

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 September 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 15/07/2024 to 30/08/2024

6/2024/0190/FULL	
DCLG No:	APP/C1950/W/24/3348032
Appeal By:	Mr Ozan Erkan
Site:	Pear Tree Farm Hawkshead Road North Mymms Hatfield AL9 7TF
Proposal:	Retrospective change of use to sui generis use (to facilitate the store of materials and temporary events) and retention of the existing gates, temporary structures and gravel-laid pathway
Decision:	Late Appeal turned away
Decision Date:	19/07/2024
Delegated or DMC Decision:	Delegated
Summary:	
6/2021/1277/OUTLINE	
DCLG No:	APP/C1950/W/23/3327269
Appeal By:	Thrive Homes
Site:	B&Q Swallowfields Welwyn Garden City AL7 1JD
Proposal:	Outline application for redevelopment of the site to provide 151 dwellings with all matters reserved except for access.
Decision:	Appeal Allowed
Decision Date:	24/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This was an appeal against a refusal to grant outline planning permission for redevelopment of the site (comprising an existing B&Q store) to provide 151 homes.</p> <p>The mains issues were:</p> <ul style="list-style-type: none"> • whether the site is a suitable location for the proposal, having regard to the current retail use and its location within an Employment Area, including the effect of the loss of the use on the local community; and • the effect of the proposal on the character and appearance of the area, including to the significance of the Norton Building, as a non-designated heritage asset.

N.B. Through a S106 being secured as part of the Inquiry, the Council's remaining reason for refusal only related to the loss of employment land and its requirement to meet future needs.

Whether suitable location

The Inspector said that the proposal would not result in a loss of land from Class B uses to another use or uses within EA1, as the existing use is not one of the uses referred to in policy SADM10. He was also mindful that there is no protection to the loss of the retailing use from the site and found that the loss of the B&Q store is unlikely to have a harmful effect on the local community in terms of reduced retail choice.

Nonetheless, being for residential development, the proposal would not fall within the uses permitted in EA1 and, as such, would not be a suitable location for the proposal in conflict with LP Policies SP8 and SADM10, which would bring it into conflict with the LP's Borough-wide strategic objectives. The proposal would also conflict with the aims of the Framework to build a strong and competitive economy. However, given the nature of the existing use within the site, he assessed the harm that would be caused through conflict with these policies to be no more than moderate significance.

Character and appearance

The Inspector said here that there is insufficient substantive evidence before him to demonstrate that the proposal would be harmful to the character or appearance of the site or its surroundings and it would therefore accord with the design principles outlined in LP Policy SP9 and the heritage aims of the Framework.

Other matters

The proposal has attracted a significant number of objections from the local community and beyond, including through petitions, but the Inspector said that the extent of concern is not harm of itself. Points of objection comprised:

- Traffic and parking, climate change and air quality, and cycle route provision
- Infrastructure provision
- Living conditions
- Ecology
- Fear of precedent
- Costs of the Inquiry
- Appellant's intentions

On all these points, the Inspector concluded no justification or harm.

Planning balance

As the Council is not able to demonstrate a 5-year supply of deliverable housing land supply, the policies most important for determining the appeal must be out-of-date, for the purposes of the Framework. This means that planning permission should therefore be granted unless any adverse impacts of doing so would

	<p>significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p> <p>Benefits and weighting afforded by Inspector:</p> <ul style="list-style-type: none"> - Contribution of proposal to the Council's supply of housing. Substantial weight - Accessibility credentials. Limited weight - Provision of policy compliant affordable housing. Substantial weight. - Those secured through the S106 to mitigate the impact of the development on the community. Limited weight. - 55% net gain for biodiversity. Moderate weight. <p>In terms of harms, the Inspector afforded moderate harm to the conflict with policies SP8 and SADM10 of the Local Plan.</p> <p>In weighing the balance, the Inspector concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the stated benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Moreover, while the proposed development would conflict with the development plan, material considerations indicated that a decision should be made other than in accordance with it. The appeal was therefore allowed.</p>
6/2023/2129/FULL	
DCLG No:	APP/C1950/W/24/3340075
Appeal By:	Mr J Thurley
Site:	Corner of Foxglove Way and The Brambles Welwyn AL6 0QP
Proposal:	Construction of a new one-bedroom house with amenity and refuse storage, and an associated double garage to include parking and cycle storage, and creation of a vehicular access.
Decision:	Appeal Dismissed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This was an appeal for the construction of a new one-bedroom house with amenity and refuse storage, and an associated double garage to include parking and cycle storage, and creation of a vehicular access.</p> <p>The appeal site consists of 2 parcels of land separated by a parcel containing an electricity substation. The larger of the 2 parcels is the proposed site of the dwelling, whilst the smaller would house the double garage.</p> <p>The Inspector commented that the proposed house would be of a similar design, in terms of style and size, to the existing dwellings in the locality, but that it would have relatively narrow and vertical emphasis, and would appear squeezed onto the available land. On its overall design the Inspector said the proposals fall "well short of the requirement set out in the National Planning Policy Framework (the Framework) for the creation of high quality, beautiful and sustainable buildings and places, with good design being a key aspect of sustainable development".</p>

