

**Please note that by law this meeting can be filmed, audio-recorded, photographed or reported electronically by the use of social media by anyone attending. This does not apply to any part of the meeting that is held in private session. The Council will webcast the meeting.**

Contact:  
democracy@welhat.gov.uk  
Democratic Services

4 March 2025

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 13 March 2025 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

## **A G E N D A P A R T 1**

1. APOLOGIES & SUBSTITUTIONS

To note any substitution of Committee Members made in accordance with Council Procedure Rules.

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 14 January 2025 (previously circulated).

3. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 8 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

4. DECLARATIONS OF INTEREST BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

5. 6/2024/1608/FULL - 45 HILL RISE, CUFFLEY, POTTERS BAR (Pages 3 - 32)

Report of the Assistant Director (Planning)

6. APPEAL DECISIONS 03/01/2025 TO 03/03/2025 REPORT (Pages 33 - 52)

Report of the Assistant Director (Planning)

7. FUTURE PLANNING APPLICATIONS (Pages 53 - 54)

Report of the Assistant Director (Planning)

8. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

9. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 10 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**PART II**

10. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	J.Skoczylas (Chairman)	B.Fitzsimon
		H.Goldwater	K.Gardner
		D.Panter	P.Shah (Vice-Chairman)
		R.Trigg	M.Short
		C.Watson	T.Skottowe
		A.Chesterman	I.Walsh

Senior Leadership Team  
Press and Public (except Part II Items)

**If you require any further information about this Agenda please contact Democratic Services, Governance Service on or email – [democracy@welhat.gov.uk](mailto:democracy@welhat.gov.uk)**

Part I

Main author: Emily Stainer

Executive Member: Councillor Rose Grewal  
Northaw and Cuffley

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE –13 MARCH 2025  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2024/1608/FULL

45 HILL RISE CUFFLEY POTTERS BAR EN6 4EH

ERECTION OF TWO DETACHED DWELLINGS FOLLOWING THE SUBDIVISION  
OF THE EXISTING PLOT

APPLICANT: GKBROOK

## **1 Site Description**

- 1.1 The application site lies within the settlement of Cuffley, which is in the south of the borough. Hill Rise is a residential road which largely comprises of detached dwellings. Housing styles and plot sizes vary in the surrounding area.
- 1.2 The application site formerly comprised of a detached two storey dwelling with an asymmetric roof, front and rear gardens and a driveway. The land levels rise gently up towards the application site from the road. In 2020, a planning application was approved for extensions and alterations to the existing house. However, the original house was demolished, and a subsequent application was submitted for a replacement dwelling, which was approved in 2023.

## **2 The Proposal**

- 2.1 This application seeks full planning permission for the erection of two detached two storey houses with accommodation in the roof space, following the demolition of the existing detached property and the subdivision of the existing plot. The original house has already been demolished.
- 2.2 The proposed layout plan demonstrates a linear style of development which would front onto Hill Rise. One dwelling would be set slightly further back into the site than the front building line of the approved dwelling, which would result in a natural transition between the new properties and the existing houses nearby. The properties would be traditional in finish, with modest crown roofs and hipped roof features.
- 2.3 The two houses would be served by a permeable parking area to the front, with electric vehicle charging points and refuse/recycling stores. A new access would also be created. Each dwelling would benefit from private amenity space to the rear and a cycle storage building.

- 2.4 Amendments have been made to the proposal during the application process. These include the removal of the proposed side dormer windows, a reduction in the size of the crown roofs, the submission of a landscape report and alterations to the internal layout to amend two bedrooms from double beds to single beds. Additional technical information has also been provided to address comments raised by Hertfordshire Ecology.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have raised a major objection to the application on the following grounds:

- 1) The two detached properties constitute an overdevelopment of the plot.
- 2) The size and design of the properties is out of character for the neighbourhood.
- 3) Councillors took note of the various concerns regarding privacy and overlooking raised by the neighbouring properties.

### **4 Relevant Planning History**

- 4.1 Application Number: 6/2020/2513/HOUSE  
Decision: Granted  
Decision Date: 25 November 2020  
Proposal: Erection of part single storey, part two storey rear extension with rear balcony, erection of two storey front extension and raising of roof ridge line. Insertion of side dormer and external alterations
- 4.2 Application Number: 6/2023/1939/FULL  
Decision: Granted  
Decision Date: 27 November 2023  
Proposal: Erection of a dwelling following the demolition of existing dwelling
- 4.3 Application Number: 6/2023/2431/COND  
Decision: Granted  
Decision Date: 20 December 2023  
Proposal: Submission of details pursuant to condition 1 (materials) on planning permission 6/2023/1939/FULL

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.6 Northaw and Cuffley Neighbourhood Plan (2022-2036)

## **6 Representations Received**

- 6.1 The application was advertised by means of neighbour consultation letters. In total, 7 objections have been received. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Overdevelopment of the site;
- Cramped appearance;
- Materials would not be in keeping with the existing house;
- Design of houses out of keeping with the surrounding area;
- Previous application was refused on design grounds, and this is worse;
- Increase in on-street parking through a new dropped kerb and the additional need for parking spaces for the construction phase and once the new dwellings are occupied;
- Additional traffic/congestion;
- Potential loss of landscaping;
- Loss of privacy to private gardens and windows;
- Increased pressure on sewage and drainage systems;
- Strain on existing infrastructure;
- It would set a precedent for similar developments;
- Unacceptable proximity to adjoining boundaries including the need for Party Wall Agreements;
- No requirements for this type of housing due to nearby developments; and
- Neighbours were not notified by the developer about the application.

## **7 Consultations Received**

- 7.1 The following consultees have responded advising that they have no objections to the proposal in principle, subject to conditions being applied:

- HCC Transport Programmes and Strategy
- Hertfordshire Ecology
- WHBC Public Health and Protection
- WHBC Landscape and Ecology
- WHBC Client Services
- WHBC Private Sector Housing and Estates teams

## **8 Analysis**

- 8.1 The main planning issues to be considered in the determination of this application are:

1. Principle of development
2. Quality of design and impact on the character of the area.
3. Residential amenity
4. Highways and parking considerations
5. Other considerations
  - i) Ecology and biodiversity
  - ii) Renewable energy
  - iii) Landscaping
  - iv) Refuse and recycling
  - v) Other matters
6. The planning balance

### 1. Principle of the development

- 8.2 The National Planning Policy Framework (NPPF) states planning policies 'should promote an effective use of land in meeting the need for homes and other uses' (Para.124).
- 8.3 Policy SP1 of the Local Plan seeks to bring about sustainable development in the borough by applying the following principles:
- The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities in the borough - whilst recognising environmental and infrastructure constraints.
  - That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.
  - That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.
  - That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.
  - That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems (SUDs).
- 8.4 The site has an established use as residential land and is therefore previously developed. It is not allocated in the Local Plan for housing and has come

forward as a windfall residential site in a large, excluded village, as defined in Policy SP3 of the Local Plan.

8.5 Policy SADM1 (Windfall Development) of the Local Plan states:

Planning permission for residential development on unallocated sites will be granted provided:

- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
- iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
- iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
- v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

Windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services'.

8.6 Criterion (i) of Policy SADM1 is discussed above. In terms of criterion (ii), the site is located within the village of Cuffley. With regards to the sustainability of the development, it is noted that Cuffley is classified in Local Plan Policy SP3: Settlement Hierarchy, as a large, excluded village. These villages have large service centres, but a more limited range of employment opportunities and services than the two towns. Shops and facilities mainly serve the community needs of these villages and those living in surrounding rural areas. Accessibility to the main road network is good and these areas are served by rail and/or bus networks. These areas are a secondary focus for new development where this is compatible with the scale and character of the village, and the maintenance of Green Belt boundaries.

8.7 Cuffley has various local services, which are all within reasonable walking distance from the application site. The facilities are identified in Policy SP5 of the Local Plan as large neighbourhood/village centres. The centres provide a range of facilities and are the heart of their neighbourhoods. Large convenience stores or small supermarkets are supplemented by other shops which typically include pharmacies, hairdressers, bakeries and newsagents, as well as independent comparison goods retailers. Services include community centres, GP surgeries and pubs - some centres also have post offices.

8.8 The application site is also around 0.8 miles from Cuffley Railway station and there are some bus stops within walking distance which provide connections elsewhere. As such, access to services and facilities from the application site

would not be entirely restricted to the use of the private car. The site is therefore considered to be reasonably accessible to services and facilities by transport modes other than the private motor vehicle. It would also result in a net increase of one new dwelling compared to the existing situation. The location and accessibility of the site is therefore considered to be acceptable.

- 8.9 The application site is located within an existing residential area and due to the size of the proposal, there is no evidence that existing infrastructure does not have the capacity to absorb the development. The proposed development also has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 8.10 The proposal would not undermine the delivery of allocated sites or the overall strategy of the Local Plan; and due to the number of proposed units it would not result in disproportionate growth, taking into account the position of a settlement within the settlement hierarchy.
- 8.11 For the above reasons, the proposal would not conflict with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.
- 8.12 Policy SADM9 of the Local Plan sets out that proposals which result in the loss of one or more dwellings will only be permitted where:
- i. The resultant development would result in a net gain in the overall number of dwellings on the application site; or
  - ii. It can be demonstrated that the existing dwelling is significantly affected by adverse environmental conditions and there is no reasonable prospect that the impacts can be adequately mitigated against to create a healthy living environment for existing or future occupants; or
  - iii. The social, economic or environmental benefits of doing so are demonstrated to significantly outweigh the need to minimise net losses to the borough's housing stock.
- 8.13 The proposal would result in a net gain in the number of dwellings on the application site as it would involve the erection of two properties on a site which formerly comprised of a single dwelling.
- 8.14 For the above reasons, it is considered that the proposed development would not conflict with the sustainability requirements of the National Planning Policy Framework or Policies SADM1 and SP1 of the Local Plan.

