

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE –14 APRIL 2022  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE)

**Appeal Decisions 19/02/2022 to 01/04/2022**

6/2021/1282/FULL	
<b>DCLG No:</b>	APP/C1950/W/21/3279134
<b>Appeal By:</b>	Tyrone Agius
<b>Site:</b>	45 Dixons Hill Close Welham Green Hatfield AL9 7EF
<b>Proposal:</b>	Conversion of existing stables into a residential dwelling
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	24/02/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the conversion of a stable building within the Green Belt into a dwellinghouse, which included changes to the fenestration detailing of the building but did not include extensions alteration to the size of the built form within the site. The application followed two previous application for the conversion of the stable and associated land for a residential garden which were both dismissed on appeal because of the harm that the proposed developments would have on the Green Belt. It is important to note that in dismissing these appeals the Inspector stated that the matters within these appeals were finely balanced.</p> <p>The way in which this application materially differs from the previous refusal is as follows:</p> <ul style="list-style-type: none"><li>• The reduction of the amount of hardstanding and the removal of one allocated parking space</li><li>• Alterations to the proposed fenestration detailing within the building</li><li>• Use of tinted glass and external black rollers to reduce light spill</li><li>• Reduction in the site area to reduce any potential spread of domestic paraphernalia</li><li>• Alteration to the hedgerow species within the proposed boundary treatments</li></ul> <p>This application was refused because while it was noted that the proposed amendments would to some extent reduce the impact of the proposed development within the Green Belt it was not considered that the proposed development would overcome the previous reasons for refusing the earlier applications for the conversion of the stables.</p>

The Inspector however found that the proposed amendment were sufficient to enable the proposed development to fall within the limitation of Paragraph 150(c) and (d) of the NPPF with the result that the proposed development was by definition appropriate within the Green Belt. As a consequence, subject to conditions, the Inspector allowed the appeal.

**6/2021/0036/FULL**

<b>DCLG No:</b>	APP/C1950/W/21/3274388
<b>Appeal By:</b>	Agne Peciulaite
<b>Site:</b>	47 Viaduct Way Welwyn Garden City AL7 1UB
<b>Proposal:</b>	Change of use of the land from amenity to residential land along with the fencing to be installed.
<b>Decision:</b>	Appeal Allowed
<b>Decision Date:</b>	10/03/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to change of use of land from amenity (open space) to residential land along with the fencing to be installed. This appeal was allowed with conditions.</p> <p>The main issue was the effect of the development on the character and appearance of the area.</p> <p>The Planning Inspector considered there would be some localised visual hardening from the fencing, however that it was similar to that of other boundaries onto the Open Space.</p> <p>The Planning Inspector agreed that you would be able to view garden paraphernalia. However you may also view this from other gardens adjacent to the Open Space.</p> <p>Overall it was not considered that this part of land was used as part of the wider area of Open Space and that it wouldn't adversely impact on the character and appearance of the area.</p> <p>The condition was that the fence couldn't be more than 1.8 metres high.</p>

**6/2020/3354/LB**

<b>DCLG No:</b>	APP/C1950/Y/21/3279240
<b>Appeal By:</b>	Cherie Lee
<b>Site:</b>	Dimsdale House Essendon Place High Road Essendon Hatfield AL9 6GZ
<b>Proposal:</b>	Erection of a new porch/boot room located in NE end elevation
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	18/03/2022

<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This was an appeal for Listed Building Consent for the erection of a new porch/boot room located in the NE end elevation.</p> <p>The main issue was the effect of the proposal on the special architectural and historic interest of the listed building as Dimsdale House forms part of Essendon Place, a Grade II listed building dating from the 1830s.</p> <p>The Inspector considered that whilst the single storey boot room would be of a size and scale that it would appear subservient to Essendon Place, it would compete with the existing porch and create a cluttered elevation.</p> <p>Accordingly, the Inspector found that the proposal would harm the special architectural and historic interest of the listed building. The harm identified would be less than substantial, however the harm that would be created is not outweighed by public benefits.</p> <p>The appeal was dismissed.</p>

#### 6/2021/2885/HOUSE

<b>DCLG No:</b>	APP/C1950/D/22/3295046
<b>Appeal By:</b>	Mr Erhan Binbay
<b>Site:</b>	7 Swanland Road North Mymms Hatfield AL9 7TG
<b>Proposal:</b>	Enlargement of existing dormer to include 1 x rear dormer, 2 x juliet balconies to rear elevation, 5 x front skylights, and alterations to fenestrations
<b>Decision:</b>	Late Appeal turned away
<b>Decision Date:</b>	25/03/2022
<b>Delegated or DMC Decision:</b>	Delegated

#### 6/2021/1527/HOUSE

<b>DCLG No:</b>	APP/C1950/D/21/3282852
<b>Appeal By:</b>	Mr & Mrs Meer
<b>Site:</b>	22 Rooks Hill Welwyn Garden City AL8 6ET
<b>Proposal:</b>	Erection of part two-storey extension to rear with a garage conversion.
<b>Decision:</b>	Appeal Allowed with conditions
<b>Decision Date:</b>	25/03/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to a refusal for the erection of a part two storey extension to the rear and the replacement of an existing garage with a single storey side</p>

extension.

