

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 20 JULY 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

Appeal Decisions 19/05/2021 to 09/07/2021

6/2019/2650/FULL	
DCLG No:	APP/C1950/W/20/3263367
Appeal By:	Mr G Prime
Site:	30 Beechfield Road Welwyn Garden City AL7 3RF
Proposal:	Change of use from amenity to residential land with the formation of a hardstanding
Decision:	Appeal Dismissed
Decision Date:	19/05/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal was an application for a change of use of land from amenity to residential with the formation of a hardstanding. The site is located in the Peartree Conservation Area. The Highway Authority objected to the proposal on the grounds of safety for pedestrians and other vulnerable road users.</p> <p>The application was refused for the following two reasons:</p> <ul style="list-style-type: none">• The proposed change of use of the amenity land would result in the use of the land as residential land which would result in a loss of green verge and soft landscaping which forms part of the verdant character of this part of the street and wider Conservation Area. The applicant has also failed to demonstrate that the proposed development would not have an adverse impact on the health and appearance of the public amenity tree to the south of the development.• The proposed development, by virtue of the design and siting of the proposed crossover and access, would not allow a safe and suitable means of access and would impact negatively on the safety of the adjoining highway. <p>The Inspector found that the proposal would erode some of the existing grass verge which is important to the character of the Conservation Area and would introduce a wide engineered access which would be prominent and imposing, at odds with the carefully planned environment. The introduction of parked cars as a result of the proposal was also considered to be demonstrably harmful to the</p>

	<p>planned surroundings of the Conservation Area.</p> <p>Limited weight was given to providing EV charging points due to the small scale of the proposed development. In addition, it was acknowledged that the proposal would take some cars off the public highway, but this was only given limited weight as no evidence was provided by the applicant to demonstrate the existing parking on the road was harmful to highway safety.</p> <p>In considering the second reason for refusal, the Inspector found that there was no evidence to confirm visibility would be substandard or that highway safety would be meaningfully compromised, therefore concluded the proposal would provide a suitable and safe access.</p> <p>As a result of the above, whilst the Inspector disagreed with the second reason for refusal, the application was dismissed as it was considered to cause harm to the Conservation Area.</p>
6/2020/1709/FULL	
DCLG No:	APP/C1950/W/20/3261226
Appeal By:	Mr Lockett
Site:	25 Ayot Green Ayot St Peter Welwyn AL6 9BA
Proposal:	Erection of 3 industrial units following demolition of existing outbuildings
Decision:	Appeal Dismissed
Decision Date:	28/05/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Appeal dismissed- 25 Ayot Green, AL6 9BA</p> <p>This appeal relates to a cluster of dilapidated buildings and a mixture of hardstanding and unmade ground. The appellant contends that the buildings are used for purposes that, at the time that the application was made, fell within Classes B1 (Business) and B8 (Storage or Distribution) of The Town and Country Planning (Use Classes) Order 1987 (the Order). The Inspector said “It is not the role of an Inspector dealing with an appeal in relation to an application for planning permission to conduct an exercise as to lawful uses or operations. Applications under sections 191 or 192 of the Town and Country Planning Act 1990 should be made to the Council for such purposes. Nonetheless, I must undertake an assessment of the evidence submitted in order to determine the merits of the appeal.”</p> <p>He concluded that he “cannot be certain as to whether the proposed buildings would be in the same use as the existing buildings. Furthermore, as land that is or was last occupied by agricultural or forestry buildings is excluded from the Framework’s definition of previously developed land, I cannot be certain that the site is previously developed”. And he conclude that there is harm by</p>

	<p>inappropriateness.</p> <p>The Inspector also concluded that the development fails to satisfies criterion a) of LP Policy EMP8.</p> <p>It was found that the proposal would be inappropriate development in the Green Belt and the site would be an inappropriate location for employment development.</p>
6/2020/1546/HOUSE	
DCLG No:	APP/C1950/D/21/3266935
Appeal By:	Ms L Hodsdon
Site:	Little House West End Lane Essendon Hatfield AL9 6AU
Proposal:	Erection of two storey side extension following demolition of existing garage
Decision:	Appeal Dismissed
Decision Date:	04/06/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Dismissed appeal</p> <p>The appeal concerned a two storey side extension to a dwelling in the Green Belt. The main issues were: Green Belt (appropriateness and effect on openness) and effect on character and appearance of area.</p> <p>Green Belt</p> <p>The Inspector considered that the proposal would result in a dwelling with a significantly greater massing than was originally constructed and appear disproportionately large. Consequently, it would represent inappropriate development in the Green Belt. He also considered that the proposal would result in a loss of Green Belt openness given its scale, height, proximity to the highway and prominence.</p> <p>Character and appearance</p> <p>The Inspector highlighted that a key characteristic of the village were that of dwellings being set back from the road and the appeal site complimented this. The proposal would extend the dwelling closer to the highway which the Inspector held would erode the character of the surrounding area. In addition, the proposed extension would feature blank elevations given the absence of windows, particularly on the front elevation at first floor level and the Inspector held that the proposal would not be complimentary towards the traditional form of architecture that is a feature of the appeal site and the surrounding areas.</p> <p>The other considerations advanced by the appellant were given limited</p>