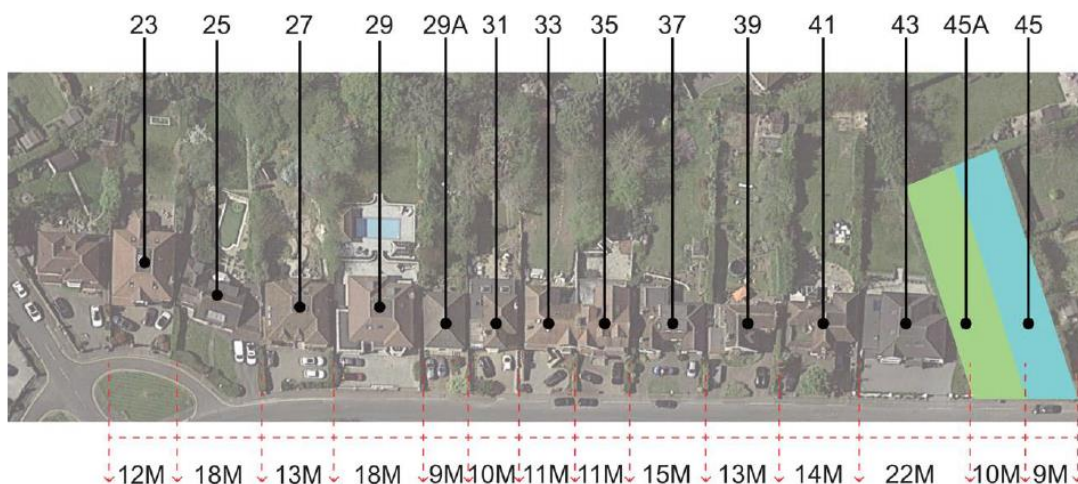
## **2. Quality of design and impact on the character of the area**

- 8.15 Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development
- 8.16 Paragraph 139 of the NPPF states that significant weight should be given to:



- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.17 Consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 8.18 The Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan), adopted May 2023, is also a material consideration. Policy D1 of the Northaw and Cuffley Neighbourhood Plan regards residential design and amenity, with Policy D2 referring to the local character. Appendix 2 provides further guidance in support of policies D1 and D2, with extracts from previous local character assessments that should be used to inform all development proposals.
- 8.19 Policy D1 of the NCNP notes that, as appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the listed issues and design features.
- 8.20 The dwellings on Hill Rise are predominantly large single dwellinghouses with individual character and are generally sited within generous plots. The dwellings maintain a similar set back from the front boundaries. However, the variation in scale and appearance of the properties in the immediate surrounding area has resulted in a mixed character within the streetscene. Consequently, there is a greater degree of flexibility in the design and finish of new dwellings, provided it is of good quality design and does not appear unduly prominent.
- 8.21 The ridge heights of the proposed new dwellings would be marginally taller than the existing dwelling to the south (No.43). However, the drawings demonstrate that this would be no higher than the approved property at the application site. The submitted site section drawings also show that the new dwellings would provide a gradual transition between this property and the ridgeline of No.47, which follows the topographical changes in levels on this part of the road.

- 8.22 In terms of separation distances, the dwellings would retain a minimum of 1m between one another and the side boundaries with the adjacent properties. Property B would retain a separation distance of approximately 21m between the north facing side elevation and the rear of No.24 Hanyards Lane. Other dwellings on Hanyards Lane would result in a similar, or greater, distance than this. The separation distance between No.43 and Property A would be approximately 2m at its closest point on the south facing flank wall. These separation distances would not appear cramped in appearance and would accord with similar separation distances between houses elsewhere on the road.
- 8.23 Regarding density and plot sizes, the applicant has provided a diagram (Figure 7) in the submitted Design and Access Statement (DAS), which outlines some of the properties on this side of the road and their approximate plot widths. The diagram demonstrates that there is some variation between plot widths and lengths on Hill Rise, with some existing sites (e.g. 29A Hill Rise) that are comparable to the plot sizes proposed as part of this application. This is therefore viewed to be acceptable. The sites would also follow a similar linear pattern of development with lengthy, rectangular shaped plots. It is therefore considered that the site would not appear overdeveloped in comparison to the surrounding density and character of this area.



(fig 7- showing proposed plot widths)

- 8.24 In terms of the appearance of the dwellings proposed, it is considered that the proposed hipped and pitched roofs (with small sections of flat roof in the centre) would reflect the existing dwellings nearby, several of which also have crown roofs. There are also examples of similar canopies at the entrance to the dwellings, such as at No.46 opposite. A condition can ensure the flat roof sections are set down and concealed well behind the hipped roofs. The windows and doors in the principal elevations would be proportionate to the size of the dwellings. In addition, following the removal of the dormers at the side, the dwellings would appear aesthetically pleasing in terms of their symmetry. It is acknowledged that the properties would appear smaller than the houses either side, due to their design. However, as demonstrated in Figure 7 above, there is no established house size or type on this road, therefore there is scope for some variation.

- 8.25 In terms of materials, the buildings would be constructed using red bricks for the walls and Spanish slate tiles for the roof. The windows would have a black UPVC timber effect, and the doors would also be a combination of black composite and crittal style aluminium materials. The proposed front porch canopy and cills would be finished with Portland stone. These materials are acceptable, taking into consideration the varied character of the street scene which comprises of a mixture of render, brickwork, cladding and various colours of roof tiles.
- 8.26 In terms of the proposed layout, whilst there would be a fair amount of hardstanding on the frontages of the proposed dwellings to accommodate the proposed parking area, some soft landscaping would remain. However, the extent of the hardstanding would be comparable with other frontages nearby. The submitted site plan suggests there would be a 1.8m high fence separating the two frontages of the properties. Boundary treatments in the surrounding area appear to largely comprise of low boundary walls and/or hedges/shrubs. A 1.8m high fence may therefore appear uncharacteristic in this setting. Notwithstanding this, it is considered that there is scope for it to be amended through the proposed hard/soft landscaping condition, which includes further details of boundary treatments or means of enclosure. The applicant has agreed to this approach.
- 8.27 It is therefore considered that the development would be in keeping with the overall visual character of the area. The amount of hardstanding would be proportionate to the size of the plot and the style and design of the dwellings would ensure that the proposals would not represent overdevelopment of the site.
- 8.28 Accordingly, subject to conditions, it is considered that the proposed development would be of a good standard of design and would be in accordance with Policies SADM11 and SP9 of the Local Plan, the Northaw and Cuffley Neighbourhood Plan, the Supplementary Design Guidance and the National Planning Policy Framework.

### **3. Residential amenity**

- 8.29 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (Para.135). Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 8.30 With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.

#### *Impact on Neighbours*

- 8.31 Objections have been received from the occupiers of No.22 Hanyards Lane, 41, 42, 43, 44, 47 Hill Rise and the Northaw and Cuffley Residents Association.
- 8.32 In terms of the impact on No.43 Hill Rise that is situated to the south of the site, it is noted that this property has very few window or door openings in its flank elevation, limiting direct views from key side openings. The flank elevation of the original property at the application site was also located in a similar position to the side elevation of the proposed dwelling (Unit A), therefore the impact is likely to be similar in this regard. According to historic planning records for No.43, the closest first floor window to the rear serves a bathroom, therefore the proximity of this window to the proposed dwelling would not unduly impact any primary habitable rooms. At ground floor level, due to the orientation and position of the proposed dwelling and its part single storey, part two storey stepped design at the rear, it would not appear unduly dominant from this property, nor would it result in any detrimental loss of daylight or sunlight.
- 8.33 In terms of the impacts on No.47 Hill Rise and 22 and 24 Hanyards Lane, the proposal would retain a minimum separation distance of around 21m between the flank wall of Unit B and the rear walls of these dwellings. Whilst Unit B may be more visible to the occupier of these sites compared to the pre-existing and approved dwellings due to the increased ridge height, these properties sit at a higher land level than the application site, therefore they would not appear overbearing or overly dominant or result in a significant loss of light. Furthermore, the intervening vegetative screening along the shared boundary with No.47 would also provide some natural separation.
- 8.34 The proposal does include upper floor side facing windows and rooflights. However, the layouts have been designed to ensure side windows serve non-habitable rooms and spaces (such as bathrooms, stairwells) or secondary windows to rooms which also have front or rear facing openings (e.g. study rooms and dressing areas in bedrooms). A condition is recommended to ensure the side windows and rooflights are obscure glazed and fixed closed below 1.7m above ground floor level, to preserve the amenity of the private windows and gardens of the properties nearby. With respect to the impact upon the privacy of the adjoining neighbours to the rear of the site, whilst the development would involve a greater number of upper floor openings on the rear elevation, along with rooflights, the development would not result in any detrimental overlooking or loss of privacy and would be consistent with the degree of overlooking which would be expected in an established residential area.
- 8.35 Due to the physical separation distances between other buildings, it is not considered that there would be any significant harm to amenity to any other adjoining or nearby occupiers.
- 8.36 The Council's Public Health and Protection Team have recommended a construction noise condition. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does

not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, due to the scale of the development, together with the temporary nature of the noise impact, it is not necessary to restrict the hours of construction by imposing a planning condition and this information can instead be added as an informative if permission is granted.

#### *Living Conditions of the Future Occupiers*

- 8.37 Policy SADM11 of the Local Plan requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.
- 8.38 The floorspace is shown to exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards document for the new dwellings. The bedroom sizes would also comply with the standards in the national documents. Furthermore, the development would provide suitable views/outlook for the future occupiers from the proposed windows/openings of the habitable rooms. All habitable rooms would have windows and doors which allow adequate levels of natural light to enter.
- 8.39 Each new house would have access to private amenity space at the rear which would be usable and functional, and adequate for the size of dwellings proposed. The proposed plans suggest the gardens would be largely grass lawns, with fences dividing the two spaces and rear terraces with steps, to accommodate the land level changes. The submitted section drawings indicate the land level changes on site. It is not considered the private gardens would be too steep to be used for the desired purposes.
- 8.40 Subject to the suggested condition, the proposal is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space, in accordance with the NPPF and Policies SP9, SADM11 and SADM18 of the Local Plan.

#### **4. Highways and parking considerations**

- 8.41 In terms of parking, Paragraph 112 of the NPPF states that if setting local parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.42 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:

- a. The site's location and accessibility to public transport, services and facilities;
  - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
  - c. The need to promote more sustainable forms of travel within the borough
- 8.43 The Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 8.44 The application is accompanied by a Transport Statement, which includes details about the location of the site, the proposed access and parking spaces, visibility splays and drawings demonstrating the swept path analysis.
- 8.45 The application site is located within Parking Zone 4, where higher parking standards apply. A dwelling with 4 or more bedrooms would require 3 spaces to be in line with the maximum standards, which equates to a total of 6 spaces. However, as set out above, there is some flexibility in the number of spaces. In this case, the proposed site plan demonstrates that both properties would be served by private driveways at the front, which would be in accordance with Welwyn Hatfield Council's parking standards for 4-bed properties.
- 8.46 Each house would benefit from two Electric Vehicle (EV) charging points and cycle storage buildings in the rear gardens, too. However limited information has been provided of the final design of these features, therefore it is recommended that further details are secured by condition.
- 8.47 In terms of access, the application proposes to install an additional vehicle crossover. Hertfordshire County Council Highways have been consulted and in their initial comments expressed a strong preference for the original access to be closed up and a new central vehicle crossover provided to serve both properties. However, they have raised no objection to highway or pedestrian safety for the proposed design, subject to the suggested conditions and informatives. This includes the submission of a Construction Management Plan for the construction period, and to control the gradient and arrangements for surface water drainage on the frontage.
- 8.48 No concerns have been raised regarding bin collection vehicles or emergency access.
- 8.49 The hardstanding at the front of the site would be formed of permeable paving, which would assist with the drainage of surface water.