	<p>The Inspector concluded that the proposed garage, having a door that would open directly onto the highway, would have an adverse impact on highway safety.</p> <p>The Inspector concluded that in this case, the contribution to the housing supply would be extremely modest.</p> <p>The appeal was dismissed.</p>
6/2023/2275/HOUSE	
DCLG No:	APP/C1950/D/24/3341505
Appeal By:	Ms Natalia Ortynskaya
Site:	6 Blackthorn Road Welwyn Garden City AL7 3JS
Proposal:	Installation of Skate Ramp and pergola for Roller Skating purposes
Decision:	Appeal Dismissed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the installation of a skate ramp and pergola at the rear garden of 6 Blackthorn Road for roller skating purposes.</p> <p>The planning application was refused as officers consider the skate ramp would generate noise in an existing residential area which would be disruptive to the occupiers of adjoining properties. In addition, the raised platforms on the skate ramp would result in undue impacts on the privacy of neighbouring occupiers.</p> <p>The Inspector states that is highly likely that the noise, and possibly vibrations, from the use of the roller skating ramps, would be intrusive and disturbing to the amenity of neighbouring private gardens. These effects could arise from being unexpected in a residential environment, the continuous or variable sound and the duration. The appellant provided their own noise measurements with the appeal from various noise sources in the area. However it was not considered that noises from lawn mowers (which will normally be relatively infrequent and of fairly short duration) and the sound of children for limited periods at a nearby school are reasonable comparators to the noise generated by the proposal. Furthermore, these noises sources are considered commonplace and are accepted in residential areas.</p> <p>The Inspector also noted that whilst the supporting information suggests only roller skates would be used and not skateboards which would potentially be noisier, a restriction for use by only roller skates is not a reasonable approach to controlling noise, as a condition would be very difficult to enforce.</p> <p>As for impact upon neighbour privacy, the use of the skate ramps would involve people standing on the raised platforms on either side, albeit for limited periods of time. There could be screening employed to the sides, but that would leave diagonal views from the open end facing the house at an adult's eye height materially above 2m high fencing, and would be intrusive in itself. This level of intrusion is not appropriate on the private side of residential development.</p>

Consequently, the appeal was dismissed.

6/2023/2392/HOUSE

DCLG No:	APP/C1950/D/24/3342411
Appeal By:	Mr Michael Bearman
Site:	38 Parkway Welwyn Garden City AL8 6HQ
Proposal:	Installation of railings on extension flat roof
Decision:	Appeal Allowed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to retrospective planning application reference No.6/2023/2392/HOUSE for the “Installation of railings on extension flat roof”. The application was refused because the metal railings are a visually intrusive feature within the streetscene which fail to preserve or enhance the character or appearance of the host dwelling or the Conservation Area. The proposal is considered to result in ‘less than substantial’ harm to the significance of the Conservation Area and paragraph 208 of the NPPF should be applied. Consideration should also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The proposed development would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area and would be contrary to the Welwyn Hatfield Supplementary Design Guidance 2005, Policies SP1, SP9, SP15 and SADM15 of the Welwyn Hatfield Borough Council Local Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.</p> <p>The Inspector states “The railings are at the back of the house, and being set on the top of a substantial single-storey extension, potentially may be conspicuous from beyond the private garden. The neighbouring house to the south is set at the junction of Church Road with Parkway, so that it might be anticipated that it could be in full view from the side road. In fact this is not the case, due to the high and thick hedge and trees at the back of the footpath to Church Road. Depending on height of eye, it may be possible to glimpse the railings over the hedge, but the only real glimpse that I was able to see was across the entrance to the garage serving No.50 Church Road. I appreciate that hedges can be reduced in height, but strong planting is characteristic of the Parkway area, and I consider that it is unlikely that this would occur.</p> <p>There are other opportunities to glimpse the railing, from the more important frontage to Parkway. Here there are oblique views across the gap between dwellings – between No.40 and No.36 and the appeal dwelling. These are narrow views that are passed by in 2 or 3 steps of a pedestrian. I therefore consider that the railings can barely be seen from within the public realm of the conservation area. Furthermore, as the appellants points out, railings are evident on the</p>

