

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

**Appeal Decisions 13/02/2019 to 14/03/2019**

6/2017/1524/FULL	
<b>DCLG No:</b>	APP/C1950/W/18/3197991
<b>Appeal By:</b>	Mr A Newland
<b>Site:</b>	Nyn Manor Vineyards Road Northaw Potters Bar EN6 4PQ
<b>Proposal:</b>	Demolition of the existing Dutch barn following alteration to the existing barn to include a new roof, an extension to the east of the building, new windows and openings following its part demolition and laying of hard surfacing to facilitate the storage of hay.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	19/02/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	The main issues are whether or not the proposal is inappropriate development in the Green Belt, effects on Green Belt openness, whether or not the appeal building is curtilage listed or a non-designated heritage asset, heritage considerations, ecology and biodiversity and if the development is inappropriate, whether the identified harm is clearly outweighed by other factors so as to amount to very special circumstances. The Inspector found that the site was in agricultural use and that therefore, notwithstanding the proposed changes to the building, it would comply with the exception set out in para 145 of the NPPF in relation to agricultural buildings and would therefore not be inappropriate. With regard to the heritage status of the building it was established that, whilst it appeared that there had been a building on the site since before 1948, there was no substantive evidence to demonstrate that the current building dated from that time. The Inspector considered therefore that the building was neither curtilage listed nor a non-designated heritage asset. However, the Inspector did find that the appeal building, in its current form, did contribute very positively to the character and appearance of the area and made a significant contribution to the significance of the main farmyard listed buildings. The Inspector considered that very little of the character and form of the original building would be retained and that the proposals would be a step too far in the evolution of the building. In conclusion, the appeal was dismissed on the basis of the less than substantial harm that would be caused to the setting of the listed buildings and that this harm would be at the higher end of less than substantial. The benefits identified were not considered sufficient to outweigh this harm and the appeal was dismissed.

## 6/2018/0756/FULL

<b>DCLG No:</b>	APP/C1950/W/18/3206058
<b>Appeal By:</b>	Mr T Bui
<b>Site:</b>	11A Bradmore Green Brookmans Park Hatfield AL9 7QW
<b>Proposal:</b>	Change of Use from A1 (Post Office) to Sui Generis (Proposed Nail Bar).
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	27/02/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The main issues is the effect of the proposed change of use on the vitality and viability of Bradmore Green Village Centre. The Inspector noted that around 60% of the existing units are in non-A1 use. The Inspector found that a nail bar would complement the existing 'health and beauty' offer in the centre and that the evidence did not indicate the prospect of the appeal unit being taken up by an A1 use. It was also considered that the proposal would revitalise a vacant unit and bring footfall to the village centre, contributing to its vitality and viability. The Inspector acknowledged the Council's concerns regarding the overall proportion of the units that would be in non-A1 use but found the policy requirement of 60% of units to be in A1 use too restrictive, particularly given that the number of A1 units is already significantly below this target figure. The appeal was allowed subject to conditions.</p>

## 6/2017/1902/FULL

<b>DCLG No:</b>	APP/C1950/W/18/3203353
<b>Appeal By:</b>	Templewood Securities Ltd
<b>Site:</b>	36 Salisbury Square Hatfield AL9 5AF
<b>Proposal:</b>	Change of use of ground floor from sui-generis to residential (C3) to include the creation of 2 x 1-bedroom and 3 x 2-bedroom flats with external alterations including new fenestration, associated cycle & bin stores, car parking and landscaping
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	27/02/2019
<b>Delegated or DMC Decision:</b>	Committee
<b>Summary:</b>	<p>The main issue is the effect of the proposed development on the vitality and viability of Old Hatfield Neighbourhood Centre. The Inspector acknowledged the planning history of the building, in particular the application for change of use of the offices at first and second floor level to 16 one bedroom flats, approved in 2017, and a further four flats approved at roof level in 2018. The Inspector noted that the proposal would result in the loss of commercial floor space, with associated loss of spending power of staff and clients using the Job Centre. However, it was considered that the proposed flats would, in their own right, generate potential users of local shops and services. The Inspector also noted that the site is not within a designated town centre or primary or secondary shopping frontage. Taking these factors together, it was considered that the proposed</p>

	change of use would not harm the neighbourhood centre's vitality. The appeal was allowed subject to a number of conditions.
--	---