8.50 Overall, subject to conditions, the development would have a minimal impact on the operation of the wider highways network and the level of parking on site would be acceptable. No objections are therefore raised in regard to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2, SADM3 or SADM12 of the Local Plan or the NPPF.

## **5. Other considerations**

### *i) Ecology and biodiversity*

- 8.51 Paragraph 187 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 193 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 193(a) of the NPPF that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused". It is stated within Paragraph 193(d) that "*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*".
- 8.52 The Environment Act 2021 gives greater emphases to measurable Biodiversity Net Gain (BNG) and advocates using the current version of the Biodiversity Metric.
- 8.53 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity. Policy SADM16 additionally says that all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%. The Biodiversity Net Gain (BNG) policy requirement applies to Small Sites from April 2024. For residential development, this means where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- 8.54 Policy D3 of the NCNP additionally states that, appropriate to their scale, nature and location, development proposals should achieve statutory Biodiversity Net Gain targets.
- 8.55 The application is supported by an Ecological Assessment (December 2024), including a Preliminary Ecological Appraisal (PEA), to assess the sites potential for protected species and habitats. Following initial comments raised, the BNG Metric baseline was amended to reflect the pre-degradation condition of the site.

- 8.56 Hertfordshire Ecology have been consulted and note that the proposed post-development habitats in the submitted metric include tree and hedgerow planting to provide an on-site net gain. However, the Statutory Metric guidance states that as the private garden has no public access, and biodiversity net gains cannot be legally secured post-development, created private gardens should be recorded as either 'urban – vegetated garden'; or 'urban - unvegetated garden'. Therefore, the creation or enhancement of any other new habitats within private gardens should not be included in the Metric calculations.
- 8.57 Whilst the biodiversity gain condition is a post determination matter, as the proposed post-development value does not comply with the above, it does not currently result in a 10% net gain. There is no identified off-site location either, therefore there is insufficient information for the Local Planning Authority to be confident that the general Biodiversity Condition can be discharged.
- 8.58 Notwithstanding this, in line with government guidance, it would generally be inappropriate for concerns about the ability to discharge the condition to be a reason to refuse an application. Instead, the applicant has been advised that the general biodiversity condition is a pre-commencement condition, and these matters will need to be addressed at the post determination stage. This may require a legal agreement and/or Habitat Management and Monitoring Plan (HMMP) if a site is identified outside of the red line on the site location plan, or the purchase of statutory credits. A Landscape and Ecological Management Plan (LEMP) is also recommended as a planning condition, to ensure any habitat enhancement and/or creation on-site will be created, enhanced and monitored following the completion of the capital works required to create them.
- 8.59 In terms of the impacts upon protected species, the Ecological Appraisal includes precautionary methods of working to mitigate any risks to species on site. The measures included should be followed in full and this can be secured by condition.
- 8.60 In addition, the revised NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, incorporating features which support such as priority or threatened species swifts, bats and hedgehog. Therefore, it is considered reasonable and necessary to secure a biodiversity enhancement plan, to ensure the ecological and habitat enhancements are achieved and sustained as part of the development.
- 8.61 As such, subject to the recommended conditions and informatives, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.
- ii) Renewable Energy*
- 8.62 The NPPF, at paragraph 161, sets out the broad objectives that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should help to: shape places in ways that contribute



to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 8.63 Paragraph 166 of the NPPF states that ‘In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption’.
- 8.64 Local Plan Policies SP10 and SADM13 seek to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 8.65 The submitted information is limited in this regard. However, it is considered that additional details of the above could be secured by condition, via the submission of an energy statement.

*iii) Landscaping*

- 8.66 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped ‘greenery’ to reduce the visual prominence of hard surfacing and parked vehicles.
- 8.67 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of a development.
- 8.68 The NPPF sets out at Paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

- 8.69 There is little vegetation remaining within the site itself. However, there are a number of trees protected by Tree Preservation Orders (TPOs) along the adjoining boundary of 47 Hill Rise.
- 8.70 A Landscape Specification Report by Coyne Environmental Ltd (dated September 2024) has been supplied with the application. The report includes details of proposed new planting and the protection of retained trees and hedges.
- 8.71 The Council's Landscapes Team have reviewed the above documents and consider that the submitted Landscape Report is not in accordance with the BS5837 guidance, therefore an updated tree protection plan and method statement should be conditioned. It is considered that there is sufficient information available to determine the application but further detail is required before work commences.
- 8.72 Whilst the above report includes some detail about the proposed landscaping, no formal landscape plans have been submitted with the application. It is therefore recommended that a detailed landscape plan which includes a plan showing the location of the trees/plants, tree/plant species, planting sizes, planting densities (where appropriate), planting methods and aftercare is secured via condition upon approval.

*vi) Refuse and recycling*

- 8.73 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:
- a. Perform their role effectively without prejudicing or being prejudiced by other functions and users;
  - b. Maintain an attractive and coherent street scene and protect visual amenity; and
  - c. Avoid creating risk to human health or an environmental nuisance.
- 8.74 The proliferation of bins can create a considerable amount of clutter on the frontage of sites, which in turn can have a harmful impact upon the visual amenity of the streetscene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements, contrary to the NPPF.
- 8.75 Details have been provided of a bin storage area for the proposed dwellings. The Council's Client Services Team have commented on the application and have noted that the properties can be incorporated into the existing collection scheme. Full details of the design of the bin storage can be secured via condition. No concerns are therefore raised in this regard.

*viii) Other matters*

- 8.76 Concerns have been raised regarding the need for the new dwellings due to a number of housing developments occurring within the surrounding area. However, the Local Planning Authority is unable to take this into consideration unless there is reason for the LPA to believe this development would conflict with the relevant policies regarding cumulative impact (e.g. Highways impacts). No concerns are raised in this regard. It is not considered that this development would set a precedent as each application is determined on its own merits.
- 8.77 In addition, comments have been made about the increased pressure on sewage and drainage systems. However, due to the size of the development proposed, these matters would be dealt with under Building Regulations, which is separate to planning. Similarly, comments about Party Wall Agreements and shared boundaries are not material planning considerations.

## **6. The planning balance**

- 8.78 Policy SP1 of the Local Plan requires that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan.
- 8.79 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.
- 8.80 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefits and adverse effects to be achieved across those three areas.
- 8.81 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means (paragraph 11c) approving development proposals that accord with an up-to-date development plan without delay.
- 8.82 Taken together, paragraph 11(d) and footnote 8 of the NPPF set out the circumstances in which housing delivery should be considered as a material consideration when dealing with applications.
- 8.83 The most recent 23/24 Annual Monitoring Report sets out the Council's latest five-year housing land supply position of 2.5 years for the period 2024/25-2028/29. As such, the Council cannot currently demonstrate a five-year housing land supply.

- 8.84 In addition, the latest Government published Housing Delivery Test data (December 2024), which related to the period running from 1st April 2020 to 31st March 2023, showed that Welwyn Hatfield delivered 52% of homes against its target, falling below the 75% threshold.
- 8.85 Therefore, in accordance with footnote 8, the ‘tilted balance’ set out in paragraph 11(d) of the NPPF is in effect. As such, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 8.86 It is also noted that Paragraph 125(c) of the revised NPPF states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 8.87 In terms of social benefits, the proposed development would deliver a net increase of one dwelling, therefore it would make a limited but positive contribution to delivering housing, in an existing village. This would reduce pressure on housing land take elsewhere, albeit to a very limited degree. The proposed development would therefore contribute towards the identified shortfall in housing supply. Further social benefit arises from the provision of high-quality housing, albeit limited in scale. Moderate weight is therefore attached to the benefits this would bring.
- 8.88 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the two dwellings. However, this benefit would be in the short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area and would be limited in effect.
- 8.89 Turning to the environment, the proposal would be in an existing village, where there are possibilities for some new development. It would make effective and efficient use of existing residential land on an established residential road. In addition, the proposal would not harm the visual amenity or the character and appearance of the area, nor would it cause undue harm to the amenity of neighbouring occupiers, subject to the suggested conditions. The development includes the use of Electric Vehicle (EV) charging points and cycle storage facilities on site, to encourage alternative modes of travel to the private motor vehicle. These factors are afforded moderate weight in favour of the proposal.
- 8.1 As set out above, it has been identified that the proposed post-development habitats have not considered the guidance within the Statutory Metric User Guide in respect of private gardens, therefore there is some uncertainty about the possibility of the statutory Biodiversity Condition being discharged. The application does not therefore demonstrate at this stage that the development would deliver a measurable biodiversity net gain of at least 10%, as required

by Policy SADM16. However, it is considered that there is further scope for this to be addressed through the statutory Biodiversity Gain Plan condition.

- 8.2 In this case, it is considered that the benefits of the development would outweigh any negatives, taken as a whole. The proposal would therefore represent sustainable development. Accordingly, the requirements of Paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

## **9 Conclusion**

- 9.1 Further to the above and subject to the suggested conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining or future occupiers living conditions, nature conservation interests, highway safety, flood risk and sustainable drainage or other relevant matters. Accordingly, the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

## **10 Recommendation**

- 10.1 It is recommended that planning permission be approved subject to the following conditions:

1. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Strategy has been submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures, in accordance with BS5837 guidance. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following the completion of all construction works.

REASON: To ensure the construction of the development protects trees and hedges, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Herts Ecology. The LEMP shall be carried out as approved. The LEMP shall include details of measures to protect and enhance existing habitats, as well as a plan to show species enhancements on-site reflecting proposals within the Biodiversity Gain Plan, to demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site, will be created, enhanced and monitored following the completion of the capital works required to create them, to demonstrate that at least 10% Biodiversity Net Gain on-site will be created, enhanced and monitored.

REASON: The landscaping of this site is required in the interests of enhancing the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. No development above ground level shall commence until details of the proposed crown roofs have been submitted to and approved in writing by the Local Planning Authority. The detail shall include sections, at an appropriate scale, to clearly show that the flat roof would be stepped down and concealed behind the surrounding hipped roof. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: In the interests of quality of design and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Notwithstanding the submitted plans, no development above ground level shall commence until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- a. Existing and proposed land levels;
- b. Means of enclosure and boundary treatments;
- c. Hard surfacing, other hard landscape features and materials;
- d. Existing trees, hedges or other soft features to be retained;
- e. Planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- f. Methods of maintenance and aftercare of soft landscaping; and
- g. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. No development above ground level shall commence until full details of features to enhance on-site biodiversity have been submitted to and approved by the Local Planning Authority in writing. The structures shall be positioned away from bright lights and disturbance and constructed in accordance with the approved details prior to the first occupation of the dwellings and retained in that form thereafter. As a minimum the following information should be provided:

- a) Habitat/feature creation measures proposed;

- b) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- c) Location (on a suitably scaled plan) of retained ecological features and the type/location of any habitat boxes/structures to be installed.

