

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 16 July 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

**Appeal Decisions 01/04/2020 to 25/06/2020**

6/2019/2362/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/20/3244891
<b>Appeal By:</b>	Mrs H Rock
<b>Site:</b>	49 Attimore Road Welwyn Garden City AL8 6LG
<b>Proposal:</b>	Erection of a two storey side and rear extension
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	03/04/2020
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal following the refusal of an application for a two storey side and rear extension in the Welwyn Garden City Conservation Area.</p> <p>The character and appearance of the Conservation Area has a quality that consists of carefully designed layouts with formal patterns where the design of architecture is in groups and individual buildings. The application was refused on the grounds that the cumulative impact of the proposed extensions would be out of proportion with the original dwelling and would fail to preserve or enhance the character and appearance of the Conservation Area because of their bulk, size and massing.</p> <p>The refused application followed another householder application which was withdrawn before it was determined. It is noted that the Inspector appears to refer to elements of the withdrawn scheme in this appeal decision, namely the following points:</p> <ul style="list-style-type: none"><li>• The side extension would not be proportionate in width to the original side projection, unbalancing the original dwelling.</li><li>• The introduction of three gable ends lead to both a cluttered appearance, and one which is not in keeping with the original design of the dwelling.</li></ul> <p>Given the above, the Inspector seems to have based the decision on the wrong set of drawings from the applicant's grounds for the appeal. However, the appeal summary is as follows:</p>

The Inspector considered the development would not result in a sympathetic and proportionate addition and would detract from the overall character and appearance of the host dwelling. The proposed side extension was noted to result in an unbalanced appearance to the frontage which failed to preserve or enhance the Conservation Area and the proposed rear extension was also described as dominating the rear elevation of the dwelling due to its overall width. The Inspector suggested that whilst views of the rear from the public realm would be limited, this does not obviate the need for the development to be of high-quality design.

Given the significance of the Conservation Area is derived from the individually designed buildings, the extensions would therefore result in harm to the significance of the Conservation Area. The harm to the setting of the Conservation Area was considered to be less than substantial in this instance but nevertheless of considerable importance and weight.

The appeal was dismissed.

#### 6/2019/2057/HOUSE

<b>DCLG No:</b>	APP/C1950/D/19/3242764
<b>Appeal By:</b>	Ms Fariyal Khanbabi
<b>Site:</b>	Richmond House Great North Road Hatfield AL9 6DA
<b>Proposal:</b>	Erection of two storey front extension
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	03/04/2020
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The main issues were 1) whether the proposal would be inappropriate development in the Green Belt; and 2) the effect on the character and appearance of the dwelling and area.</p> <p>In spatial terms, the proposal would increase the footprint and floor area of the original dwelling by 19% and 22% respectively. In visual terms, the Inspector considered that although the roof structure would exhibit a long projection from the roof plane of the original house, it would be well set-down from the main roof line and appear subservient. Also, the additional 2.7m projection from the front of the existing dwelling would be proportionately modest relative to the existing length, while generally maintaining the L-shaped form and footprint of the property. Therefore, it was considered that the scheme would not constitute a disproportionate addition to the original building, and accordingly would not be inappropriate development in the Green Belt.</p> <p>The Inspector took the view that the proposal would be subordinate in scale and would largely reflect the architectural language of the original</p>

	<p>dwelling. Also, it would not would not appear dominant or incongruous when viewed from the road given the prevailing architectural character along this part of Great North Road. As such, the scheme would not therefore harm the character and appearance of the existing dwelling or the surrounding area.</p> <p>The appeal was allowed’.</p>
<b>6/2019/2092/LAWP</b>	
<b>DCLG No:</b>	APP/C1950/X/19/3241741
<b>Appeal By:</b>	Mr O Brown
<b>Site:</b>	40 Great Ley Welwyn Garden City AL7 4TR
<b>Proposal:</b>	Certificate of lawfulness for installation of 1x side dormer to facilitate loft conversion
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	07/04/2020
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The dwelling is situated on a corner plot with two elevations.</p> <p>The Inspector found that the proposed dormer loft conversion to the side elevation would be within the limitations in Class B. However the Inspector concluded that the principal elevation of the appeal property is the façade which faces Great Ley and therefore, the dormer loft conversion, as proposed, would be to the side elevation.</p> <p>He dismissed the appeal as there was no indication as to whether the windows are either non-opening or with the parts of the windows which can be opened, more than 1.7 metres above the floor level in the rooms in which they are to be installed.</p>
<b>6/2019/2165/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/20/3244287
<b>Appeal By:</b>	Mr & Mrs Georgiou
<b>Site:</b>	Just House Coopers Lane Northaw Potters Bar EN6 4NJ
<b>Proposal:</b>	Erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	23/04/2020
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The main issues were:</p> <p>Green Belt</p>

The Inspector found the spatial and visual scale of the proposed development would be considerably larger than the existing fence. The increase in development on the site would reduce the visual permeability of the Green Belt. Due to the height and design of the proposal, it would make the site appear more developed and would result in harm to the openness of the Green Belt. He concluded the proposal would be inappropriate development in the Green Belt and loss of openness.

**Character and appearance of the area**

The Inspector found the proposed development would appear significantly higher than other boundary treatments along the road. The gates, in their suburban design and appearance, would be in contrast to the predominately verdant character around the site and would appear as a prominent and incongruous feature within the street scene. He concluded the development would harm the character and appearance of the area.