### 6/2017/1139/FULL

<b>DCLG No:</b>	APP/C1950/W/18/3202077
<b>Appeal By:</b>	Mr M Dunton
<b>Site:</b>	Dellcott Tennis Club Dognell Green Welwyn Garden City AL8 7BL
<b>Proposal:</b>	Erection of 12x floodlighting columns (6.7 metre high) to Courts 2 and 3
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	07/03/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The main issue is whether the proposals would preserve or enhance the character or appearance of the Welwyn Garden City Conservation Area with regard to the visual effect of artificial lighting on the night sky. The Inspector considered the tennis club to be a valued recreational facility as well as for its openness which makes a positive contribution to this residential part of the Conservation Area. The Inspector noted that the proposed floodlights would be slender in their appearance and that views of them would be obscured by boundary vegetation. In this respect it was found that the visual impact of the columns themselves would be minimal and would preserve the character and appearance of the conservation area.</p> <p>However, noting paragraph 180 part C of the NPPF considered that the proposal for high level lighting would significantly increase the amount of artificial lighting into what is currently an inherently dark environment and thus would have a greater impact upon the night sky. The Inspector considered that, in winter months in particular, the artificial lighting would be harmful to the character of the area and so would fail to preserve or enhance the character of the Conservation Area. The Inspector considered the identified harm to be 'less than substantial' in NPPF terms and proceeded to weigh this harm against the public benefits of the proposal. The improvement in access to and enjoyment of an existing sporting and recreational facility, promoting healthy living, was acknowledged. However the Inspector was not persuaded that the harm identified was outweighed by these benefits. Whilst the Inspector did not find that any harm to the living conditions of neighbours as a result of light spillage, the appeal was dismissed.</p>

### 6/2018/1305/FULL

<b>DCLG No:</b>	APP/C1950/W/18/3208142
<b>Appeal By:</b>	Mr Lesley
<b>Site:</b>	58 St Albans Road East Hatfield AL10 0EH
<b>Proposal:</b>	Erection of three flats including change of use from D1 (Non-residential institution) to C3 (Dwellinghouses) following the demolition of existing building
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	11/03/2019
<b>Delegated or DMC Decision:</b>	Delegated

<b>Summary:</b>	The main issues are the effect of the proposal on the availability of community facilities, the character and appearance of the area, including the setting of St Luke's Church and the cemetery wall which are both listed at Grade II and highway safety, in particular the access arrangements. The Inspector noted that the site is occupied by a building that comprises a meeting hall which is in a state of disrepair. The building has been vacant for more than five years and the Inspector considered that this demonstrated a lack of demand and thus no need for the community building. As such the Inspector considered that its loss would comply with local plan policies. With regard to design, the Inspector acknowledged that the development would be of a high density but found the form of the roof to be acceptable and the projecting gable to be reflective of the church. Subject to tree protection measures, the Inspector found that there would be no adverse effect on the character and appearance of the area or the setting of the designated heritage assets. In terms of the access, the main issue was whether the Council's refuse collection vehicles could serve the site. The Inspector acknowledged that a private collection service could be provided, but also considered it not unreasonable for the Council vehicle to have to stop on the highway to service the site, as it must for other nearby properties. The Inspector considered visibility to be good on the approach to the roundabout and that traffic speeds are likely to be low and that therefore there would not be any significant potential for hazard to highway safety. The appeal was allowed subject to conditions.
-----------------	--

