

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

Appeal Decisions 19/02/2016 to 16/03/2016

1. DCLG No: C1950/W/15/3029003
- Application No: S6/2014/1867/FP
- Appeal By: Mr T Harbour
- Site: The Willows, Marshmoor Lane, Welham Green, Hatfield, AL9 7HT
- Proposal: Erection of replacement dwelling
- Summary: Case law dictates that the use of an area of land (in this case, residential) ceases if the building required for it is destroyed – whilst the proposal is for a replacement dwelling, it must therefore be assessed as though it is brand new. The Inspector established that the dwelling would be inappropriate in the green belt – because it would be taller than the destroyed building, there would also be some reduction in openness. However, the Inspector considered that the previously-developed and fenced-off nature of the site weighed in favour of the proposal. More crucially, the Inspector gave significant weight to the applicant's situation under Article 8 of the European Convention on Human Rights – they have lived on the site for 15 years, including in a mobile home since the previous dwelling was destroyed. The refusal of planning permission would make the applicant homeless through no fault of their own – the Inspector considered that avoiding such an interference with the applicant's rights outweighs what was in this case considered to be a relatively limited public interest in terms of harm to the Green Belt.
- Decision: Appeal Allowed with Conditions
- Delegated or DMC Decision: Committee
2. DCLG No: C1950/X/15/3132654
- Application No: S6/2015/0771/LUP

Appeal By: Mr & Mrs Gilbert Miller

Site: 1, The Firs Park Woodside Lane, Hatfield, AL9 6DG

Proposal: Certificate of lawfulness for two proposed park homes within the existing park boundaries

Summary: It was agreed that the proposed park homes are 'caravans' for the purpose of the appropriate legislation – as there are no planning conditions limiting the number of park homes on site, the main issue to consider was whether or not the additional park homes would be within the 'planning unit'. The Inspector observed that the land in question is well maintained as mowed grass, and considered that it is best described as an amenity/recreation area for the wider park home site in contrast to rougher ground to the north – it therefore is within the planning unit. Whilst an increase in the number of caravans *could* constitute a material change of use (and therefore prevent the proposal from being lawful), the Inspector concluded the small scale of the increase from 44 to 46 park homes and their relative lack of visibility from outside the site meant that there would not be a material change.

Decision: Appeal Allowed

Delegated or
DMC Decision: Delegated

3. DCLG No: C1950/W/15/3133086

Application No: N6/2015/0244/S73A

Appeal By: Mr & Mrs D Coulson

Site: Plas-Y-Coed, Digswell Lane, Welwyn, AL6 0SN

Proposal: Variation of condition 2 (drawings) of planning permission N6/2014/1376/FP - Erection of two dwellings following the demolition of existing dwelling

Summary: Whilst the appellant contended that the existing property on the site was different in character to those surrounding it, the Inspector considered that it nevertheless accorded with the general low-density character of the area. The Inspector did not identify any harm to that character from the minor increases in height and width of the

replacement building; but concluded that its bland and boxy appearance, the use of balconies and its need for a car park would result in significant harm and was therefore contrary to Policies D1, D2 and GBSP2. However, no concern was raised with the undersupply of 1 parking space, as a result of their being plentiful and unrestricted on-street parking around the site. The Inspector also concluded that the proposal would not harm the amenity of adjoining residents at 11 The Gardens, as the proposed building would be sited further away from it than the existing house. Nevertheless, the appeal was dismissed due to the harm it would have on the appearance and context of its surroundings.

Decision: Appeal Dismissed

Delegated or
DMC Decision: Delegated

4. DCLG No: C1950/D/15/3137975

Application No: 6/2015/1913/HOUSE

Appeal By: Mr D Murphy

Site: 66 Bramble Road, Hatfield, AL10 9SE

Proposal: Erection of first floor side and rear extension

Summary: This property already benefits from permissions for roof extensions and a rear dormer, as well as single storey rear and side extensions which are under construction. The Inspector judged that the further extensions proposed would make the property very dominant in its context, with an unbalanced and incongruous appearance when compared to the neighbouring property. As a result the Inspector concluded that the proposals would seriously harm the character of the existing property, as well as its surrounding area.

Decision: Appeal Dismissed

Delegated or
DMC Decision: Delegated

5. DCLG No: C1950/W/15/3131345

Application No: S6/2015/0065/FP

Appeal By: Mr M Nicolettos

Site: 13 The Gardens, Brookmans Park, Hatfield, AL9 7UL

Proposal: Demolition of existing dwelling and garage and creation of new residential development consisting of 4 no. Self contained maisonettes

Summary: Whilst the appellant contended that the existing property on the site was different in character to those surrounding it, the Inspector considered that it nevertheless accorded with the general low-density character of the area. The Inspector did not identify any harm to that character from the minor increases in height and width of the replacement building; but concluded that its bland and boxy appearance, the use of balconies and its need for a car park would result in significant harm and was therefore contrary to Policies D1, D2 and GBSP2. However, no concern was raised with the undersupply of 1 parking space, as a result of their being plentiful and unrestricted on-street parking around the site. The Inspector also concluded that the proposal would not harm the amenity of adjoining residents at 11 The Gardens, as the proposed building would be sited further away from it than the existing house. Nevertheless, the appeal was dismissed due to the harm it would have on the appearance and context of its surroundings.

Decision: Appeal Dismissed

Delegated or DMC Decision: Delegated