	<p>frontages of a number buildings in the conservation area, including a ‘Juliette’ balcony planted above the front door of No.34 Parkway, above the entrance to Welwyn Hatfield Council Office, and on first floors of buildings in Howardgate. These are all on frontages within the conservation area.</p> <p>In the circumstance described above, if the appeal railings were more visible, they would not necessarily be out of character with the conservation area, although the single storey flat roofed extension might well be. To the extent that the railings can be seen, which is minimal, their simple design in black paint (which serves to lessen any impact) has no effect on the character or appearance of conservation area. Since the railings do not materially alter the character or appearance of the conservation area, they serve to meet the desirability of preserving or enhancing it. For these reasons the appeal will be allowed”.</p> <p>The appeal was allowed and included the councils recommended condition “There shall be no door provided from the internal accommodation of the house onto the flat roof of the extension, and this roof shall not be used as a balcony without the prior approval from the Local Planning Authority, although it may be used as access for maintenance purposes”.</p>
6/2023/2558/HOUSE	
DCLG No:	APP/C1950/D/24/3343792
Appeal By:	Ms L Daviela Pop
Site:	95 Robbery Bottom Lane Welwyn Hertfordshire AL6 0UL
Proposal:	Retention of detached outbuilding, single storey side extension with loft accommodation within roof space and associated works including dormer windows and rooflights, single storey rear conservatory, alterations to main dwelling with an attached front garage and link extension
Decision:	Appeal Allowed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This application is an enforcement case. The front extension which included a garage, detached outbuilding, alterations to the main house and conservatory were built without planning permission and were not permitted development as measured on site by the (previous) Enforcement Manager and Case Officer.</p> <p>The development of development was for the retention of detached outbuilding, single storey side extension with loft accommodation within roof space and associated works including dormer windows and rooflights, single storey rear conservatory, alterations to main dwelling with an attached front garage and link extension.</p> <p>The agent provided plans that sought to reduce the height of the front extension. However the overall height, forward projection, scale and design did not follow formal pre-application advice and were considered to have a significant impact on the existing dwelling, the neighbouring bungalows and streetscene. The Planning Inspectorate considers that the front extension is acceptable with a focus on view</p>

	<p>points.</p> <p>The appeal was allowed.</p>
6/2024/0241/HOUSE	
DCLG No:	APP/C1950/D/24/3344451
Appeal By:	Mr Darren Luker
Site:	220 Daniells Welwyn Garden City AL7 1QQ
Proposal:	Installation of an air source heat pump at front of property
Decision:	Appeal Dismissed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This application was for the installation of an air source heat pump within the front garden.</p> <p>The principle of development was considered acceptable however the applicant would not agree a 'pre-commencement condition' for noise mitigation.</p> <p>The Planning Inspectorate has made some comments in regards to descriptions of air source heat pumps and considers that the model number should be included.</p> <p>The Planning Inspectorate supported our decision and the application was dismissed.</p>
6/2022/0820/OUTLINE	
DCLG No:	APP/C1950/W/23/3331454
Appeal By:	Mr Vince Millen
Site:	Emmanuel's Farm Great North Road Welwyn Garden City AL8 7TA
Proposal:	Outline Planning Application for a residential development of up to 20 affordable units. Access, layout and scale are for approval; landscaping and appearance are reserved matters.
Decision:	Appeal Dismissed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Committee
Summary:	<p>This appeal is for 'Outline Planning Application for a residential development of up to 20 affordable units, on land at Emmanuel's Farm, Great North Road, Stanborough, AL9 7TA. Access, layout and scale are for approval; landscaping and appearance are reserved matters.' The appeal was for non-determination and was a public hearing.</p> <p>Green Belt</p>

Key points about infill development and openness both spatially and visually. There is useful discussion about noise mitigation on the A1M and the impact of an acoustic fence on the openness of the Green Belt in order to provide an acceptable noise level in outside amenity areas. There is also useful discussion about the five purposes of the Green Belt. In conclusion, the proposal is inappropriate development and would reduce openness of the Green Belt. In doing so, there would be conflict with Policy SADM 34 of the WHLP, and also those of the Framework.