REASON: To provide ecological and biodiversity benefits, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. No development above ground level shall commence until an energy statement, including measures for long term energy and water efficient use of the building, has been submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. No development above ground level shall commence until full details of refuse and recycling storage and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently the storage facilities shall be constructed, equipped and made available for use prior to the first occupation of the dwellings and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and secure cycle storage space, and in the interests of visual amenity, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to their first installation, full details of the design of the proposed EV charging parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is first occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate electric vehicle charging points in order to meet the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. The development hereby approved shall be carried out on-site in line with the recommendations of the Ecological Appraisal v2 (Coyne Environmental, January 2024).

REASON: In the interests of local biodiversity to mitigate against any residual risk to species, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. The upper floor side elevation windows and rooflights of the buildings hereby approved must be obscure glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interests of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### DRAWING NUMBERS

13. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
--------------------	------------------------	----------------	----------------------



			Location Plan	18 September 2024
53092 4-4	B	Proposed	Site Plan	29 November 2024
53092 4-5	C	Proposed	Site Layout	29 November 2024
53092 4-10	C	Proposed	Site Sections	29 November 2024
53092 4-7	C	Proposed	Unit A Elevations	29 November 2024
53092 4-9	C	Proposed	Unit B Elevations	29 November 2024
53092 4-6	C	Proposed	Unit A Plans	21 February 2025
53092 4-8	C	Proposed	Unit B Plans	21 February 2025

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

**Biodiversity Net Gain Condition**

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

REASON: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Biodiversity Net Gain Informative Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the Biodiversity Gain Condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition (as set out above at the end of this decision notice) is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by Welwyn Hatfield Borough Council (the local planning authority) before commencement of the development. There are exemptions, transitional arrangements and requirements relating to irreplaceable habitat which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

**In the opinion of the Local Planning Authority, the approved development is engaged by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, is subject to the statutory Biodiversity Gain Condition and none of the statutory exemptions or transitional arrangements are considered to apply.**

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### **Advice on information required to discharge Biodiversity Gain Condition**

A Biodiversity Gain Plan to secure at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat as per the statutory condition as set out on this Decision Notice must be submitted to the Local Planning Authority and approved before the development can commence. In order to discharge the condition, the following information will be required:

-details of purchase and monitoring of the offsite biodiversity units, a biodiversity metric for the site, costings and evidence of appropriate legal

agreements to guarantee delivery of ongoing habitat management requirements specifically:

- i. Identification of receptor site or sites with associated plans;
- ii. Details of the offsetting requirements of the development in accordance with current DEFRA biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A Management and Monitoring Plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme and itself to include:
  - a) Description of all habitat(s) to be created / restored / enhanced within the scheme including expected management condition and total area;
  - b) Review of Ecological constraints;
  - c) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
  - d) Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
  - e) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
  - f) Identification of persons responsible for implementing the works;
  - g) A timetable of ecological monitoring to assess the success of all habitats creation/enhancement.
  - h) The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods / management prescriptions, should the monitoring deem it necessary.
  - i) Evidence that appropriate arrangements are in place to ensure the Council is funded to monitor the proposed biodiversity gain from the site(s) proposed over a period of 30 years. This would normally be in the form of a freestanding S106 agreement with a biodiversity provider which has already secured on-going monitoring contributions for the Council.

**Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in your development becoming subject to enforcement action.**

#### INFORMATIVES

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays

The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

All pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

Any emergency deviation from these conditions shall be notified to the Council without delay.

Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

Permissible noise levels are not specified at this stage.

All efforts shall be made to reduce dust generation to a minimum.

Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
4. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

6. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a predevelopment (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
7. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
8. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
9. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
10. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
11. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed

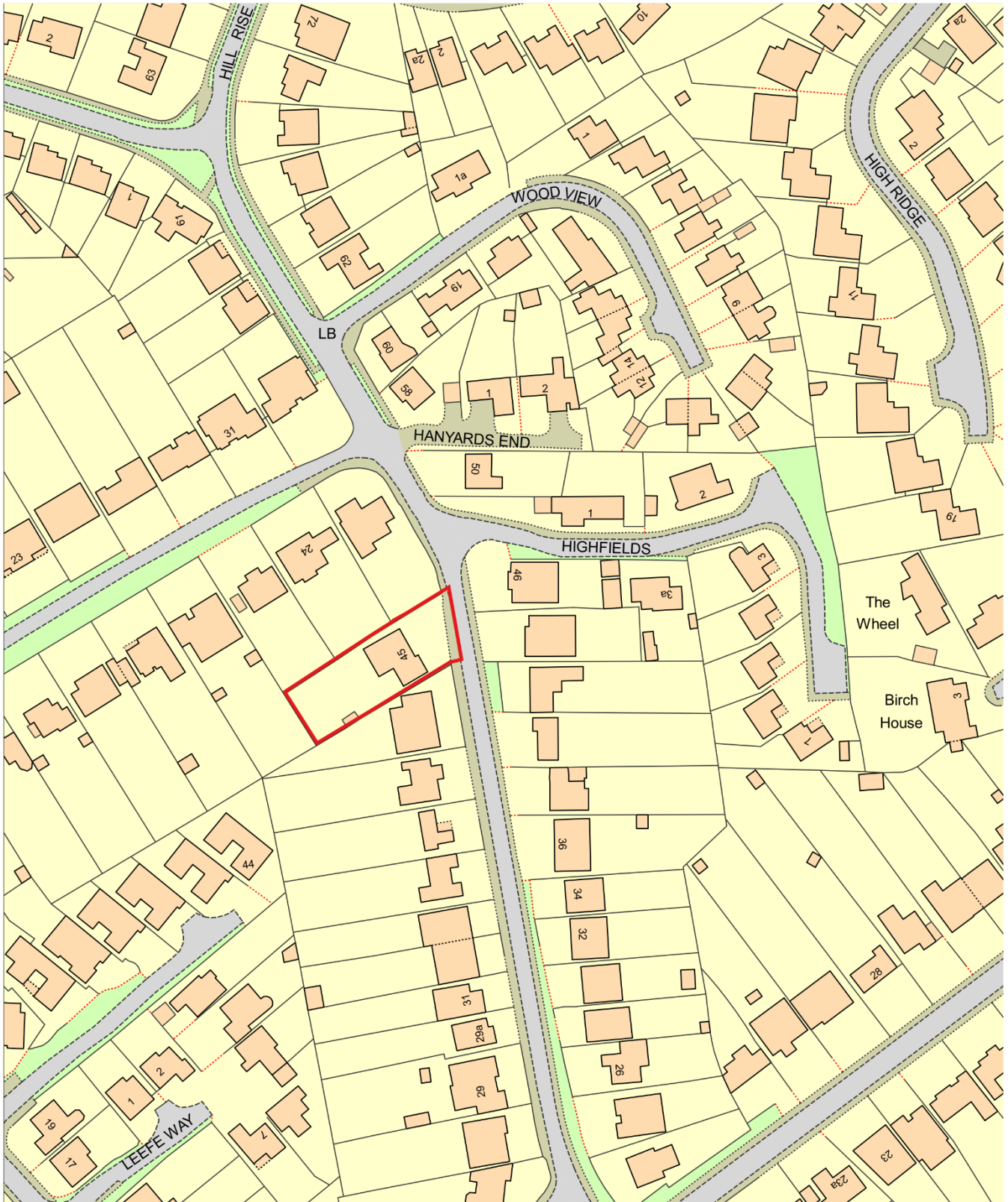
to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.


Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 39 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

Emily Stainer (Development Management)  
Date: 27 February 2025



 <b>WELWYN HATFIELD</b>  Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	45 Hill Rise, Cuffley, Potters Bar EN6 4EH		Scale: 1:5000
	Development Management Committee		Date: 27-02-2025
6/2024/1608/FULL		Drawn: C.Gooding-Williams	
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2024			



WELWYN HATFIELD BOROUGH COUNCIL  
 DEVELOPMENT MANAGEMENT COMMITTEE – 13 MARCH 2025  
 REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

## Appeal Decisions 03/01/2025 to 03/03/2025

6/2024/0566/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/24/3347324
<b>Appeal By:</b>	Mr M Cybula
<b>Site:</b>	31 Marsden Green Welwyn Garden City AL8 6YD
<b>Proposal:</b>	Erection of a part two, part single storey side and rear extension
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	09/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to a householder application for a single storey porch and a part two storey side extension. The main issue was the design of the extension on the host dwelling, surrounding area and the Welwyn Garden City Conservation Area.</p> <p>The property is located in a row of linked, semi-detached dwellings which are relatively symmetrical and uniform in appearance. The uniformity and spacious gaps at each end of the group contribute to the character of the Conservation Area. The Inspector acknowledged that the side extension would be set back from the frontage and set down from the ridge of the main house. However, it was also noted that it would not be set as far back as the side linking blocks between the dwellings and would appear far wider than these features. For these reasons, it would appear disproportionate. It would also substantially fill the gap between the appeal property and No.29, which would be out of keeping with the uniformity of the neighbouring group and the rhythm of the indented side elements, which are largely unaltered from their original design. The side extension would appear overly large, closing down the spaciousness at the west end of the group.</p> <p>Whilst no objections were raised to the rear flat roof extension in isolation, it would be attached to the proposed side extension and the cumulative footprint would overwhelm the modest scale of the original house, adversely affecting its character and appearance on the end of the uniform frontage to Nos 31-49.</p> <p>The appellant argued that the sustainable construction proposed for the extension would be a public benefit. However, the Inspector considered that as this is an aspect that should now be delivered in all development, it would be neutral in the balance. As the extensions are largely a private benefit for present and future occupants of the property, they would have limited weight. Accordingly, no public</p>

	<p>benefits were identified to outweigh the harm to the significance of the Conservation Area.</p> <p>The Inspector also had regard to the Public Sector Equality Duty contained in the Equality Act 2010 in respect of the appellant's wish to enlarge and improve accommodation in the property, to allow the family to stay in the location and make sustainable and effective use of it as a family home. It was noted that although the NPPF encourages the efficient use of land at Section 11, it states in Paragraph 129 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the side two storey extension and its impact on character and appearance would fail in this regard.</p> <p>The appeal was dismissed.</p>
<b>6/2024/0657/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3354111
<b>Appeal By:</b>	Miss Lisa Carr
<b>Site:</b>	73 Knightsfield Welwyn Garden City AL8 7JE
<b>Proposal:</b>	Partial removal of previous boundary wall with installation of new boundary fence and various tree works
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	09/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to a proposal to remove a considerable section of wall and the erection of a close-boarded fence 1.8 metres in height on the frontage in line with the front elevation of the house and along the boundary of the amenity strip along the back of the highway verge on Knightsfield.</p> <p>Part of the adjoining strip of amenity land to No 73 was acquired by the then property owners to enable a larger garden area to be created. In preparation for the proposal, trees from the extended garden area have been removed.</p> <p>The Inspector considered that the proposal would result in a very prominent addition on the frontage enclosing the corner plot, reducing the current open, spacious character and which would be highly visible, particularly in views westwards along Knightsfield. It was also considered that the proposal would be out of keeping with the established character of the Conservation Area.</p> <p>Whilst replacement landscaping for the trees already removed could be secured through a condition, the Inspector ruled that this would take time to establish and in the meantime the fence would be highly obtrusive in the Conservation Area. Moreover, whilst colour treatment might assist it would not be sufficient to entirely mitigate the visual impact of the fence on this currently open site.</p> <p>The Inspector agreed that the harm to the significance of the Conservation Area would be less than substantial and, in these circumstances, Paragraph 215 of the</p>

Framework states that the harm can be weighed against any public benefit. The appellant argued that the proposal would provide privacy, security and increase the usability of the space. However, the Inspector ruled that these would be private benefits for present and future occupants of the property, and they would have limited weight. The appellant also argued that the proposal would improve what is now an untidy and neglected area of amenity land which the Council has allowed to deteriorate. Whilst if this were the case it would constitute a public benefit, the Inspector considered that the introduction of the close-boarded fence would not in fact be an improvement to the Conservation Area. Accordingly, the Inspector was not persuaded that there are public benefits to outweigh the harm to the significance of the Conservation Area from the proposal.