#### 6/2018/2010/HOUSE

<b>DCLG No:</b>	APP/C1950/D/19/3219719
<b>Appeal By:</b>	Mr & Mrs Mags
<b>Site:</b>	41 The Avenue Welwyn AL6 0PW
<b>Proposal:</b>	Erection of single storey front/side extension and raise roof height to facilitate conversion of loft to habitable space including alterations to openings
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	The main issues are whether or not the proposal would be inappropriate development in the Green Belt, effects on the openness of the Green Belt and whether, if it is inappropriate, whether any identified harm is clearly outweighed by other considerations so as to amount to very special circumstances. The Inspector acknowledged that the property is a detached bungalow which has not been extended since it was first built. The Inspector noted that the ground floor extension would be relatively modest, but that the proposed roof alterations would substantially increase the building's eaves and ridge heights. The resulting increase in floor area of 153% was considered to represent a disproportionate addition. The Inspector also found that the proposed extensions would result in a building that is highly visible from the road and so there would also be a harmful impact on the openness of the Green Belt. No very special circumstances were found to exist and the appeal was dismissed.

6/2018/0523/FULL	
<b>DCLG No:</b>	APP/C1950/W/18/3212114
<b>Appeal By:</b>	Mrs B Gavin
<b>Site:</b>	Land to the rear of 5 Moor Cottages Mimram Walk Welwyn AL6 9EZ
<b>Proposal:</b>	Retention of change of use of existing outbuilding to a self-contained one bedroom dwelling
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	11/03/2019
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	The main issues were the effect of the proposal on the character and appearance of the conservation area, highway safety (parking) and the living conditions of future occupiers. The Inspector noted the unorthodox form of access to the property but considered that as the building already exists and the prevailing character of this part of the conservation area is of a close knit form of buildings, the proposal would be reflective of the surrounding area and would not have an adverse impact on, and would thus preserve, the character and appearance of the conservation area. With regard to car parking, the Inspector noted that the proposed dwelling would be unlikely to be suitable for a family and so the demand for car parking spaces would be limited. They also acknowledged the presence of nearby public car parks which could adequately serve the development. On this basis, no objection was raised on this ground. Turning to living conditions, the Inspector found that the proposed dwelling would fall well below the Nationally Described Space Standards and, whilst the new Local Plan policy requiring this is not yet adopted, this is a good guide for new dwellings. The Inspector considered the accommodation provided to be cramped and uncomfortable and that it would result in unacceptable living conditions for future occupiers. The Inspector noted the Council's lack of 5-year housing land supply, but considered that this did not outweigh the identified harm. The appeal was dismissed.

#### Costs Decision in relation to the appeal at Nyn Manor, Vineyards Road, Northaw

A partial award of costs was made against the Council for pursuing a line of argument related to the agricultural use of the site, which the Inspector found to be unsubstantiated and to have resulted in the appellant having been put to unnecessary expense as part of the appeal process. The monetary figure is yet to be agreed by the Council.

#### Costs Decision in relation to the appeal at 36 Salisbury Square, Hatfield

Whilst noting that Council Members are not duty bound to follow the recommendation of Officers, the Inspector considered that, given that the site is not located within a designated town centre or primary or secondary shopping frontage, the citation of paragraph 23 of the NPPF in the reason for decision, which relates specifically to 'ensuring the vitality of town centres' was not appropriate and did not demonstrate a thorough enough assessment of the impact of the proposal. Further, it was considered that the Council did not provide evidence to substantiate the part of the reason for refusal

related to the vitality and viability of Old Hatfield Neighbourhood Centre. As a result it was considered that the Council behaved unreasonably and a partial award of costs was made against the Council. **These costs have now been agreed as being £3,773.70.**

Costs Decision in relation to the appeal at 32 Upland Drive, Brookmans Park (Appeal decision reported last month)

A summary of the Inspectors consideration of the main appeal was given last month. The appellant made a subsequent application for an aware of costs to be made against the Council, and this summary reflects the outcome of that application.

The Inspector noted that, whilst the application had been recommended for approval by Officers, Council Members are not duty bound to follow the advice of Officers. The Inspector considered that the Committee did give due consideration to other comparable schemes along Upland Drive and that a clear and specific reason for the refusal was given. Whilst the planning appeal was subsequently allowed, the Inspector considered that it could not be shown, conclusively, that the Council had acted unreasonably with regard to the consistency of decision making.