Character and appearance

The Planning Inspectorate stated that the proposal would introduce an urbanising appearing feature into the countryside which is at odds with the prevailing character of the area. As such, the proposal would have an adverse effect on the character and appearance of the area. Therefore refused the appeal on this point.

Biodiversity Net Gain and Biodiversity

This was considered acceptable to undertake via the UU and by condition.

Housing mix

Key points are focused around the Local Plan providing strategic sites for affordable housing verses the upward trends of the need for affordable housing. The Planning Inspectorate states:

What the evidence before the appeal does show is that there is a current and pressing need for affordable housing within the district, and this is a need which is of the type of affordable housing which is proposed. In light of this, and the totality of the evidence before me, I find that the proposal would accord with Policy SP 7 of the WHLP, which, amongst other aims, seeks a choice of homes and help create sustainable, inclusive and mixed communities, and that provision will be made for a range of housing to support the needs and requirements of different households. This reason for refusal was overturned.

Living conditions

The Planning Inspectorate considered that the proposal would have an adverse impact on the living conditions of future occupiers in relation to noise impacts. This would arise either from the noise levels inside the proposed apartments when windows and other openings are open for ventilation or other daily activities such as drying washing or cooling a room on hot days, or noise levels within the proposed external amenity area.

UU

The Planning Inspectorate had some issues with the UU as per the appeal decision but has agreed it due to the need for affordable housing and preventing further resources being used as the appeal is being dismissed.

Conclusions

	<p>There is useful wording to the weight of the decision.</p> <p>The Planning Inspectorate concludes In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts with the Policies of the WHLP and of the Framework, the aims of which I have aforesaid. These provide clear reason for refusing the development proposed.</p> <p>The appeal was dismissed.</p> <p>The Costs Application</p> <p>This application was refused.</p>
6/2023/1449/FULL	
DCLG No:	APP/C1950/W/24/3338169
Appeal By:	Mr and Mrs A Leake
Site:	3 Hangmans Lane Welwy AL6 0TJ
Proposal:	Erection of new dwelling to include replacement garage for the donor property at number 3 Hangmans Lane.
Decision:	Appeal Dismissed
Decision Date:	29/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This application was for the erection of new dwelling to include replacement garage for donor property.</p> <p>It was found that Nos. 3 and 5 Hangman’s Lane are the 2 dwellings in the area that have larger than average gardens, and the appeal proposal would leave both No.3 and the proposed dwelling within plots that are characteristic of the general area. It was found that the benefit of the current proposal is that the highly conspicuous double garage at the bottom of the site would be removed.</p> <p>The Inspector concluded that the siting of the dwelling in the current scheme would not be harmful to the character of the area, with the plot boundaries that are currently demarked by fencing and dense planting largely being retained, subject to a condition regarding landscaping.</p> <p>However, the Inspector concluded that the design of the proposed chalet bungalow, in particular the proposed dormer windows, set high in the north elevation roof slope and projecting above the ridge would represent incongruous additions of low design quality.</p> <p>The Inspector concluded that in this case, the contribution to the housing supply would be modest.</p>

The appeal was dismissed.

6/2022/0015/FULL

DCLG No: APP/C1950/W/24/3338272

Appeal By: Mr Abdul Rouf

Site: 58 St Albans Road East Hatfield AL10 0EH

Proposal: Erection of a one and half storey community centre with ancillary prayer space following the demolition of the existing structure

Decision: Appeal Dismissed

Decision Date: 30/07/2024

Delegated or DMC Decision: Delegated

Summary:

This application was for the erection of a one and half storey community centre with ancillary prayer space following the demolition of the existing structure. This application had significant and complex history to it.