**Other Matters**

The appellant also argued that the proposed fence is partly in response to structural concerns with the current wall and vermin being observed in the open area of former amenity land. From the Inspector's observations during a site visit, there was no obvious structural issue with the existing wall. The Inspector was not persuaded that simply enclosing the land with a fence would make any significant difference if vermin were established in the area.

The Inspector acknowledged the appellant's wish to incorporate the area into the garden to make sustainable and effective use of housing land, an objective which is encouraged by the Framework. However, the Inspector made reference to paragraph 129 in Section 11 of the Framework which states that development should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance of the area as a result of the proposed close-boarded fence.

The appellant also argued that the Council had not complied with Paragraph 39 of the Framework requiring Councils to take a positive and proactive approach to decision making. However, given that the principle of a close-boarded fence of this height and prominence in this location would not be acceptable, the Inspector was satisfied that this requirement in the Framework would have been difficult to deliver.

The appeal was dismissed.

**6/2024/0670/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/24/3350476
<b>Appeal By:</b>	Mr Arion Dajko
<b>Site:</b>	8 Cole Green Lane Welwyn Garden City AL7 3PW
<b>Proposal:</b>	Erection of a two storey side extension, first floor rear extension and the addition of an alleyway
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	10/01/2025

<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to a householder application for a two-storey side extension, first floor rear extension and the addition of an alleyway. The main issue was the design of the extension on the character and appearance of the host dwelling, the terrace on Cole Green Lane and the Peartree Conservation Area.</p> <p>The south-east side of Cole Green Lane is in residential use and characterised at this point by short terraces of four dwellings which are little changed from their original form and which contribute, together with the treed highway verges, to the character of the Conservation Area. These original planned residential street layouts are an essential part of the significance of the Conservation Area. The terrace currently has a very uniform, symmetrical appearance centred around a portico over the rear pedestrian access.</p> <p>The Inspector acknowledged that the side extension would be set back from the frontage at first floor level and set down from the ridge, as well as reduced in width compared to previous proposals. However, it would wrap around the house from the side onto the rear elevation, and in combination with the rear extension, this means that the depth of the extension visible from the side would be greater than the depth of the original house. It would therefore appear disproportionate to the main house. The cumulative scale and mass of the extensions would also dominate and adversely impact both the character and appearance of the host dwelling and the terrace of which it forms a part.</p> <p>The extensions proposed would constitute entirely private benefits for present and future occupants of the property, rather than equating to wider public benefits. Therefore, the less than substantial harm to the Conservation Area would not be outweighed by any public benefits.</p> <p>The Inspector also had regard to the Public Sector Equality Duty contained in the Equality Act 2010 in respect of the appellant's wish to enlarge and improve accommodation in the property, to meet the needs of an extending family and make sustainable and effective use of it as a family home. It was noted that although the NPPF encourages the efficient use of land at Section 11, it states in Paragraph 129 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the side two storey extension and its impact on character and appearance would fail in this regard.</p> <p>In considering whether the proposal would meet the three sustainability objectives set out in the NPPF, they found that there would be some economic benefits during construction. However, these benefits attract limited weight as they would be relatively short term. The benefits in terms of providing a mix of housing would also be limited as, even though the proposal helps to meet the appellant's family needs, the development does not create any additional housing. Although it would make efficient use of land, it is not compliant with Paragraph 129 and as such the environmental objectives of the Framework would not be wholly met. In addition, the Inspector said that even if they were to conclude that the proposal would be sustainable development, Paragraph 12 of the Framework makes it clear that this does not 'trump' the primacy of the Local Plan. Where a planning application would conflict with an up-to-date development plan, permission should not usually be</p>

	<p>granted.</p> <p>The Inspector also commented on two approved applications at the site for a first-floor rear extension and a single storey side extension, noting that every house has a limit to the extent to which it can be extended before it would be disproportionate to the original house. The two approved permissions reach this point and the cumulative effect of the addition of the two-storey side extension on top would be disproportionate and constitute overdevelopment.</p> <p>The appeal was dismissed.</p>
<b>ENF/2020/0123</b>	
<b>DCLG No:</b>	APP/C1950/C/23/3315172 APP/C1950/C/23/3315173
<b>Appeal By:</b>	Mr Jayesh Patel and Mrs Sangita Patel
<b>Site:</b>	4 The Chase Welwyn AL6 0QT
<b>Proposal:</b>	Outbuilding erected and the raising of land levels (engineering operation) without planning permission
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	14/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.
<b>6/2023/1289/LAWE</b>	
<b>DCLG No:</b>	APP/C1950/X/23/3329920
<b>Appeal By:</b>	Mr Tayo Fiola
<b>Site:</b>	65 Heathcote Avenue Hatfield AL10 0RQ
<b>Proposal:</b>	Certificate of lawfulness for existing rear extension and roof extension with rear dormer
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	14/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	The appeal is allowed in part and a certificate of lawful use or development is issued in the terms set out below in the formal decision. The appeal is otherwise dismissed.
<b>6/2024/0183/VAR</b>	
<b>DCLG No:</b>	APP/C1950/W/24/3353922
<b>Appeal By:</b>	Mr Harpal Tamber
<b>Site:</b>	Highfield House Roe Green Lane Hatfield Hertfordshire AL10 0FP

<b>Proposal:</b>	Removal of condition 17 (solar panels) on planning permission 6/2016/0345/MAJ
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	23/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>Background</p> <p>Planning permission was granted for a new flatted development in 2017, including a condition for the installation of 64 x solar panels on the roof, to be installed prior to the first occupation of the building. The solar panels were proposed as part of the application to address climate change and were demonstrated on the submitted roof plan (please see attached). The developer failed to install the solar panels when the building was constructed. This was reported to enforcement and because the condition had not been complied with, an application was submitted to remove the condition, which was refused. This appeal is therefore in relation to a S73 application to remove Condition 17 (installation of 64 solar panels).</p> <p>Appeal decision</p> <p>The S73 application was refused as it was considered the applicant had failed to sufficiently demonstrate that the development would maximise the opportunities available for renewable and low carbon sources of energy supply. It was unclear whether it would have been possible to utilise alternative renewable energy measures to enhance the sustainability credentials of the building, or if installing a reduced number of solar panels would represent an improvement compared to the existing situation. The appellant considered that it would not be technically feasible to retrofit the solar panels due to structural issues with the roof. However, no evidence was submitted with the application to support the view that the roof was structurally unable to accommodate the approved number, or a reduced number, of solar panels.</p> <p>The Inspector considered that the condition was reasonable, necessary, and relevant, and there was no indication that the solar panels were to be an optional part of the development. However, the appellant set out that a gas-boiler fed gas central heating system was installed as it emitted less carbon than electric heating that was intended to be fed by the solar panels. Furthermore, the electrical supply to the development posed a risk to its feasibility, as the low voltage mains running along Roe Green Lane was at capacity and therefore this risk was mitigated following the switch to gas fired heating. The documents submitted with the original proposal suggested that the regulated CO2 emissions from the development would be reduced by approximately 12.17% once energy efficiency measures and photovoltaics were taken into account. The development, as built, was assessed by Dynamic Energy Consultants as achieving a 31.83% reduction in carbon emissions. The Inspector therefore considered that the removal of Condition 17 was sufficient, and the applicant did not need to demonstrate that they had considered other options to improve the sustainability credentials of the development.</p> <p>As such, the appeal was allowed.</p>

No revised plans were submitted with the application to vary the approved drawings (which included the approved solar panels) However, the Inspector accepted revised plans as part of the appeal process. In addition, following legal advice, the LPA considered that due to the wording in the s106, a deed of variation would need to be entered into to bind any permission granted pursuant to the S73 application. The Inspector set out that, because the Council previously issued a letter acknowledging the second green space and play facilities contribution had been paid and discharged the Owner's obligations in regard to the S106 contributions due to the Council, they were satisfied that the original S106 was not required to be appended to this decision via a deed of variation.

#### Costs decision

The appellant submitted a costs application with the appeal on the basis that:

- The Council made an error in including Condition 17 on the original planning application.
- The appeal was unnecessary and was a result of the Council's unreasonable behaviour in relation to its handling of the application.
- The Council failed to use Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 which states, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.".
- It would not be expedient for the Council's Enforcement Team to take enforcement action as there is no reasoned or justifiable reason to so.

In considering the application for costs, the Inspector set out that:

- The condition was imposed based on the evidence available to the Council at that time that solar panels would be part of the development's sustainability criteria and there was no indication that the solar panels were to be an optional part of the development.
- No appeal against the condition was lodged at the time of the application being determined, which was an option open to the applicant.
- The reason for the refusal set out in the decision notice was complete, precise, specific, and relevant to the application. It also clearly stated the policies that the proposal would conflict with.
- The reasons for refusal were adequately substantiated by the Council in its appeal statement.
- The Council, in exercising their planning judgement, had reasonable concerns about the impact of the proposed development which justified its decision, and the appeal did not result in unnecessary or wasted expense on the part of the appellant.

The application for an award of costs was therefore refused.

