

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 25/07/2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 18/06/2024 to 15/07/2024

6/2023/1771/FULL	
DCLG No:	APP/C1950/W/23/3333841
Appeal By:	Sharon Bromley
Site:	89 Haymeads Welwyn Garden City AL8 7AD
Proposal:	Erection of a three bedroom terraced dwelling with associated car parking, access and amenity space. New access and car parking for 89 Haymeads
Decision:	Appeal Dismissed
Decision Date:	21/06/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal was for the erection of an attached end of terraced 3 bed dwelling.</p> <p>The Planning Inspectorate has provided useful paragraphs on the submission of amended information during the course of an appeal to overcome the reasons for refusal of the LPA.</p> <p>The Planning Inspectorate agrees with the LPA's assessment of the spatial layout and character of Haymeads and poor built form and design. They also agree with the impact on longer views from along Haymead and the loss of verdant character including hedgerow.</p> <p>The Planning Inspectorate has also supported the LPA in its reason for refusal in regards to poor internal space standards of one of the bedrooms and the lack of storage. There is some useful points in regards to the use of a room and how this can not be controlled by condition and based on the plans submitted.</p> <p>The Planning Inspectorate has weighed up the public benefits and does not consider there are any to overcome the level of harm caused.</p> <p>The Appeal is dismissed.</p>
6/2022/2371/FULL	
DCLG No:	3328201
Appeal By:	Mr Julian Sherriff
Site:	Cromer Hyde Cromer Hyde Farm Marford Road Lemsford Welwyn Garden City

	AL8 7XD
Proposal:	Change of use of land to equestrian, incorporating the erection of an equestrian stable building, horse walker and siting of a portacabin (retrospective)
Decision:	Appeal Dismissed
Decision Date:	01/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the proposed change of use of land to equestrian, incorporating the erection of an equestrian stable building, horse walker and siting of a portacabin (retrospective) at Cromer Hyde Cromer Hyde Farm, Marford Road, Lemsford.</p> <p>The planning application was refused as the development was deemed to constitute inappropriate development in the Green Belt and would result in harm from the loss of Green Belt openness.</p> <p>The Inspector states that the stable, portacabin and horse walker are appropriate for the intended equestrian purposes however to fall within the relevant exception (part b) of paragraph 154 of the NPPF), the facilities must be used in connection with an existing use of land or a proposed use of land for outdoor sport or outdoor recreation.</p> <p>In this case, the additional land to be used for the training of racehorses is not included in the application site and there are no areas of the appeal site specifically designated for outdoor sport. As such it has not been sufficiently demonstrated that the facilities are in connection with an existing use of land or a change of use for outdoor sport or outdoor recreation to comply with part b) of paragraph 154 of the NPPF.</p> <p>In terms of the impact to the openness of the Green Belt, the Inspector found the visual impact on openness is localised and limited, however it was also stated that even limited harm to openness cannot be said to preserve the openness of the Green Belt and would contribute to the overall harm to the Green Belt. Furthermore, the use of a planning condition to implement landscape screening may address the visual aspect but would not address the spatial aspect. The scheme is therefore considered to conflict with Local Plan Policy SADM34 and the NPPF.</p> <p>Finally, the Inspector states the weight afforded to other considerations in support of the appeal, which includes farm diversification, employment generation and the provision of equestrian/horse racing use, does not, either individually or collectively, clearly outweigh the harm identified. The very special circumstances necessary to justify the development therefore does not exist in this instance.</p> <p>The appeal was subsequently dismissed</p>
6/2023/0163/FULL	
DCLG No:	APP/C1950/W/23/3331093

Appeal By:	Mr Nick Brister
Site:	57 New Road Digswell Welwyn AL6 0AL
Proposal:	Proposed part demolition of existing property and erection of 5 no 4 bedroom houses with associated internal access roads, parking and refuse / recycling collection
Decision:	Appeal Dismissed
Decision Date:	02/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>The above relates to an appeal for non-determination of a full application for the part demolition of existing property and erection of 5 x 4 bedroom houses with associated internal access roads, parking and refuse / recycling collection at 57 New Road, Digswell. The Council confirmed to PINS that if the appellant had not appealed against non-determination, officers would have refused the development on grounds of impact to the character and appearance of the area.</p> <p>The Inspector acknowledged that although plots and buildings vary in size and architectural style, the area is characterised by generously sized dwellings and detached single apartment blocks, of generally 2 – 3 storeys typically with pitched or crown roof forms, often set well within their plots, addressing the highway.</p> <p>In this case the proposed development is considered to result in a highly intensive and uncharacteristic form of development from a terrace of 3no. 3/4 storey and pair of link detached 3/4 storey dwellings either side of the part retained host dwelling, related plot subdivision front to rear and associated boundary treatments and paraphernalia.</p> <p>They proposed driveway serving the proposals which runs almost all the depth of the plot, would also contribute to the intensity and spread of development and is also uncharacteristic of other developments in the area.</p> <p>Furthermore, it was deemed that the absence of a front door on the side elevation, the position of the three front doors, integral garages and plot layout would mean the terrace would not resemble a single detached dwelling or apartment building that fronts the highway.</p> <p>Despite some variety, the nearby buildings are generally of relatively traditional construction, forms, appearance, materials and pallet. The architectural appearance of the development would be jarring, and be clearly and harmfully at odds with prevailing appearance of built development.</p> <p>Furthermore, the proposed arrangement would result in three distinct dwelling types across the site. The differing forms and shapes of each group/style, means they would not relate well to one and other, exhibiting a lack coherence.</p> <p>It was considered that screening can reduce visual harm, but it does not necessarily mean an absence of harm, or absence of conflict with policies. Moreover, due to the loss of some trees at the access, much of the development would still be discernible from New Road around the access despite the proposed</p>

	<p>landscaping and land level reductions at the site.</p> <p>Consequently, the Inspector considered that the development would be significantly at odds with and significantly harmful to the character and appearance of the area resulting in conflict with Policy SP9 of the WHLP, paragraphs 131, 135 and 139 of the NPPF and the Supplementary Design Guide (2005). The level of harm would be such that it significantly and demonstrably outweighs the benefits of the when assessed against the policies of the Framework taken as a whole.</p> <p>The appeal was subsequently dismissed.</p>
Costs Award	
6/2020/2268/MAJ	
DCLG No:	APP/C1950/W/21/3284525
Appeal By:	Mr D Cooper
Site:	73 Bridge Road East Welwyn Garden City AL7 1UT
Proposal:	Erection of two new buildings comprising 111 residential apartments, access, car and cycle parking, landscaping and ancillary development involving demolition of existing building
Decision:	Appeal Allowed with Conditions
Decision Date:	23/09/2022
Delegated or DMC Decision:	Development Management Committee
Summary:	Application refused at DMC on 17 th June 2021. Subsequent appeal allowed by the Planning Inspectorate, including an award for costs. Costs agreed with appellant this month for £48,213.82.