The effect of the proposal on the Grade II Listed church and its setting, taking into account the degree to which the existing building is of historic interest

The Planning Inspectorate considered that the existing building on site could be removed and has described its condition and level of historic/architectural interest.

The Planning Inspectorate in comparison to Church of Saint Luke has stated:

In contrast, the proposed building, although the main ridgeline is lower than that of the main roof of the church, is primarily of 2 storeys The proposed front elevation is a collection of features that relate poorly to one another and use a variety of finishes that stand out as assertive and inappropriate alongside those used on the church. Aside from the fact that this is poor design, the building, by reason of its 2-storey appearance and multitude of features, would be visually dominant in the setting of the church, and would detract from the repose of the church and cemetery. It certainly would not appear as subordinate to the church. This amounts to less than substantial harm to the significance of the listed building. Against this must be set any public benefits which outweigh this harm. This judgement must be weighed when the other issues have been considered.

This is useful wording to take forward.

Other matters

The Planning Inspectorate has again raised that new documentation cannot be submitted within an appeal to overcome a reason for refusal.

There is some useful wording about considering cycle parking and refuse storage and whether these would conflict with one another and create overdevelopment of the site with the large building. This is useful to consider in the application when applying conditions.

	<p>There is some useful wording about considering disabilities within a development.</p> <p>The Planning Inspectorate has made reference to the Public Sector Equality Duty in the decision notice.</p> <p>In conclusion, the appeal scheme would produce a public benefit (for the community use), the nature of which is such that I give it substantial weight. Nevertheless, the findings that I have made about the harm to heritage assets, the poor design and layout, lack of some facilities, and the impact at times on the safe functioning of the highway, amount to reasons to conclude that the public benefits of the development would not overcome the harm identified. It is also the fact that the particular community that the facility would serve would suffer the shortcomings in relation to pedestrian safety, disability access, etc.</p> <p>The appeal was dismissed.</p>
6/2023/2095/HOUSE	
DCLG No:	APP/C1950/D/24/3336744
Appeal By:	Mrs B Patel
Site:	4 Bradgate Close Cuffley Potters Bar EN6 4RF
Proposal:	Erection of two first floor rear infill extensions
Decision:	Appeal Allowed with Conditions
Decision Date:	30/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to planning application reference. No. 6/2023/2094/HOUSE for the “Erection of two first floor rear infill extensions”. The application was refused because, the design and positioning of the extensions would harmfully detract from the character and appearance of the application dwelling and the wider area. The proposal would therefore not represent high-quality design and would be contrary to Local Plan Policies SP9 and SADM11; the Council’s Supplementary Design Guidance; the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.</p> <p>The Inspector said “The proposed extensions would be at the rear of the property and would be largely set behind the main roof structure. They would also be set below the ridge lines of the main roofs such that they would not be readily visible in the street scene. I note that there is a flat-roofed dormer-style extension at No 2, while Nos 1, 2 and 3 have large flat-roofed garages in prominent positions projecting forward of the front elevations. In the context of the surrounding area along this part of the road, therefore, there are a wide range of designs and roof types, such that flat roofs are a significant feature. The proposed eastern dormer at No 4 would only be partly visible from the road due to boundary screening and the height of the front part of the house above road level.</p> <p>The Council contends that the proposed extensions would be visible from the properties at the rear, but there are only two houses in easy view and the rear of</p>

No 4 is partly screened from these by boundary planting. The extensions would not increase the footprint of the house and would be largely absorbed into the existing roofs, such that they would not appear incoherent or incongruous, nor would they fail to appear subordinate or out of scale”.

The appeal was subsequently allowed.