**6/2024/0958/HOUSE**

**DCLG No:**

3350519

<b>Appeal By:</b>	Mr & Mrs Wood
<b>Site:</b>	16 Guessens Road Welwyn Garden City AL8 6QR
<b>Proposal:</b>	Erection of single storey side, part single, part double storey rear extension and replacement garage. Insertion of rear rooflights. Replacement front door. Landscape and boundary treatment
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	27/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>Background</p> <p>This relates to two appeal decisions at 16 Guessens Road, which is in the Welwyn Garden City Conservation Area. The Welwyn Garden City Character Appraisal (September 2007) notes that No.16 Guessens Road is a house of particular interest and a key unlisted building, as Sir Frederic Osborn lived at the property from 1927-78.</p> <p>Both applications were for the erection of a single storey side extension, part single, part double storey rear extension and replacement garage, landscape works and boundary treatments. The main difference between the two proposals was that the width of the side extension was reduced in Appeal B to 2.9 metres, from 3.9 metres in Appeal A (excluding the proposed bay window projection). The applications were refused as the proposed extensions failed to relate well to the character and proportions of the existing building, the surrounding context or the street scene, and 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.</p> <p>Appeal decision</p> <p>The Inspector found that as the side extension and rear flat roof extension would wrap around the house to meet the two-storey rear extension, these elements would be read together and taken together would be greater than the depth of the original house. From the south in inward views from Guessens Road, this would appear as a disproportionate addition which would sit awkwardly with the attractive hipped roof and cubed form of the original house. The suggestion that adding the bay window to the side extension, the parapet detail, and the set-back would ensure the original frontage of the house was not affected was not accepted, as none of these details would sufficiently mitigate the adverse visual impact of the flat roof side elevation itself on the form and character of the original house. The height of the side extension rising to the mid-point between the current bay window and the first-floor window, and its flat roof form would be clearly visible from Guessens Road over the current hedge line, which would appear an obtrusive and alien addition. Although landscaping was proposed to screen this, it was considered that just because a development would eventually be partially screened from the public domain would not warrant allowing a design which would adversely impact on the character and appearance of the original house and would be detrimental to the character of the Conservation Area.</p>



	<p>The Inspector considered the fact that some substantial extensions had been granted historically to the side of other properties in the area (e.g. No.14 and 18 Guessens Road). However, noted that these permissions do not necessarily justify the appeal proposal which would be for a locally important building. Although No.14 (which was built with No.16 as a symmetrical pair flanking the entrance to Guessens Walk) has been extended, the Inspector did not agree that this destroyed the symmetry of the pair from a northwards view or if looking towards the two properties from the front, as that extension is set back from the frontage.</p> <p>In weighing up whether less than substantial harm was outweighed by any public benefits, the Inspector stated that the extensions proposed would constitute entirely private benefits for present and future occupants of the property and would not outweigh the identified harm to the significance of the Conservation Area from the proposal.</p> <p>Both appeals were dismissed.</p>
--	---

<b>6/2024/0346/HOUSE</b>
--------------------------

<b>DCLG No:</b>	APP/C1950/D/24/3348206
<b>Appeal By:</b>	Mr and Mrs Wood
<b>Site:</b>	16 Guessens Road Welwyn Garden City AL8 6QR
<b>Proposal:</b>	Erection of a single storey side extension, part single, part double storey rear extension and replacement garage. Landscape works and boundary treatment
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	27/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>Background</p> <p>This relates to two appeal decisions at 16 Guessens Road, which is in the Welwyn Garden City Conservation Area. The Welwyn Garden City Character Appraisal (September 2007) notes that No.16 Guessens Road is a house of particular interest and a key unlisted building, as Sir Frederic Osborn lived at the property from 1927-78.</p> <p>Both applications were for the erection of a single storey side extension, part single, part double storey rear extension and replacement garage, landscape works and boundary treatments. The main difference between the two proposals was that the width of the side extension was reduced in Appeal B to 2.9 metres, from 3.9 metres in Appeal A (excluding the proposed bay window projection). The applications were refused as the proposed extensions failed to relate well to the character and proportions of the existing building, the surrounding context or the street scene, and 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.</p> <p>Appeal decision</p>

The Inspector found that as the side extension and rear flat roof extension would wrap around the house to meet the two-storey rear extension, these elements would be read together and taken together would be greater than the depth of the original house. From the south in inward views from Guessens Road, this would appear as a disproportionate addition which would sit awkwardly with the attractive hipped roof and cubed form of the original house. The suggestion that adding the bay window to the side extension, the parapet detail, and the set-back would ensure the original frontage of the house was not affected was not accepted, as none of these details would sufficiently mitigate the adverse visual impact of the flat roof side elevation itself on the form and character of the original house. The height of the side extension rising to the mid-point between the current bay window and the first-floor window, and its flat roof form would be clearly visible from Guessens Road over the current hedge line, which would appear an obtrusive and alien addition. Although landscaping was proposed to screen this, it was considered that just because a development would eventually be partially screened from the public domain would not warrant allowing a design which would adversely impact on the character and appearance of the original house and would be detrimental to the character of the Conservation Area.

The Inspector considered the fact that some substantial extensions had been granted historically to the side of other properties in the area (e.g. No.14 and 18 Guessens Road). However, noted that these permissions do not necessarily justify the appeal proposal which would be for a locally important building. Although No.14 (which was built with No.16 as a symmetrical pair flanking the entrance to Guessens Walk) has been extended, the Inspector did not agree that this destroyed the symmetry of the pair from a northwards view or if looking towards the two properties from the front, as that extension is set back from the frontage.

In weighing up whether less than substantial harm was outweighed by any public benefits, the Inspector stated that the extensions proposed would constitute entirely private benefits for present and future occupants of the property and would not outweigh the identified harm to the significance of the Conservation Area from the proposal.

Both appeals were dismissed.

**6/2024/0636/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/24/3347179
<b>Appeal By:</b>	Mr Martyn Bridgeman
<b>Site:</b>	5 Selwyn Crescent Hatfield AL10 9NL
<b>Proposal:</b>	Erection of a two storey side and rear extension, internal alterations, alterations to the roof to include rear dormer, front rooflights and hip to gable roof
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	27/01/2025
<b>Delegated or DMC Decision:</b>	Delegated

<b>Summary:</b>	<p>This appeal relates to planning application reference 6/2024/0636/HOUSE for the “Erection of a two storey side and rear extension, internal alterations, alterations to the roof to include rear dormer, front rooflights and hip to gable roof”</p> <p>The property is a semi-detached dwelling located in a residential area where the properties are similar in size, scale and design. Several of the properties have been extended and whilst there is variety in the size and design of the extensions, the street itself retains a generally cohesive character of semi-detached development in a mature setting.</p> <p>The Inspector agreed the works would “result in a sizeable addition to No 5. They would appear disproportionate and unsympathetic and add considerably to the bulk and scale of the side of the dwelling. Notwithstanding the one metre gap from the adjoining flank boundary in accordance with recommendations contained within the Welwyn Hatfield Supplementary Design Guidance (Design Guidance), the proposal would result in a mass of built form which would be dominant in the street scene resulting in harm to the character and appearance of the area.</p> <p>The appellant cites a number of other extensions to properties on Selwyn Crescent in support of the proposal. Whilst these demonstrate a variety of designs, in general most of these extensions reflect the design of the original dwelling and are of a subservient form. Particular attention has been drawn to a dormer roof development at No 9 Selwyn Crescent. Whilst I observed this property on site I am not aware of the full circumstances surrounding this development. However it is an isolated feature within the streetscene and as such it does not change the overall character and appearance of the area. In any event, the existence of this development does not justify development which would otherwise be harmful. As such this development only merits limited weight and does not lead me to a different view in this case”.</p> <p>The Inspector also acknowledged that a Lawful Development Certificate for a hip to gable loft conversion with rear dormer and rooflights to the front roofslope has been granted and that this represents a realistic fallback position for the appellant. However, this scheme would be smaller and the gable conversion, due to its scale and siting further away from the side of the dwelling, would not be as prominent within the streetscene. As such, the fallback position has limited weight.</p> <p>The appeal was dismissed.</p>
<b>6/2024/0126/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3347087
<b>Appeal By:</b>	Mrs Emma Haughey
<b>Site:</b>	8 High Road Essendon Hatfield AL9 6HW
<b>Proposal:</b>	Erection of a ground floor rear extension, installation of new dormer window to rear elevation, replacement of existing window reveal detailing, removal of existing front door and porch and installation of new window, reinstatement of original front door, replacement of timber windows to match original, blocking up existing window on side elevation at first floor level, alterations to window sizes on rear elevation at first floor level, installation of velux rooflight and internal alterations

<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	28/01/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>Background</p> <p>This appeal relates to a householder application for the erection of a ground floor rear extension, installation of new dormer window to rear elevation, replacement of existing window reveal detailing, removal of existing front door and porch and installation of new window, reinstatement of original front door, replacement of timber windows to match original, blocking up existing window on side elevation at first floor level, alterations to window sizes on rear elevation at first floor level, installation of velux rooflight and internal alterations. The application was refused as it would represent a disproportionate addition to the original building, would impact openness and would constitute inappropriate development in the Green Belt. It was also refused on design grounds as it would fail to preserve or enhance the character and appearance of the Essendon Conservation Area.</p> <p>Appeal decision</p> <p>The Inspector considered that the proposal would result in a sizeable addition to the dwelling, adding a significant increase in footprint to the original building. The proposed extension would undoubtedly increase the depth of the original building at the rear and the proposed dormer, whilst not increasing the footprint, would introduce additional mass to the roofslope. Visually, the additions to the dwelling would further alter it significantly from the original simple cottage. Whilst not readily apparent in wider public views, the scale and bulk of the proposal would dominate the rear of the appeal property. The proposed changes would therefore amount to disproportionate additions to the dwelling. It was also noted that Green Belt policies do not refer to consideration of the size and character of surrounding properties in assessing disproportionality. In spatial terms, the proposed development would lead to a loss of openness. Available views of the development would be limited to those obtained from neighbouring properties and would be localised. Therefore, the development would cause some, albeit very limited harm, to the openness of the Green Belt.</p> <p>The appeal property is an attractive semi-detached Victorian cottage, adjacent to a similar pair of cottages sited on the main road in the village of Essendon. The significance of the appeal property derives from its age and the relationship of the cottages as a whole to the Conservation Area. Despite the cottages having been extended to the side, their original proportions are still well articulated, and they contribute positively to the significance of the Conservation Area and character and appearance of the area.</p> <p>Notwithstanding that the rear extension would be single storey, due to its detailed design, scale and depth, it would not be read as a subservient addition to the appeal property. It would be an unsympathetic addition given the harmful impact on the character and appearance of the host dwelling and the pair to which it belongs. The introduction of the rear dormer would be an awkward design feature interrupting the shallow original roof slope of the cottage. As such, it would reduce the visual articulation of the shallow roof slope, which is an attractive feature found</p>

in this pair of cottages. It would be contrary to the SDG in relation to dormer windows and would cause unacceptable harm to the character and appearance of the property. The Inspector acknowledged the appellant's point that the Design Guide does not take into account modern building regulation standards and national space standards, however considered that it remained unacceptable in design terms. The proposed rooflight would also appear alien in its context and further detract from the original qualities of the appeal property, and the row of cottages in general. Each case must be considered on its own merits and other decisions nearby where not viewed to be directly comparable.

