

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 8 February 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**Appeal Decisions 07/12/2023 to 30/01/2024**

6/2023/0626/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/23/3325501
<b>Appeal By:</b>	Mr & Mrs Thomas
<b>Site:</b>	59 Marsden Road Welwyn Garden City AL8 6YH
<b>Proposal:</b>	Erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	07/12/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to planning application reference 6/2023/0626/HOUSE for the proposed “erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage”. The existing dwelling already consists of a two storey rear extension.</p> <p>The application was refused as the proposed development would be of a poor standard of design and would be considered as overdevelopment to the existing dwelling and has failed to pay special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Welwyn Garden City Conservation Area, contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM15 of the Emerging Welwyn Hatfield Local Plan 2016, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. No public benefits have been identified.</p> <p>The Inspector recognised our SDG; “The proposal includes the demolition of the existing garage which is detached from the house with a substantial gap. Whilst there would be a 1m gap between the extension and the side boundary, this gap would be less than the current gap. The width of the extension would appear to be more than half the width of the house and it would extend along the majority of the depth of the original footprint. As a result, the extension would add a large bulk to the house.</p> <p>Although the extension would be slightly set back from the front elevation and there would be a minor set down from the main roof ridge, as a result of its width, height and overall scale, it would read as a continuous wide massing across the house. It would therefore not appear as subservient, even allowing for the 1m gap.</p>

	<p>The extension would be highly visible in views along the road further highlighting its prominence.</p> <p>When combining the existing rear extension with the proposed extension, the size of the house would be nearly double the size of that which was originally constructed. The proposal would therefore cumulatively overwhelm the original modest form of the house altering its character and appearance, which would not be alleviated by the space around the house. As a consequence of this, the extension would unbalance the current massing and unity of the terrace and demote the importance and appreciation of the house. Furthermore, the CA includes the back gardens, and the existing rear extension and proposed extension would be apparent to the adjacent residents to the rear of the appeal site.</p> <p>I note that the design intends to follow the front building line and use the same building materials, finishes and window style as those present on the house. However, this would not overcome the disruption which the extension would have on the pattern and rhythm of the terrace and in turn would diminish the positive contribution that the house makes both to the character and the appearance of the CA.</p> <p>In accordance with the terms set out in the National Planning Policy Framework (the Framework), the harm caused to the CA would be less than substantial because it relates to an extension to one house in the CA. Paragraph 202 of the Framework is clear that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal”.</p> <p>The appeal was therefore dismissed.</p>
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<b>6/2021/3279/LAWE</b>	
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<b>DCLG No:</b>	APP/C1950/X/22/3299554
<b>Appeal By:</b>	Mr Giles Pattison
<b>Site:</b>	41 Ayot Green Ayot St Peter Welwyn AL6 9AB
<b>Proposal:</b>	Certificate of lawfulness for the existing garage/annex as a second home (C3)
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	07/12/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This application was for a Certificate of lawfulness for the existing garage/annex as a second home (C3).</p> <p>This application was refused for the following reason: Insufficient, and contradictory evidence has been provided to the Local Planning Authority to clearly demonstrate, on the balance of probabilities, that 'the existing garage/annex has been used for the purposes of a second home for a period of at least 4 years.</p> <p>The Planning Inspectorate has gone through points which are useful for the</p>