6/2022/2784/OUTLINE

DCLG No:	APP/C1950/W/24/3340044
Appeal By:	Mr and Mrs Peter Carr
Site:	Land off Booths Close Holloways Lane Welham Green Hatfield AL9 7NW
Proposal:	Outline planning permission for the erection of a dwelling with all matters reserved except for means of access and layout
Decision:	Appeal Dismissed
Decision Date:	30/07/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This application was for the erection of a single-storey 2-bedroom bungalow located on a parcel of land off Booths Close, Welham Green.</p> <p>The site is situated to the rear of No 20 Booths Close and between the rear gardens of properties on Holloway Lane and Skimpans Close, to which it most closely relates. It has the nature of a backland site, being over 60 metres from the roadway at Booths Close and with access from the road via a narrow 3m wide passageway.</p> <p>The dwellings on both Holloway Lane and Skimpans Close have long rear gardens, as has No 20 Booths Close. The houses on Holloway Lane that back onto the appeal site are large, detached, two-storey dwellings, whilst those on Skimpans Close are semi-detached, two-storey dwellings. The inspector therefore stated that the scale of the site and the bungalow proposed to be constructed on it would be significantly out of character with the surroundings. It was acknowledged that the site, in itself, is large enough for a small house and small garden, with parking provision. However, in the context of its surroundings and as an enclosed backland site, it would not relate well to the character, appearance or local distinctiveness of the area.</p> <p>The inspector also pointed out how the development would result in a very restricted outlook for its occupiers, being on a largely enclosed site with substantial border planting and/or high boundary fences on all sides. In addition, by virtue of its distance from Booths Close and the narrowness of the access passageway, there were concerns that the level of surveillance and security at the site could be inadequate.</p> <p>Regarding highways concerns, the inspector stated there would be some danger to highway safety around the junction of the access passageway with Booths Close. As the plans show a long access road, further concerns were raised regarding bins/post facilities being left in the access passageway for a period of</p>

	<p>time, reducing the effective width of the access for vehicle use. While this is a relatively minor point, it added to concerns that the access passageway is very narrow and potentially harmful in terms of highway safety around its junction with Booths Close.</p> <p>Overall, the inspector considered that the adverse impacts resulting from the proposal would significantly and demonstrably outweigh the limited benefits of just one extra dwelling.</p> <p>The appeal was dismissed.</p>
6/2023/1143/HOUSE	
DCLG No:	APP/C1950/W/23/3328353
Appeal By:	Mr J Barnett
Site:	30 Barleycroft Road Welwyn Garden City AL8 6JU
Proposal:	Erection of part single and part two-storey rear extension and alterations to openings
Decision:	Appeal Dismissed
Decision Date:	01/08/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>The above relates to an appeal for non-determination of a householder application for the erection of part single & part two-storey rear extension, roof extension & 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>This appeal follows recently dismissed appeal APP/C1950/W/23/3323226 for similar extensions.</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 the Welwyn Garden City Conservation Area.</p> <p>The Inspector found that, by spanning across most of the appeal property's rear elevation, the combination of the width, depth and height of the proposed 2 storey and single storey extension would, despite its symmetrical appearance, be an unduly bulky addition. It was considered that although it would not be fully visible in street level views, its bulk would nonetheless be overwhelmingly large and would fundamentally change the proportions and appearance of the appeal property by removing the simple proportions of its shallow plan and wide frontage built form, which are positive characteristics of the property and the Conservation Area.</p> <p>Furthermore, it was found that the two storey extension's presence would be evident from its design in both street level views and views from the garden, where the scale, form and appearance of the extensions would be out-of-keeping with the pitched roof forms of most dwellings in the area, particularly on this side of the road. The crown roof extension at No. 21 was acknowledged by the Inspector,</p>

however it was not considered that past approvals by the council justified the harm identified in this case. Furthermore the Inspector stated that the application of the relevant design and heritage planning policies are not limited to developments visible from the public domain only.

Concerns were also raised to the proposed relocated front door design and the proposed UPVC windows as they were found to diminish an important component of the building, which contributes to its character and appearance.

Consequently, the Inspector considered that, together, the scale and form of the proposed extension would harmfully change the visual appearance of the host dwelling and would harmfully erode its positive contribution to the character, appearance and significance of the CA, 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.

The appeal was subsequently dismissed.

Furthermore, an application for costs to be awarded against the Council for failing to determine the application during the statutory determination period was refused by the Inspector. This was because it was found that that the Council's behaviour had not resulted in unnecessary or wasted expense. Therefore, an award of costs is not warranted.

6/2023/1772/PN27

DCLG No:	APP/C1950/D/23/3335951
Appeal By:	Mr. N. Palmer
Site:	Meadow Croft Great North Road Hatfield AL9 6DB
Proposal:	Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.6m in height
Decision:	Appeal Allowed
Decision Date:	02/08/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to an additional storey above the existing dwellinghouse under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").</p> <p>The main issues were:</p> <ul style="list-style-type: none">• Whether the proposal would be permitted development, with particular regard to the limitation in Paragraph AA.1.(i) of Schedule 2, Part 1, Class AA of the GPDO, and• If the proposal is permitted development subject to prior approval, whether prior approval should be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, having particular regard to the effect of the proposed development on the external appearance of the building.

