

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 June 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

Appeal Decisions 05/04/2018 to 11/05/2018

6/2017/0887/VAR	
DCLG No:	APP/C1950/D/17/3187818
Appeal By:	Mr S Lambert
Site:	60 Homewood Avenue, Cuffley, Potters Bar, EN6 4QR
Proposal:	Variation of condition 3 (materials and external decorations) on planning permission 6/2016/0596/HOUSE
Decision:	Appeal Allowed with Conditions
Decision Date:	06/04/2018
Delegated or DMC Decision:	Committee
Summary:	<p>The main issue was whether the condition was necessary in terms of the development's effect on the character and appearance of the area. The Inspector noted that Homewood Avenue is a wide residential street with a mixture of dwellings and a variety of external materials including brick and white and cream render as well as red/brown tile hanging and timber boarding and red/brown roof tiles as well as some smooth grey. Whilst red brick is the predominant facing material on the road, render is also a common feature, although the fully rendered property is in contrast to the rendered panels on other properties. The Inspector went on to note a number of other properties in the street with significant amounts of facing render. The Inspector also found that the grey windows and door served to compliment the painted render. Similarly with regard to the roof tiles, the Inspector noted other properties with the same or similar. Given the existence of similar materials elsewhere, the Inspector found no conflict with the Council's design SDG. It was also concluded that the development does not cause harm to the character or appearance of the area. The Inspector also noted the opinion of Development Management Committee that the development had proceeded not in accordance with the approved plans. Whilst this was the case, the Inspector considered it unlikely that this would cause others to do the same.</p>
6/2017/1962/HOUSE	
DCLG No:	APP/C1950/D/18/3194013
Appeal By:	Ms S McCormick
Site:	Woodfield Cottage Woodfield Lane Brookmans Park Hatfield AL9 6JJ

Proposal:	Erection of two storey front extension and gable front and alterations to form pitched roof to garage
Decision:	Appeal Dismissed
Decision Date:	13/04/2018
Delegated or DMC Decision:	Delegated
Summary:	The main issues related to Green Belt and whether the proposal represents inappropriate development, effect on the character and appearance of the street scene and, if the proposal is inappropriate development, whether there are any very special circumstances (VSC) to outweigh this and any other harm that may result. Whilst what would represent a 'disproportionate addition over and above the size of the original dwelling' is not defined, calculations of footprint and floorspace can be used. The Inspector accepted the Council's findings that the proposal, when combined with previous extensions, would result in a footprint increase of around 230% over the original and a floorspace increase of 120%. Whilst the appeal scheme was, in itself, considered modest, the Inspector found that, when combined with previous extensions they would represent substantial and disproportionate additions over and above the original dwelling. The Inspector also found that the proposals would further erode the openness of the Green Belt. With regard to design, and effect on the character and appearance of the area, the Inspector found the proposals to be acceptable and to accord with Policies D1 and D2 of the District Plan. In accordance with national policy, substantial weight was given to the proposal representing inappropriate development in the Green Belt. Whilst the design did weigh in favour of the proposals, VSC was not advanced sufficient to outweigh the identified harm.
6/2016/1934/HOUSE	
DCLG No:	APP/C1950/W/17/3187182
Appeal By:	Mr V Vasiliou
Site:	6B Hill Rise Cuffley Potters Bar EN6 4EE
Proposal:	Retention of detached garage, and alterations to roof to reduce the height
Decision:	Appeal Dismissed
Decision Date:	13/04/2018
Delegated or DMC Decision:	Delegated
Summary:	The main issue is the effect of the proposed development on the living conditions of the occupiers of adjoining buildings, with specific regard to Nos 7 and 8 Orchard Close. The Inspector noted a significant and noticeable difference in ground levels between 6b Hill Rise and the dwellings on Orchard Close to the east. The proposal sought a garage with a total height of 3.9 metres but the Inspector found that when this was considered from the gardens of Nos 7 and 8 Orchard Close, the result is an outbuilding that would dominate the outlook from these properties. This would be further exacerbated by the proximity to the shared boundaries. The Inspector found that the Leylandii hedge would not mitigate this impact and shared the Council's concerns regarding the maintenance of the hedge. The combination of height, change in ground levels and proximity would result in a building which

would unduly dominate the outlook from the rear of neighbouring properties and is therefore contrary to Policy D1 of the District Plan.