	<p>weight in favour of the proposal. As such, no VSC existed to justify the proposal.</p> <p>The Inspector agreed completely with the Council's reasons for refusal.</p>
6/2020/1980/HOUSE	
DCLG No:	APP/C1950/D/21/3267107
Appeal By:	Mr G Avanzi
Site:	Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ
Proposal:	New entrance gate and driveway
Decision:	Appeal Dismissed
Decision Date:	04/06/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal was an application for an entrance gate and driveway which would be accessed from Vineyards Road in Northaw. The application was refused for being inappropriate development in the Green Belt which would also result in an unacceptable erosion of the physical attributes of the Landscape Character Area it is situated in.</p> <p>The proposed gate and piers were classed by the Inspector as a replacement building for the purposes of assessing the principle of the development in the Green Belt. The Inspector suggested the development would have a demonstrably greater mass than the existing structure, therefore it would exceed the size of the existing building. It should be noted that the existing structure is referred to in the appeal decision as a marked wire fence supported with wooden posts located behind a boundary hedge - this does not appear to be shown on the existing drawings. The increased built form was found to result in a physical loss of openness and a spatial sense of openness that is an intrinsic feature of the Green Belt. The proposal therefore failed to accord with paragraph 145(d) of the NPPF. The Inspector also found that the impact on openness would prevent the proposal from being in accordance with paragraph 145(g) of the NPPF.</p> <p>Although the proposed development would be of a different construction to existing, the Inspector found that it would not be incongruous as it would be viewed against a backdrop of physical boundary treatments which are considered to contribute to the varied character of the area. Reference was made to the development being viewed against comparable accesses that are a feature of the locality, as well as it not resulting in the loss or erosion of a feature which marks the boundary of a field.</p> <p>It was therefore concluded that although the proposal would not erode the character and appearance of the surrounding area, it would be inappropriate development in the Green Belt and would result in harm to openness.</p>

The appeal was dismissed.

6/2020/2248/OUTLINE

DCLG No:	APP/C1950/W/20/3265926
Appeal By:	Mr Sean Coleman
Site:	Land Off Bullens Green Lane, Colney Heath, AL4 0QQ
Proposal:	Outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access)
Decision:	Appeal Allowed
Decision Date:	14/06/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>Summary of the decision for this allowed appeal as follows..</p> <p>This appeal concerned an outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath. The site is cross boundary with St Albans City & District Council.</p> <p>It was agreed between the appellant and the Councils that in the context of the NPPF, the proposal would present inappropriate development within the Green Belt, a matter that must attract substantial weight against the proposals.</p> <p>The main issues were:</p> <ul style="list-style-type: none">- the effect of the proposal on the character and appearance of the area;- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;- the effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane;- whether the site is in an accessible location with regards to local services and facilities;- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. <p>The effect of the proposal on the character and appearance of the area The Inspector considered that, when on the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. She also took the view that Bullens Green Lane and Fellows Lane serve to enclose the site and provide a degree of containment from the wider countryside and beyond. From the south and in the wider landscape context, she felt that the appeal site appears against the backdrop of the existing dwellings as a relatively self-contained parcel of land on the edge of the settlement.</p>

While the built development and changes to the surrounding roads would result in visual changes to the area, the Inspector took the view that the impact would only have a localised impact and landscaping would significantly reduce the impacts of the development over time.

She concluded that the proposal would cause limited harm to the character and appearance of the area. Moderate weight against the proposal was attached to this factor.

The effect of the proposal on the openness of the Green Belt and the purposes of including land within it

Openness

The Inspector considered that the development would considerably reduce the openness of the site. Substantial weight against the proposal was attached to this factor.

Safeguarding the countryside from encroachment

It was agreed between the parties that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. The Inspector shared this view.

The Inspectors attention was drawn to a number of background evidence documents including Green Belt studies including, but not limited to, the 2013 Stage 1 Green Belt Review and 2019 Stage 3 Green Belt Review.

In the Stage 1 Green Belt Review, the appeal site was assessed against parcel 34, a 419ha parcel of land. The reports states that this parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. The Inspector however took the view that the characteristic of parcel 34, as set out in this review, bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, there is only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.

In the stage 3 Green Belt Review, the appeal site is included within a site of a much smaller area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel as a whole makes a significant contribution to the safeguarding of the countryside from encroachment. The report also notes that the impact of the release of the parcel as a whole from the Green Belt would be moderate-high. The Inspector however only placed limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 as a whole includes a much wider area and excludes part of the appeal site (i.e. that within SADC).

Mindful of her assessment of character and appearance in that the site (edge of settlement and distinction from the countryside beyond to the south and east of the appeal site) the Inspector considered that the proposal would only have a localised effect on the Green Belt, and that the broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. She therefore concluded in this respect that the proposal would not result in harm in term of the encroachment of the Green Belt in this location.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Inspector was aware that the emerging plan proposes a number of urban regeneration sites and some of which already have planning permission. However, there was no substantive evidence to suggest that the development at this site would dis-incentivise the urban regeneration of sites elsewhere. She identified no conflict with this purpose.

The effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane

The Councils considered that the proposal would cause less than substantial harm to the setting of a Grade II listed residential dwelling bordering the site. The Inspector disagreed with this view and considered that the proposal would not harm its significance.

Whether the site is in an accessible location with regards to local services and facilities

The Inspector disagreed with the Councils in terms of the site failing to provide satisfactory access to services and facilities by means other than the private motor car.

In terms of public transport, while she accepted that the buses serving these stops are limited in number and frequency and could by no means support regular commuting, they nevertheless provide an alternative mode of transport to the private car and could provide an important alternative to those sectors of the community who do not have access to a private car. She also noted that Welham Green Station is approximately 3.5km away.

In terms of cycling, while the Council's planning witness raised concern regarding the in relation to the nature of the roads and suitability for cycling, the Inspector gave more weight to HCC Highways advise under the refused planning application which said that cycling facilities are adequate with safe routes and access to the national cycle route network. She also saw evidence on her site visits of both Bullens Green Lane and Fellowes Lane being well used for recreational purposes, including walkers and cyclists. Having regard to these factors and the length of travel on bike to nearby services and facilities, the Inspector considered that cycling provides a reasonable alternative in this location to the private car.

In terms of journeys on foot, the Inspector highlighted that there would be choice of routes from the site to facilities and services in the village and day to day needs could be met without reliance on the private car.

Whether very special circumstances exist
The Inspector attached very substantial weight to the provision of market housing, substantial weight to the element of self-build and very substantial weight to the affordable housing provision.

The Inspector stated WHBC's housing land supply position to be a bleak one and the shortfall is considerable and significant.

Alarming affordable housing figures were also highlighted. The Inspector stated:

"In relation to WHBC, the affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. The appellant calculates that the shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97% shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum".

She then went on to state that the persistent under delivery of affordable housing in both local authority areas presents a critical situation.

In weighing the balance, the Inspector found that the other considerations in this case clearly outweigh the harm. Very special circumstances therefore existed to justify the development.

6/2020/2247/OUTLINE

DCLG No:	APP/C1950/W/20/3264748
Appeal By:	Mr D Brunt
Site:	Swan Stables Woodside Lane Hatfield AL9 6DE
Proposal:	Outline permission for the erection of a dwelling with all matters reserved
Decision:	Appeal Dismissed
Decision Date:	15/06/2021
Delegated or DMC Decision:	Delegated
Summary:	Dismissed appeal summarised as follows: This appeal concerned an outline application for the erection of a dwelling. The site contains a number of stable blocks arranged around a central area, in addition to other facilities relating to equine activities. The key issues were:

- Whether the proposal represents an inappropriate development in the Green Belt, and the effect of the development upon the openness of the Green Belt; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

While the application was submitted in outline with all matter reserved, plans and elevations of the proposed dwelling were provided on an indicative basis and the Inspector had regard to this.

The Inspector outlined that if the development were to proceed in a manner akin to the submitted indicative details, it would erode the physical character of the Green Belt's openness. He did acknowledge that there is a possibility that the final design of the proposed development would be of smaller proportions than the submitted indicative details. However, domestic paraphernalia and permitted development rights, either in isolation or, in unison, would create an increase in built form that is greater than the existing buildings. He found harm to the openness of the Green Belt and concluded in this respect that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In accordance with the NPPF, substantial weight was given to this harm.

The other considerations (comprising: an increase in the local housing supply; complaints from the existing use of the land, removal of activities on the site which do not have planning permission; and poor condition of the buildings) were collectively given limited weight. As such the harm to the Green Belt was not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development did not exist.

6/2020/2468/HOUSE

DCLG No:	APP/C1950/D/21/3266387
Appeal By:	Mr R Morrall
Site:	8 Valley Road Welwyn Garden City AL8 7DF
Proposal:	Installation of two front elevation dormer windows
Decision:	Appeal Allowed
Decision Date:	24/06/2021
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal related to the proposed installation of dormer windows within the front elevation of a dwellinghouse within the Conservation Area in Welwyn Garden City.</p> <p>The application was refused because it was considered that the proposed development would fail to preserve or enhance the character</p>

and appearance of the dwelling, as well as the Welwyn Garden City Conservation Area.

While the Inspector noted that the vast majority of roofs within the vicinity remain unaltered, he considered that dormer windows are an original design feature of some and, thus, form part of the streetscene. In addition, he considered that the dormer windows would be subordinate in scale and would not dominate the front roof slope, thus not harming the character or appearance of the appeal property. He therefore concluded that the size of proposed dormer with colonial patterned windows and tiled cheeks would be both: proportionate in scale to those below, maintaining symmetry along a vertical axis; and appropriate relating to the original architectural style of the appeal property and the design of neighbouring properties, thus not harming the character or appearance of the appeal property or the Conservation Area.

As a consequence of the above the appeal was allowed, subject to conditions.