In weighing up if there were any public benefits to outweigh the less than substantial harm, the Inspector noted that the appellant's desire is to secure the optimum viable and effective use of the site. It would result in improved, more practical living conditions for the appellant and their family. However, the appeal proposal failed to demonstrate that it was the only practical option to achieve such benefits. Although it would improve the appearance of the front elevation and enable the provision of additional off -street parking, there was nothing to suggest that these renovations to the fenestration and front of the appeal property were in any way dependent on the provision of the rear or dormer extensions, nor that these improvements could not be achieved independent of the current scheme. This was attributed moderate weight. A lack of harm in relation to living conditions of adjoining occupiers did not weigh in favour of the scheme. Examples of other extensions nearby were attributed limited weight. It was concluded that there were insufficient public benefits arising from this proposal to offset the identified harm, to which significant weight was attached.

As the proposal would result in harm to the Green Belt, substantial weight should be attributed, and the development should not be approved except in very special circumstances. This is in addition to the harm to the character and appearance of the dwelling and the Conservation Area. The other considerations would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

The appeal was dismissed.

**6/2023/2562/FULL**

<b>DCLG No:</b>	APP/C1950/W/24/3348540
<b>Appeal By:</b>	Downtown Constructions Ltd
<b>Site:</b>	22 The Common Hatfield AL10 0ND
<b>Proposal:</b>	Erection of additional storey to approved 4-storey block of 8 self-contained flats to facilitate an additional 2 bed 4 person self-contained flat.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	04/02/2025
<b>Delegated or DMC Decision:</b>	Committee
<b>Summary:</b>	The above relates to an appeal for non-determination of a full application for the erection of an additional storey to approved 4-storey block of 8 self-contained flats

to facilitate an additional 2 bed 4 person self-contained flat.

The main issue is the effect of the proposed development on the character and appearance of the area.

The Inspector notes that the appeal building is located at the end of a series of four-storey buildings including the neighbouring No 24, as well as 3 blocks of flats further along the road, and to the other side of No 22 are smaller buildings of two and three storeys in height. It was noted that the multi-storey car park opposite the appeal site is a large building of comparable height to the appeal property, however it was considered that this side of The Commons comprises a more varied street scene including the supermarket and postal sorting office to either side of the car park. It was further noted that there is a block of flats rising to five storeys to the rear of the car park, and a much taller block of flats visible beyond this, however, these are not prominent from The Commons as the car park screens them from view.

The Inspector states that within this context the proposed additional storey would be an intrusive feature in the street scene and it would disrupt the established pattern of development, wherein No 22 forms the end of a series of buildings of comparable height. It was stated that uniformity is highlighted by the very similar form and materials of the neighbouring buildings at Nos 24 and 22.

It was judged that even allowing for the smaller footprint of the proposed fifth storey, so that it would be set in from 3 sides of the building, the resultant building would still be a significant increase in height. Furthermore, it was stated that the relationship with the neighbouring Alfred House (a two-storey building), would serve to highlight the incongruous appearance of the appeal proposal in the street scene. It was also considered that the use of zinc panels and a contrasting design to the predominantly brick exterior of No 22 would not be sufficient to offset the increase in height.

Consequently, the Inspector considered that the proposed development would be harmful to the character and appearance of the area.

In carrying out the planning balance, the Inspector acknowledges that the proposal would create a new apartment and support the government's objective of significantly boosting the supply of homes, which moderate weight is given. However, it was considered that the prominence of the proposed development in the street scene, where there is a broadly uniform ridgeline, would cause considerable harm to the character and appearance of the area. It was stated that in this instance the harm caused would significantly and demonstrably outweigh the benefits that would arise from the appeal proposal.

The appeal was subsequently dismissed

**6/2024/1307/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/24/3352342
<b>Appeal By:</b>	Mr Bashar Edais
<b>Site:</b>	59 Chelwood Avenue Hatfield AL10 0RF

<b>Proposal:</b>	Erection of a single storey rear extension, two-storey side extension and a loft conversion with rear dormer and insertion of front rooflights
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	12/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This application relates to planning application reference 6/2024/1307/HOUSE which required planning permission for the “Erection of a single storey rear extension, two-storey side extension and a loft conversion with rear dormer and insertion of front rooflights”.</p> <p>The application was refused for two reasons, the proposed design and the impact on neighbour amenity.</p> <p><b>Design</b>  In regards to the extensions, the Inspector said “the proposed two storey side extension would replace and be wider than the existing single storey projection, extending to the site boundary. It would have a ridge height to match the main dwelling and apart from a minimal set back from the front elevation would be the same depth as the main dwelling. It would be clearly visible in the street scene. Its width and lack of either set down or set back would upset the regular rhythm of the terrace, appearing bulky and out of place in the context of the appeal dwelling and terrace as a whole.  It would noticeably reduce the gap between the appeal dwelling and its non-attached neighbour. Notwithstanding that the two dwellings are separated by a public footpath and the neighbour is a bungalow this, coupled with the lack of any separation between the extension and the side boundary, would result in a cramped appearance that would have a detrimental effect on the feeling of spaciousness. Overall, the side extension would not appear subservient or sympathetic to the host dwelling, the terrace or the surrounding street scene.</p> <p>The single storey rear extension would occupy the full width of the dwelling, including the proposed two storey side extension, and would have a depth of some 5m. Although not readily visible from beyond the site owing to high boundary fences, it would be seen from neighbouring properties from which its appearance, in combination with the two storey side extension and in particular its width, extending to the side boundary, would add to the overdeveloped and cramped appearance of the site”.</p> <p>The Inspector did not have a issue with the proposed dormer “whilst the SDG suggests that dormers should be set in by 1m from the party wall of the host dwelling, in this case where the gap to the flank wall would be generous and the dormer would appear modest in the context of the terrace as a whole, I do not find this essential”.</p> <p><b>Neighbour amenity</b>  The inspector says that “the proposed extension would be some 5m deep and some 3m high with a flat roof. The proposed extension would therefore project beyond the rear extension at No 57 by somewhere in the region of 3-4m. The two plots are separated by a high, close boarded fence some 2m high and the rear of</p>

	<p>the dwellings face north.</p> <p>In view of the limited projection beyond the extension at No 57 and the height of the boundary fence I am satisfied that the proposed extension would not appear overbearing or oppressive when seen from No 57 and that there would be no material loss of light. Moreover, the north facing orientation would ensure that any overshadowing was minimal and also restricted to limited times of the day and year”.</p> <p>Although the inspector had no objection to the rear dormer or the impact to neighbouring properties, the appeal was dismissed as this would not alter or outweigh their findings of harm to character and appearance.</p>
<b>6/2024/1036/ADV</b>	
<b>DCLG No:</b>	APP/C1950/Z/24/3351950
<b>Appeal By:</b>	Rob Weller
<b>Site:</b>	40-42 Howardsgate Welwyn Garden City AL8 6BJ
<b>Proposal:</b>	Installation of an internally illuminated fascia text and an internally illuminated hanging sign
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	26/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal was against the refusal of an application for advertisement consent for an internally illuminated fascia sign and an internally illuminated hanging sign. It was refused because the proposal sought to introduce a row of ‘fairground’ lights across the width of the bottom of the fascia plate. There were no other lights in situ in the vicinity that were designed or illuminated in a similar manner to the proposed lights. The Council considered the layout and method of illuminating the lights gave the advertisement a contemporary appearance that detracted from and contrasted poorly with the architectural and historic interest of the restaurant, thus harming its contribution to the Conservation Area.</p> <p>The Inspector noted that the host terrace is a prominent early Garden City building which has a typical neo-Georgian theme and shopfronts with designed entablatures. It displays a strong degree of uniformity and symmetry and contributes to the townscape quality of the Conservation Area.</p> <p>The Inspector considered that the display of closely spaced fairground lights would be unsympathetic, even if they were reduced in number. The display of lights would be uncharacteristic of the traditional, well-designed fascia boards and signs in the host terrace, to the extent that they would disrupt the designed harmony and unity evident in the appeal building and the terrace as a whole. In angled views, the light bulbs also appeared to combine together to give the impression of a continuous strip light along the bottom of the fascia. The lighting was considered excessive, and it was concluded that, by reason of their appearance, illumination, prominent location and number, they would detract from the character and appearance of the host building and terrace, the street scene and the Conservation Area.</p>



	The appeal was dismissed.
<b>6/2024/1153/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3354214
<b>Appeal By:</b>	Mr & Mrs J Shubhaker
<b>Site:</b>	15 Guessens Road Welwyn Garden City AL8 6QL
<b>Proposal:</b>	Erection of two storey rear extension, single storey side and rear extensions following demolition of existing garage, insertion of rooflights and installation of solar panels
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	26/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The above appeal relates to a refused householder application for the erection of a two storey rear extension, single storey side and rear extensions following demolition of existing garage, insertion of rooflights and installation of solar panels.</p> <p>The planning application was refused as officers considered that the proposed extensions would fail to complement and reflect the design and character of the dwelling and be subordinate in scale. The siting of the proposed solar panels would also be inappropriate. The proposal represents a poor standard of design and fails to preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>The Inspector states that given the limited depth of the 2-storey rear extension, the resulting building would not appear unduly elongated. It was considered a simple continuation of the existing hipped roof and as such would reflect the original design and character of the building. It was also stated that having regard to its limited size, it would appear sufficiently subordinate in scale to the existing building without the need for any recessive measures.</p> <p>It was acknowledged that the sides of the proposed 2-storey rear extension would be noticeable in certain oblique views from Guessens Road but given its limited rearward projection, the Inspector did not consider that it would materially dilute a sky gap that is important to the character and appearance of the CA, especially given the widely spaced layout of the plot.</p> <p>It was noted that the proposed single-storey extensions, when viewed cumulatively with previous single-storey extensions, might represent a sizeable percentage increase over the footprint of the original dwelling, however it was not considered to appear overdeveloped or unduly cramped in itself or in comparison to adjacent properties.</p> <p>With respect to the proposed solar panels, it was considered that a condition can be imposed to ensure that they project no higher than the top of the parapet wall.</p> <p>Overall, the Inspector considers that the proposed development would preserve the character and appearance of the dwelling, the surroundings and the CA.</p>

Consequently, the appeal was allowed.