6/2017/1690/FULL

DCLG No:	APP/C1950/W/17/3187738
Appeal By:	Mr M Apicella
Site:	53 Roe Green Close Hatfield AL10 9PF
Proposal:	Conversion of existing single dwelling into two self contained residential flats
Decision:	Appeal Allowed with Conditions
Decision Date:	17/04/2018
Delegated or DMC Decision:	Delegated
Summary:	<p>The main issues were the effect of the proposal on the character and appearance of the area, and whether adequate car parking would be provided. The Inspector noted that the property had already been extended in accordance with previous planning permissions. The proposal included the creation of an area of car parking to the front of the property, and the Inspector found this to be in broad accord with existing properties in the street. There would also be some soft landscaping along the boundary with No 51 and in front of No 53, thereby reducing the visual prominence of any parked vehicles. The proposed sub-division of the rear garden would result in adequate and functional layouts. The impact of the proposed fence was considered to be softened by planting. The intensification of the use of the property was also found not to conflict with Policy D2 of the District Plan. The Inspector concluded on this first issue that the proposal would not harm the character or appearance of the area.</p> <p>With regard to car parking, the Inspector noted that the site is close to the University of Hertfordshire and that the street has single yellow lines close to the junction with College Lane restricting parking between 0900-1600 Monday-Friday. It was also noted that the remainder of the street is unrestricted. The appeal site currently has three off road parking spaces to serve the flats. Whilst noting that the Council policy would require 4.5 spaces for a development of this size, the Inspector found that the site was located in a reasonably accessible location where there is facilities and services that can be accessed by means other than the private car. Having regard to national policy, the use of sustainable transport measures should be encouraged. The Inspector noted that whilst parking in surrounding streets may be problematic at times, there is no substantive evidence that the proposed development would give rise to significant increase in demand for on-street parking or that such an increase would cause material harm to highway safety or neighbouring living conditions.</p> <p>The Inspector also considered the loss of a family home, and the likelihood of the proposal forming a House in Multiple Occupation (HMO). In allowing the appeal, the Inspector included a number of conditions including that the units should be occupied as C3 dwellinghouses only and that the specified parking must be provided prior to occupation.</p>

6/2017/2468/HOUSE

DCLG No:	APP/C1950/D/18/3194685
Appeal By:	Mr Dale
Site:	13 New Park Road Newgate Street Hertford SG13 8RD
Proposal:	Erection of two storey rear extension, roof enlargement/alteration and rear balcony.
Decision:	Appeal Dismissed
Decision Date:	20/04/2018
Delegated or DMC Decision:	Delegated
Summary:	The main issues were Green Belt and whether the proposal represents inappropriate development, effect on the character and appearance of the street scene and, if the proposal is inappropriate development, whether there are any very special circumstances (vsc) to outweigh this and any other harm that may result. The Inspector found that the proposals would result in cumulative additions of over 100% additional floorspace and approximately 50% in volume. Whilst the increase to the building footprint would be modest the increased size of the building would nevertheless be substantial and clearly disproportionate when compared to the original thus resulting in inappropriate development in the Green Belt. The Inspector also found that the scale and visibility of the proposal is such that it would significantly diminish the openness of the Green Belt, even on this large plot in a rural setting. The rear extension was also of poor design being very deep and blockish. In conclusion, the Inspector found that the proposal would detract from the openness of the Green Belt and the character and appearance of the local area thus conflicting with Policies D1 and D2 of the District Plan and the Framework. There were no very special circumstances identified to justify such inappropriate development.
6/2017/2538/HOUSE	
DCLG No:	APP/C1950/D/18/3196048
Appeal By:	Mr & Mrs A Gettliffe
Site:	14 Maran Avenue Welwyn AL6 9HS
Proposal:	Erection of single storey side extension, first floor rear extension and alterations to openings
Decision:	Appeal Allowed with Conditions
Decision Date:	27/04/2018
Delegated or DMC Decision:	Delegated
Summary:	The main issue was the effect of the proposed extensions on the character and appearance of the host dwelling and the street scene of Maran Avenue. The Inspector noted that Maran Avenue is a quiet cul-de-sac surrounded by main roads. The impression is of an attractive group of uniform properties in a mature and spacious setting. Many properties have single storey side extension, all of which occupy the visible gap between the houses and their boundaries. Many, including the appeal dwelling have single storey rear extensions. The Inspector found that the first floor rear extension would improve the visual integration between the existing extension and the host dwelling, enhancing the overall

appearance when seen from the garden. The side extension would be single storey with a flat roof and would occupy the full width of the gap between the dwelling and the shared boundary. Nevertheless, it would be modest in scale and height and set well back from the front of the dwelling. The Inspector found that, although No 14 had been extended in the past, the proposed extension, together with earlier additions would remain subservient to the original dwelling and that the overall scale of the house would be modest. It was noted that from the street, the first floor rear extension would be visible but that this would have a minor effect. The Inspector accepted the Council's concern that, were the appeal to be allowed, a precedent may be set. However they advised that each case must be considered on its individual merits. In allowing the appeal, conditions were added including plans and materials.

6/2017/0698/LAWP

DCLG No:	APP/C1950/X/3178670
Appeal By:	Mr M Thornton
Site:	29 Station Road Welham Green Hatfield AL9 7PQ
Proposal:	Certificate of lawfulness for the erection of a single storey rear extension at ground level
Decision:	Appeal Allowed
Decision Date:	03/05/2018
Delegated or DMC Decision:	Delegated
Summary:	<p>The main issue is whether the proposed development would constitute permitted development by virtue of the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO'). The Inspector noted that the Council relied upon the limitation within paragraph A.1. (ja) of the Order which provides that development will not be permitted by Class A if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). However, as the Inspector points out, the restrictions set out in (ja) came into effect on 6 April 2017. The application was dated 5 April 2017. An application under Section 192 of the Act, such as this, is to ascertain whether the use or operations described in the application would be lawful if instituted or begun at the time of the application. As at 5 April 2017 the proposed extension would, in isolation, not have exceeded the limitations in place. Notwithstanding this, the grant of a Lawful Development Certificate does not help the appellant because the extension has not been constructed and, if it were to be now, post 6 April 2017, it would not be lawful. This is because Section 192 is prospective and the planning permission granted by virtue of Article 3(1) of the GPDO only crystallises when development commences. In conclusion, the appeal was allowed and a Certificate granted, but this cannot lawfully be implemented by the appellant.</p>