Whether permitted development

GPDO Paragraph AA4.(1) clarifies that for the purposes of Class AA, the “principal part” in relation to a dwellinghouse means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.

The planning history indicates that the existing dwellinghouse comprises of previous additions. However, for the purposes of GPDO Paragraph AA4.(1), subsequent additions to the existing dwellinghouse are not excluded from the definition of the “principal part”, unless they are lower in height.

Meadow Croft comprises of a main ‘core’ under a taller main roof form with a comparatively long roof line, and asymmetric front and rear slopes. Despite the shallower pitch of the roof slope above the sitting room, this main core has a clearly identifiable singular visual mass by comparison to the several lower height wings of a smaller scale and mass that project from it, consisting of front wings, rear wings joined by a central flat roof, and a flat roofed side wing.

The Inspector considers that the main core of Meadow Croft with its singular mass is clearly identifiable as the “principal part” of the dwellinghouse, and therefore the lower height projecting wings are excluded from this definition. It is clear from the drawings that the proposed additional storey would be constructed ‘on’ this principal part of the dwellinghouse and not on any of the lower height wings of the dwellinghouse comprising of front, side or rear extensions whether original or not.

Consequently, the proposed development would comply with the limitation in Paragraph AA.1.(i) of Schedule 2, Part 1, Class AA. As such, it is permitted development subject to prior approval.

Whether prior approval should be granted

Meadow Croft is set well back from the road within a mature and generous plot, and behind numerous sizeable trees.

The dwelling’s main roof form has a gable at one end and a hip at the other, which contributes to its individualistic style. Insofar as it is visible from the road, it largely blends in with the mixed appearances of the buildings on either side of the Great North Road.

Although the proposal would inevitably change the appearance of the appeal dwelling, it would largely reflect its existing roof form, albeit at a higher level. Whilst the proposed upper floor would be stepped, with a wider proportion set partly under a shallower roof slope, the differences between the roof slopes and the alignment of the surfaces of the front elevation, whilst noticeable, would not be so pronounced as to be awkwardly discordant or incongruous, and the eaves level would be consistent. Together, they would be well-proportioned and would serve to break up the massing of the front elevation.

The matching materials and the broadly consistent pattern, proportions and alignment of window openings would unify the existing and proposed elements of the appeal dwelling.

Despite changing its appearance, the Inspector considers that the proposal would reflect the individuality of the host dwelling's design and architectural features, ensuring sufficient unity between the existing and proposed elements. The scale, massing and external appearance of the appeal dwelling in its proposed extended form would be satisfactorily absorbed within its verdant surroundings, including the buildings of mixed appearances and sizes.

The Inspector concludes that the proposal would not have a harmful effect on the external appearance of the host building or its surroundings, and therefore prior approval should be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

The appeal is allowed, and prior approval granted.

6/2023/2085/HOUSE

DCLG No:	APP/C1950/D/24/3340232
Appeal By:	Professor Ian Christopher Lloyd
Site:	30 Hawkshead Lane North Mymms AL9 7TB
Proposal:	Erection of car port
Decision:	Appeal Dismissed
Decision Date:	14/08/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the erection of a double wooden freestanding carport.</p> <p>The main issues were:</p> <ul style="list-style-type: none">• Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework December 2023 (NPPF) and any relevant development plan policies.• The effect of the proposal on the openness of the Green Belt.• The effect of the proposal on the character and appearance of the area around Hawkshead Lane.• If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. <p>No 30 is a detached chalet bungalow situated on the southern side of Hawkshead Lane. It occupies the full width of the plot and the house is set well back from the front boundary, with a parking area in the front garden. It is bounded by hedges to the front and western boundaries and trees and hedge to the eastern boundary. It is the last dwelling on the southern side of this section of the road, with playing fields to the east, and open countryside beyond and to the south.</p> <p>Whether inappropriate?</p>

The original dwelling had a footprint of approximately 87m², and a floorspace of around 136m² over two floors. The original dwelling has subsequently been extended, such that the existing footprint amounts to approximately 190m², whilst the floor space of the dwelling is around 239m² over two floors. These figures represent an increase of around 118% over that of the original footprint, and an increase of around 76% over that of the original floor space.