**Impact on nearby Listed Buildings**

The Inspector found the modern design and appearance of the proposed railings and gates would appear noticeably suburban, which would detract from the rural character of the street scene. Therefore, the addition of an incongruous boundary treatment would harm the wider rural characteristics of the setting of the group of Listed Buildings, particularly the adjacent Spinney Cottage. He concluded the proposal would have a negative effect on the significance of a designated heritage asset and would result in “less than substantial” harm. No substantive public benefits were put forward to weigh against this harm.

**Highway safety**

The Inspector found that the location of the proposed gates in close proximity to the highway and the waiting time of vehicles to enter the site would result in a detrimental effect on highway safety. Limited weight was given to remote access.

The appeal was dismissed.

**6/2019/2003/FULL**

<b>DCLG No:</b>	APP/C1950/W/20/3244419
<b>Appeal By:</b>	C/O Agent
<b>Site:</b>	53A Great North Road Welwyn Garden City AL8 7TL
<b>Proposal:</b>	Change of use from storage and distribution B8, to mixed uses office B1 and residential C3, compromising of 4 X dwellings following the demolition of building
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	07/05/2020
<b>Delegated or</b>	Delegated

<b>DMC Decision:</b>	
<b>Summary:</b>	<p>This appeal was for the demolition of an existing vacant commercial building and the erection of a 3 storey mixed use building incorporating office floorspace and 3 flats.</p> <p>The site is in the Green Belt and was refused on the grounds of adverse impact upon the Green Belt, shortfall of parking and detriment to highway safety, and lack of amenity space.</p> <p>The proposed building would be around 1.4m wider and 5.4m deeper than the existing building and would have a volume around 20% greater than the existing building. It would be sited around 5m further forward in the plot but is set below the level of the road by around 2m. It would intrude into the open space between it and the neighbouring dwelling.</p> <p>The Inspector commented that the building would be wider and deeper than the existing building and would have a bigger footprint. However, the openness of the Green Belt has both spatial and visual aspects: the Inspector considered that as the existing building is set back considerably from the building line along the road, the forward extent of the proposed development would be viewed against the backdrop of the neighbouring dwelling at 53 Great North Road and therefore it would be within the confines of the existing built development. The rear element of the proposal would also be single storey and would not be prominent. Though the proposal would be wider than the existing building, it would not be so to a significant degree and given the wide space between the existing building and the neighbouring dwelling, the openness of the Green Belt would be retained.</p> <p>The Inspector did not consider the volume measurements provided in the case officer report but stated 'While the proposed building would be larger than the existing, its design would be accommodated within the existing built form in a manner which would be consistent with the general pattern of development and character of the area and would not materially harm the openness of the Green Belt'.</p> <p>While there are only three parking spaces proposed for three flats and 73 sqm of office space, and the Inspector recognised that the Council's standards would require 10 spaces, he felt that the shortfall of parking would not harm highway safety; 'The evidence available from Streetview shows that even with cars parked on the road, there is sufficient room for two cars to pass and room for cars to park along its length'. The Inspector did not consider that there is a shortage of on-street parking spaces or that the level of on-street parking is currently causing harm to highway safety.</p> <p>The Inspector did however consider the proposal would not provide satisfactory living conditions regarding external amenity space with just a small, overshadowed area of garden at the rear of the building accessible by one flat only.</p>

The appeal was dismissed.

6/2019/2852/FUL

<b>DCLG No:</b>	APP/C1950/W/20/3246156
<b>Appeal By:</b>	Mr Wrangle
<b>Site:</b>	Howe Wood Farm White Stubbs Lane Bayford Hertford SG13 8QA
<b>Proposal:</b>	Retention of 3x scaffold racks, 6x containers and change of use of land from agriculture to Class B8 storage
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	22/06/2020
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The appeal concerned the change of use of land to create scaffolding and storage yards. The main issues included: impact on Green Belt; impact on the character and appearance of the area; effect on highway safety; and if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations</p> <p><b>Green Belt</b> The use included several scaffold racks and containers and the Inspector considered that these elements constituted visible intrusions which markedly reduce the openness of the Green Belt. He also took the view that the location and large scale of the development would be an encroachment into the countryside. The development would therefore represent inappropriate development in the Green Belt and conflict with one of the purposes of including land within it, in conflict with the NPPF</p> <p><b>Impact on character and appearance of the area</b> The Inspector considered that the containers and structures which make up the appeal site have an incongruous and utilitarian appearance, at odds with the verdant countryside surroundings and in conflict with Policies D1 and D2 of the District Plan and NPPF.</p> <p><b>Highway safety</b> The appellant did not provide any information to evidence that to demonstrate that vehicles travelling to and from the site along the lane and utilising either access can do so in a safe manner. Without such assurances, the Inspector could not reasonably conclude that the development would not have an unacceptable effect on highway safety. The development would therefore conflict with the NPPF.</p> <p><b>Other considerations</b> The appellant outlined that the use generates employment and is location, away from neighbouring properties, was better. These factors weighed in favour of the scheme. The appellant also stated that such</p>

uses are difficult to accommodate on allocated employment sites due to viability, however the Inspector highlighted that no viability evidence had been provided.

The benefits were not sufficient to outweigh the harm identified and the appeal was subsequently dismissed.