	<p>determination of these types of application including how to consider continuous occupation in assessments.</p> <p>The Planning Inspectorate has dismissed the appeal.</p>
<b>6/2022/2897/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/W/23/3323226
<b>Appeal By:</b>	Mr J Barnett
<b>Site:</b>	30 Barleycroft Road Welwyn Garden City AL8 6JU
<b>Proposal:</b>	Erection of part single & part two-storey rear extension, roof extension & alterations to openings
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	10/01/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The above relates to an appeal for non-determination of a householder application for the erection of part single &amp; part two-storey rear extension, roof extension &amp; alterations to openings. 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 Welwyn Garden City Conservation Area.</p> <p>The main issue of the appealed scheme is the effect of the proposed development on the character and appearance of the existing dwelling and conservation area.</p> <p>The Inspector acknowledged that the existing dwelling has been subject to a previous 2-storey and single storey rear extension, however states that this is set down from the main roof ridge line and therefore has a subservient character that preserves the more modest proportions of the building's wide frontage, shallow plan form.</p> <p>Conversely, it was considered that the size and mass of the proposed 2-storey and single storey extension would completely remove this important characteristic and result in a disproportionate addition that would dominate the existing dwelling. Furthermore, the Inspector states that this harm would be compounded by the loss of a prominent central chimney and the creation of a flat crown roof that would be wholly out of character with the simple pitched roof of the existing dwelling.</p> <p>The mock GRP replacement central chimney is also considered to have a shorter lifespan when compared to a traditional structure, and therefore could be at risk of early removal which would cause further harm to the building's significance within the conservation area.</p> <p>Moreover, the remodelling of the front elevation to a symmetrical appearance was considered to be completely at odds with the asymmetrical design of the existing dwelling, which is considered to be an important contribution to the character of the conservation area when taken collectively with the individuality of other detached dwellings in the road – this is in contrast to the comments made by the Inspector of</p>

	<p>the previous appealed application (APP/C1950/D/22/3313727). The installation of uPVC windows was considered to result in further erosion of the character of the building which is also in disagreement with the findings of the Inspector of the previous appeal. The Inspector notes that there are other dwellings in the road have had uPVC windows installed, but states that this unsympathetic change has caused considerable harm to the dwellings concerned and should not be used to justify further harmful development.</p> <p>Consequently, the Inspector considered that the proposals, when taken collectively, would be unsympathetic and would cause less than substantial harm to the character and appearance of the existing dwelling, causing less-than substantial harm to the significance of the conservation area as a designated heritage asset. The limited public benefits would not outweigh the harm identified.</p> <p>In terms of design, further conflict is also considered to arise with Paragraphs 131 and 135 of the NPPF and SP1 and SP9 of the Local Plan.</p> <p>The appeal was subsequently dismissed.</p>
<b>ENF/2021/0145</b>	
<b>DCLG No:</b>	APP/C1950/C/23/3326649; APP/C1950/C/23/3326650
<b>Appeal By:</b>	Mr Michael Wager, Mrs Karen Wager
<b>Site:</b>	Land to the South of Darby Drive Spinney Lane Welwyn AL6 9TB
<b>Proposal:</b>	Without planning permission, the unauthorised change of use from vehicle storage to a mixed use of vehicle storage, vehicle breaking yard and vehicle recovery business within the last ten years
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	22/01/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to an enforcement notice which was served for the following breach:</p> <p>“Without planning permission, the unauthorised change of use from vehicle storage to a mixed use of vehicle storage, vehicle breaking yard and vehicle recovery business within the last 10 years.”</p> <p>The requirements of the notice were to: (1) Cease the use of the land which is being used as a vehicle breakers yard and vehicle recovery business; (2) Remove all vehicles, tyres, vehicle parts, storage containers, equipment and hardcore that have been imported on to the land and any other materials or equipment that has enabled the vehicle breaking and vehicle recovery business; and (3) Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.</p> <p>The Inspector did not dispute that there were elements of vehicle breaking that took place at the site, and that site was also used for vehicle recovery purposes on</p>

occasion. However, there was insufficient evidence to allow him to conclude that the level of these activities was great enough so as to not be incidental to the established vehicle storage use constituted in a change of use of the land, nor could he conclude that a material change of use had taken place.

Interestingly, the Inspector determined that the level of vehicle parts being stored on the site was not consistent with the vehicle storage use, and as such, a change of use HAD taken place, just not the one asserted in the enforcement notice.

The appeal was allowed, and the enforcement notice is quashed.