6/2024/0310/HOUSE

<b>DCLG No:</b>	APP/C1950/D/24/3342630
<b>Appeal By:</b>	Mr Pedram Aghaei
<b>Site:</b>	1 Oaklands Wood Hatfield AL10 8LU
<b>Proposal:</b>	Alterations to the roof, including hipped to gable roof, formation of rear dormer and installation of windows to front roofslope
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	27/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>Decision</p> <ol style="list-style-type: none"><li>1. The appeal is dismissed.</li></ol> <p>Main Issue</p> <ol style="list-style-type: none"><li>2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.</li></ol> <p>Reasons</p> <ol style="list-style-type: none"><li>3. The appeal property is a detached, two-storey, hipped roofed dwelling located close to the junction of Oaklands Wood with Woods Avenue. Oaklands Wood is a residential street comprising semi-detached and terraced properties which display both hipped and gable roof forms. Residential development is less evident on Woods Avenue, which has a mixed streetscape.</li><li>4. The proposed rear dormer extension would only be marginally lower than the ridge of the roof and above the eaves. It would also be sited close to the flank walls of the dwelling, less than the distance advised in the Supplementary Design Guidance (SPG). Given its overall scale, the dormer would visually dominate the host building resulting in it appearing, at the rear, as a three-storey flat roof building. In views from neighbouring properties, and where glimpsed from public vantage points, it would be seen as an incongruous and intrusive feature.</li><li>5. The hip to gable extension would increase the scale, bulk and mass of the dwelling. Nonetheless, the resultant roof would appear proportionate to the original building. Furthermore, the front elevation would not appear boxy due to the pitch of the roof remaining unchanged. In the context of the other pitched and gable roofed properties on Oaklands Wood, and the variation evident on Woods Avenue, the hip to gable extension would not appear overly dominant in the street scene. It would not be detrimental to the character and appearance of the host property or the area.</li><li>6. Accordingly, whilst the proposed hip to gable extension would not be visually unacceptable, the introduction of the proposed rear dormer would harm the Appeal Decision APP/C1950/D/24/3342630 <a href="https://www.gov.uk/planning-inspectorate">https://www.gov.uk/planning-inspectorate</a> 2 character and appearance of the host dwelling and the surrounding area. It would, therefore, be contrary to Policy SP9 of the Welwyn Hatfield Borough Council Local Plan (LP) which requires proposals to deliver high quality design that responds to character and context.</li><li>7. LP Policy SP1 has also been referred to in the reason for refusal. However, as</li></ol>

	<p>that policy relates to delivering sustainable development and makes no reference to design, character or appearance, it is not relevant to the main issue.</p> <p>Conclusion</p> <p>8. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.</p> <p>9. I therefore conclude that the appeal should be dismissed.</p>
<b>6/2024/1543/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3356518
<b>Appeal By:</b>	Mr Anthony Kearns
<b>Site:</b>	8 Pennyfathers Lane Welwyn AL6 0EN
<b>Proposal:</b>	Installation of swing opening gates on the existing drive
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	28/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The appeal is allowed and planning permission is granted for installation of swing opening gates on the existing drive to the house at 8 Pennyfathers Lane, Welwyn, Hertfordshire AL6 0EN in accordance with the terms of the application, ref. 6/2024/1543/HOUSE, subject to the following conditions:</p> <p>1) The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p>2) The development hereby permitted (metal swing opening gates) shall be carried out in accordance with the following approved plans numbered and titled: A01 Block Plan; A01A Revised Block Plan; A03 Location Plan; A04 Proposed Gates; and A06 Position of Existing Entrance – Unaltered.</p>
<b>6/2024/0511/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/24/3352247
<b>Appeal By:</b>	Mr Anthony Kearns
<b>Site:</b>	8 Pennyfathers Lane Welwyn AL6 0EN
<b>Proposal:</b>	Installation of swing opening gates on existing drive
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	28/02/2025
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This relates to two appeal decisions for opening swing gates which were refused on Green Belt grounds as the proposal failed to meet the specified exceptions or demonstrate very special circumstances. The main differences between the two applications were:</p> <p>Appeal A: A pair of part solid, part slatted timber gates with oak gate posts</p> <p>Appeal B: A pair of gates with metal railings and oak gate posts</p>

The inspector noted that the gates could not amount to an extension or alteration of a building due to the distances involved and as there is currently no 'building' to replace, they could not be assessed as a replacement building. In addition, what was proposed to take place could not be described as an engineering operation. The appellant was therefore unable to rely on any of the exceptions at Paragraph 154 of the NPPF. Nor, despite their limited scale and form, would the gates fit with any of the types of development that are permitted under Policy SADM34. Comments were made regarding the fact that it appeared odd that, on the face of it, a sizeable, yet not disproportionate addition to a building would be not inappropriate in the Green Belt. However, it was also noted that if the Government or the Council had meant for such items as gates, boundary fences and walls to be permitted as an exception, they would have been written to facilitate this option. Therefore, the proposals are both inappropriate development by definition.

The Inspector set out that the part solid, part slatted timber gates in Appeal A would provide for a stronger and more emphatic delineation across the front entrance which would be far less visually porous than the gates in Appeal B and would cause some limited harm to the openness of the Green Belt. However, having regard to their limited scale, the locational context and visual considerations, the Appeal B gates would not materially harm the openness of the Green Belt due to their open design across the full width and height which would be fully apparent and dominant in head-on views from the vicinity of the junction with Vera Lane directly opposite the appeal site.

The Inspector found that in Appeal B, the implementation of PD rights would have a greater effect on the visual openness of the Green Belt than the open style of the metal gates proposed, and very substantial weight was attributed to this. Moderate weight for both Appeals was given to the benefits the gates would bring about for the home environment and children in terms of safety, health and well-being and reducing the fear of crime. For Appeal A, the other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. However, for Appeal B, the other considerations do clearly outweigh the totality of harm arising solely from inappropriateness and they amount to the very special circumstances required to justify the development.

Appeal A was therefore dismissed, and Appeal B was allowed subject to conditions.

WELWYN HATFIELD BOROUGH COUNCIL - DEVELOPMENT MANAGEMENT COMMITTEE  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

PLANNING UPDATE – FUTURE PLANNING APPLICATIONS – 13 MARCH 2025

**1 Introduction**

- 1.1 This report is for the Development Management Committee to provide a summary of applications that might be presented to Committee over the coming months. If the call-in or application is withdrawn, the item will not be presented.
- 1.2 The applications should not be debated as part of this agenda, however any Councillor wishing to raise specific points about the proposal – such as a need for planning obligations or issue(s) that might not readily be apparent from the proposal or any other matter, may do so and the case officer will consider, where they are planning considerations, these matters raised as part of the future Committee report.
- 1.3 Appendix 1 comprises all applications that have been called-in or objected to by Town or Parish Councils. Appendix 2 comprises those that are a departure from the Local Plan, Officers consider should be determined by Development Management Committee, the applicant is the Borough Council or it has an interest in the land and an objection has been received.

**2 Recommendation**

- 2.1 That members note this report.

Appendix 1 - Applications comprising call-ins or major objections							
Ward	Application Ref	Site Address	Proposal	Case Officer	Called in by	Call In Date	Expected DMC
Hatfield South West	<a href="#">6/2024/1114/FULL</a>	17 Thrush Avenue Hatfield AL10 8QU	Subdivision of existing dwelling into two dwellings with additional parking space	Ms Elizabeth Mugova	Councillor Helena Goldwater, Welwyn Hatfield Borough Council	01/08/2024	26/06/2025
Hatfield South West	<a href="#">6/2024/2236/HOUSE</a>	6 Bishops Close Hatfield AL10 9PW	Erection of first floor extension above an existing garage	Ms Elizabeth Mugova	Councillor Timothy Rowse, Welwyn Hatfield Borough Council	26/12/2024	26/06/2025
Hatfield Villages	<a href="#">6/2023/1677/FULL</a>	Emmanuels Farm Great North Road Welwyn Garden City AL8 7TA	Change of use of land to add 4 pitches for Gypsy/Traveller family, comprising the siting of 1 mobile and 1 touring caravan per pitch, formation of access road and retention of the existing temporary pitch granted	Mr William Myers	Councillor Samuel Kasumu, Welwyn Hatfield Borough Council	09/11/2023	26/06/2025
Hollybush	<a href="#">6/2023/1220/FULL</a>	Land off Beehive Lane Welwyn Garden City AL7 4BW	Change of use from sui generis to dwellinghouse (class C3) and erection of 4 new dwelling houses, with associated access, car parking, amenity space and landscaping following demolition of existing building (amended scheme)	Ms Emily Stainer	Councillor Lynn Chesterman, Welwyn Hatfield Borough Council	05/09/2023	N/A
Welham Green & Hatfield South	<a href="#">6/2024/0628/FULL</a>	Glendee Boarding Kennels Dixons Hill Close Welham Green Hatfield AL9 7EN	Erection of nine dwellings, including access road, hard standing and fencing following the demolition of existing buildings	Ms Elizabeth Mugova	Christine Wootton, North Mymms Parish Council	14/05/2024	09/04/2025

Welham Green & Hatfield South	<a href="#">6/2024/1636/FULL</a>	84 Warrengate Road North Mymms Hatfield AL9 7TY	Erection of a replacement dwelling	Mr Raymond Lee	Christine Wootton, North Mymms Parish Council	17/10/2024	26/06/2025
Welham Green & Hatfield South	<a href="#">6/2024/1907/FULL</a>	11 Gould Close Welham Green Hatfield AL9 7EB	Change of use from residential dwelling (Class C3) to a residential care home (Class C2)	Ms Elizabeth Mugova	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	02/11/2024	09/04/2025
Welham Green & Hatfield South	<a href="#">6/2024/2362/FULL</a>	The Cottage Foxes Lane Hatfield AL9 7BA	Erection of a single storey detached dwelling with basement, and associated landscaping and access works, following the demolition of existing outbuildings	Ms Elizabeth Mugova	Christine Wootton, North Mymms Parish Council	28/01/2025	26/06/2025
Welham Green & Hatfield South	<a href="#">6/2024/2418/MAJ</a>	Land south of Welham Manor and west of Station Road, including 26 Station Road Welham Green AL9 7EL	Demolition of existing dwelling and other structures on site, and erection of 64 new homes, including new vehicular, pedestrian and cycle access to Station Road, pedestrian, cycle and emergency access only to Welham Manor, and associated groundworks, structures, landscaping, services and other infrastructure works	Mr James Wells	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council and Christine Wootton, North Mymms Parish Council	03/02/2025	26/06/2025
Welwyn East	<a href="#">6/2024/1183/MAJ</a>	55 New Road Digswell Welwyn Hertfordshire AL6 0AL	Erection of 3 storey 10 x apartment following demolition of existing dwelling, alterations to access, provision of parking and bin/cycle stores	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	18/07/2024	09/04/2025
Welwyn East	<a href="#">6/2024/2334/FULL</a>	124 Harmer Green Lane Digswell Welwyn Hertfordshire AL6 0ET	Conversion of existing domestic garage into 2 three bedroom dwellings	Mr Raymond Lee	Councillor Julie Cragg, Welwyn Hatfield Borough Council		26/06/2025

**Appendix 2 - All other applications not comprising call-ins or major objections**