

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 7 December 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

Appeal Decisions 30/10/2017 to 27/11/2017

6/2016/2123/FULL	
DCLG No:	APP/C1950/W/17/3179779
Appeal By:	Mr Breznica
Site:	13 Deerswood Avenue Hatfield AL10 8RX
Proposal:	Erection of porch, single storey rear extension, conversion of dwelling house into 1 x 1 bedroom flat and 1 x 2 bedroom flat involving demolition of existing garden shed and relocation of shared garden shed
Decision:	Appeal Allowed with Conditions
Decision Date:	01/11/2017
Delegated or DMC Decision:	Committee
Summary:	The proposal would have limited impact on the appearance of the building – the main issue was therefore parking provision. The Parking Standards SPG indicate a combined need for 2.75 spaces, combined to provision on the site of 2 spaces – however, the standards also indicate a need for more spaces (2.25) than the provision at present. Because the site is located in a relatively sustainable location close to public transport, and because any overspill parking that did arise could be accommodated on-street, the Inspector did not consider that it would be harmful.
6/2017/0697/FULL	
DCLG No:	APP/C1950/W/17/3180404
Appeal By:	Mr B Denton
Site:	11 Bradmore Green Brookmans Park Hatfield AL9 7QW
Proposal:	Erection of two storey rear extension comprising of extension to A1 Retail unit at ground floor and residential studio unit at first floor.
Decision:	Appeal Dismissed
Decision Date:	07/11/2017
Delegated or DMC Decision:	Delegated
Summary:	A similar scheme was dismissed on appeal in January 2017. Whilst this proposal varies by slightly reducing the size of the extension, and has been supported by new evidence on the extent to which daylight and sunlight to adjacent properties would be affected, the Inspector concluded that it would still be bulky and overbearing and have a harmful impact on the amenity of neighbouring residents.

6/2016/2436/VAR

DCLG No:	APP/C1950/W/17/3178532
Appeal By:	Mr C Durran
Site:	2A Whitehill Ayot St Peter Welwyn AL6 9AF
Proposal:	Removal of condition 5 (Permitted Development Rights) on planning permission N6/2014/2154/FP.
Decision:	Appeal Allowed with Conditions
Decision Date:	08/11/2017
Delegated or DMC Decision:	Delegated
Summary:	<p>The main issue was the effect that removing condition 5 could have on the openness of the Green Belt, the purposes of including land within Green Belt, on living conditions of the occupiers of nearby dwellings and on the character and appearance of the area. The Inspector noted that Schedule 2 Part 1 to the General Permitted Development Order 2015 (GPDO) has articles limiting the extent of allowances on certain categories of land but that Green Belt is not expressly included. As such, normal permitted development allowances should apply unless exceptional circumstances can be demonstrated. The Inspector found that the exercise of permitted development rights in accordance with condition 5 would not have a significant adverse effect on the openness of the Green Belt, the purposes of including land within Green Belt, the living conditions of occupiers of nearby dwellings or the character and appearance of the area. Therefore, the condition is neither necessary nor reasonable and fails the tests for conditions set out at paragraph 206 of The Framework.</p>

6/2017/0457/HOUSE

DCLG No:	APP/C1950/D/17/3179174
Appeal By:	Mr D Driscoll
Site:	44 Longlands Road Welwyn Garden City AL7 3PZ
Proposal:	Erection of single storey rear extension following the demolition of existing store room.
Decision:	Appeal Dismissed
Decision Date:	14/11/2017
Delegated or DMC Decision:	Delegated
Summary:	<p>The main issue was the effect of the proposal on the character and appearance of the surrounding area and the host property. The Inspector agreed with the Council that the extension would not be excessive in size or depth but that the proposed crown roof would add significantly to the overall height and bulk and would significantly detract from the character and appearance of both the property and the terrace. The proposal would not represent high quality design and was therefore inconsistent with both the NPPF and Local Plan policies D1 and D2.</p>

6/2016/1677/MAJ

DCLG No:	APP/C1950/W/17/3179182
Appeal By:	Mr J Westrope
Site:	Blue Moon Paddock, Woodfield Lane, Brookmans Park Hertfordshire AL9 6JY
Proposal:	Demolition of existing redundant structures and erection of single family dwelling house, together with associated tree planting scheme (part of Centenary Woods project sponsored by Woodland Trust); landscaping and car parking
Decision:	Appeal Dismissed
Decision Date:	17/11/2017
Delegated or DMC Decision:	Delegated
Summary:	The key issues were whether the proposal is inappropriate in the Green Belt and, if so, whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, the effect on the character and appearance of the surrounding area, whether the site would constitute a sustainable location for development. The Inspector found that the proposal would have a greater impact on the openness of the Green Belt than existing development, and that it would fail to assist in safeguarding the countryside from encroachment and was therefore inappropriate development in Green Belt. The scale and height of the proposal was found to be discordant and that the proposal would inevitably result in the site being more domesticated than is currently the case. The Inspector found that the proposal would result in an isolated new dwelling in the countryside, contrary to paragraph 55 of the NPPF. Whilst some benefits with regard to woodland management were noted, it was concluded that this, and other matters, did not clearly outweigh the harm that the scheme would cause.

Costs Decision

6/2016/1466/LAWP

DCLG No:	APP/C1950/D/16/3166163
Appeal By:	Mr and Mrs Miller
Site:	16 The Firs Park, Woodside Lane, Hatfield, AL9 6DG
Proposal:	Certificate of lawful use or development in respect of the proposed use of land within the existing caravan site boundaries for the siting of static caravans without restriction on the layout of the land or the number of caravans up to a maximum of 8 caravan units on the site at any one time
Decision:	Costs Awarded Against the Council
Decision Date:	12/07/2017
Delegated or DMC Decision:	Delegated

Summary:

The Inspector considered that the Council had erred in three ways. Firstly, by setting too much store on the alleged change to the definable character of the planning unit when views from the main entrance to the site. Secondly, the Inspector considered that the Council did not give a fully rounded assessment of the *John Childs* case law, with which the Inspector identified differences between that site and the appeal site. Thirdly, by not attaching more weight to the Council's own decision to issue a certificate in June 2016 for a related proposal. The Inspector found that all of this amounted to unreasonable behaviour by the Council, resulting in unnecessary expense for the applicant.

The total costs to be paid by the Council, following discussions with the agent, are **£3,393.90.**