In regards to Policy SADM24, both the footprint and floorspace figures of the existing house are significantly higher than those of the original house. The proposed carport would add a further 35m² to both the footprint and the floorspace figures. The Inspector considers that cumulatively this would result in a disproportionate addition over and above the size of the original building from a quantitative perspective.

From a qualitative perspective, the Inspector considers that it would be a relatively lightweight and open structure that, in itself, would represent a limited degree of harm to the visual appearance of this part of the Green Belt. Nevertheless, this lack of significant harm in qualitative terms would be, at best, a neutral factor in the consideration of the proportionality of the additions to the original building. In the light of the above, therefore, the Inspector finds that the proposed carport would be inappropriate development in the Green Belt.

Openness

In spatial terms, the proposal would have an increased impact on openness.

By virtue of its position towards the front of the property, there would also, in this case, be a visual impact on openness.

Given the relatively small size of the car port, and its open sided nature, the degree of harm to the openness would be only very limited, but nevertheless, there would be some harm.

Character and appearance

Hawkshead Lane is characterised, in the vicinity of the appeal property, by detached houses and bungalows on both sides of the road. Most are set well back from the road and have open parking areas at the front of the property. There would not appear to be any other detached structures within the front gardens of dwellings in the vicinity of the appeal site.

Whilst the proposed structure would be relatively small in scale, nevertheless, it would be clearly visible through the wide driveway entrance. As such, it would be an uncharacteristic and, by reason of its position, design and materials, somewhat incongruous element in its location along this part of Hawkshead Lane, detrimental to the otherwise open character of the front gardens.

In this case, the carport would not relate well to its surroundings and the distinctiveness of the local area. It would be harmful to the character and appearance of the area around Hawkshead Lane, albeit limited in degree, and would conflict with Policy SP9 of the LP.

	<p>Conclusion</p> <p>The proposed carport would be inappropriate development in the Green Belt and would be harmful to the character and appearance of the area around Hawkshead Lane.</p> <p>The other considerations would be very limited in effect and, even when combined, they would not have sufficient weight to clearly outweigh the substantial harm to the Green Belt and the other harm identified.</p> <p>Therefore, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the NPPF and with Policies SADM34 and S9 of the LP</p> <p>Consequently, the appeal is dismissed.</p>
6/2023/2502/PN15	
DCLG No:	APP/C1950/W/24/3339456
Appeal By:	EE (UK) Ltd and Hutchison UK Ltd
Site:	Welwyn Garden City Ambulance Station Ascots Lane Welwyn Garden City AL7 4HL
Proposal:	Installation of MBNL 17.5m high HEL Phase 5 tower and associated ancillary works
Decision:	Appeal Allowed
Decision Date:	23/08/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal is for a Proposed MBNL 17.5m high HEL Phase 5 tower and associated ancillary works. This appeal has an interesting complex planning history with many monopoles on site.</p> <p>A monopole in the same location has been previous dismissed by the Planning Inspectorate.</p> <p>The Planning Inspectorate acknowledges that the height and appearance of the mast would make it prominently visible in views from the surrounding area. The appeal proposal would, as a result, cause some harm to the character and appearance of the area. As it would be set back from the highway and a considerable distance from the nearest houses with some screening from the surrounding trees, I ascribe this moderate weight. Insofar as they are a material consideration the proposal would conflict with policies SP1 and SP9 of the Welwyn Hatfield Borough Council Local Plan which taken together require development to be built to high design standards and relate well to their surroundings.</p> <p>The Planning Inspectorate has raised an important point in regards to consent has been granted by the council for an installation at the King George V car park, but that site is several hundred metres from the appeal site. It would not, therefore, provide the same coverage as an installation in this location. They have also made</p>

useful comments in regards to the need to challenge other dismissed monopole sites put forwards by the applicant. Significant weight was given to the need to the use of the monopole for emergency services. In this instance, therefore, the need for the installation and lack of alternative sites outweighs the moderate harm to the character and appearance of the area that I have identified.

Useful points have also been made in regards to humming of the monopole, impact on ecology and health impacts.

The appeal was allowed