6m. in length by 4m. in height and 3m. in eaves

Summary: Since the submission of the appeal, it has been accepted by all parties that the plans do not show the proposed extension extending beyond the side wall of the property. As such, the Inspector judged that the proposal is indeed permitted development. As no objections from neighbouring residents had been received, the appeal was allowed.

Decision: Appeal Allowed

Delegated or  
DMC Decision: Delegated

5. DCLG No: C1950/W/15/3140363

Application No: N6/2015/0750/FP

Appeal By: Mr R S Bajwa

Site: 2 Westfield, Welwyn Garden City, AL7 1QS

Proposal: Erection of side extension and part change of use of A1 (Retail Unit) to A5 (Fish & Chip Takeaway)

Summary: The main issue was the potential effect of noise from the takeaway's extraction system on the living conditions of neighbouring residents. The extract duct would need to be routed through the flat above the takeaway, and through the roof close to the flat's windows as well as other neighbouring windows. Whilst the appellant had provided satisfactory details of the odour control performance of the extraction system, the Inspector concluded that there were insufficient details on how noisy this arrangement would be. The proposal was therefore judged to be contrary to Policy R19 of the District Plan, and the need to protect residential amenity within the National Planning Policy Framework.

Decision: Appeal Dismissed

Delegated or DMC Decision: Delegated