The appeal property is a two storey semi-detached bay fronted house within the Welwyn Garden City Conservation Area. Properties within this part of the Conservation Area are generally characterised by simple orange/red brick walls, rosemary tiled roofs and through their symmetrical design, hipped roofs and generous landscape setting, which includes open plan front gardens and tree lined highway verges. They also contain attractive windows with horizontal, slender glazing bars that may reflect original 'Crittal' type window designs.

The application was refused because it was considered that the proposed side extension would result in a harmful alteration to the streetscene through the loss of the existing flat roof garage which is a characteristic feature of this row of semi-detached properties and because it would result in noticeable gap in the built form that breaks the symmetry currently witnessed from the street.

However, the appointed Inspector found that the contribution of the garage itself to the character and appearance of the Conservation Area was more limited than the Council suggested. Although a small gap would be created through this proposal and the garage door would be removed, it was considered that the important element of an ancillary type, flat roof structure being well set back within the building line would be maintained. Moreover the utilisation of a similar Crittal type window to the extension would relate well to those windows in the main property.

As a result it was found that although there would be some modest change caused by this proposal through, what would be a very modest gap between structures and the loss of a non original garage and its associated door, it was found that this would not cause harm to the overall significance of the parent property or to the Conservation Area as a whole.

Further to above, the appeal was allowed subject to conditions.

#### 6/2021/1792/HOUSE

<b>DCLG No:</b>	APP/C1950/D/21/3289765
<b>Appeal By:</b>	Mr and Mrs Robin Whitby
<b>Site:</b>	The Coach House 31 School Lane Welwyn AL6 9PQ
<b>Proposal:</b>	Erection of single storey rear extension, roof extension with rear dormer window, insertion of rooflights, internal alterations, landscaping and associated works.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	31/03/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	This appeal was dismissed.

The proposed development was for single storey rear extension, roof extension with rear dormer window, insertion of rooflights, internal alterations, landscaping and associated works.

The application was refused as follows:  
 The proposed extensions and alterations, by virtue of their scale and poor design features, would not be subservient to the property and would dominate the existing architectural features of the property. The proposal would subsequently fail to respect the character and appearance of the original dwelling and the locality, including the listed building at number 33 School Lane. Accordingly, the proposal is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Section 72 of the Listed Buildings and Conservation Areas Act, the Supplementary Design Guidance 2005, Policy SP9 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

The Inspector considered Paragraph 203 of The Framework relevant in that the effect of an application on the significance of a Non-Designated Heritage Asset should also be taken into account in determining an application, “where a balanced judgement will be required to the scale of any harm and the significance of the heritage asset”.

He determined that because he had evidence that The Coach House was constructed around the same time as ‘The Lodge’ (number 33 School Lane) and “New Place” in the wider estate, they are intrinsically linked.

He concluded that the proposal would substantially enlarge the building and in doing so would change the building’s origin as an ancillary estate building. In so doing the historic relationship between ‘New Place’ and ‘The Lodge’ would be affected.

In assessing this Less than Substantial Harm he saw no public benefits that would outweigh the harm to both the character and appearance of the Non-Designated Heritage Asset and the harm to the setting of both ‘The Lodge’ and ‘New Place’.

**6/2021/0747/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/21/3279552
<b>Appeal By:</b>	Mr and Mrs Gavin Johnstone
<b>Site:</b>	46 Blakemere Road Welwyn Garden City AL8 7PJ
<b>Proposal:</b>	Erection of first floor side extension, ground floor side extension, ground floor rear extension, first floor rear extension to facilitate loft conversion, fenestration alterations and replacement chimney
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	31/03/2022
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	This appeal was allowed.

The application is for the erection of first floor side extension, ground floor side extension, ground floor rear extensions, first floor rear extension to facilitate loft conversion, fenestration alterations and replacement chimney. The subject of the appeal was focused on a ground floor rear extension because the other elements have already been approved under a separate planning permission.

The application site is within the Welwyn Garden City Conservation Area. The proposed rear extension would be built from an existing rear extension that previously extended to the rear and to the side of the house thereby creating a type of wrap around rear extension. In contrast this proposal would see a single extra extension of around 2.8m from the existing rear wall into the rear garden. This extension would be a flat roof modern design with bi folding doors and conical roof lights above.

The Inspector noted that in terms of the design, scale and form of the proposed rear extension, although of a more modern aesthetic, the character, appearance and sense of hierarchy between the main part of the house and the extension would not be harmed. He went on to add that he considered that the modern flat roof design contributes to enabling the different phases of extensions to be more fully understood which he considered to be beneficial in enabling changes to the original character to be recognisable (I thought this line was quite useful as justification for flat roof extensions).

The same Inspector did not award costs. It is useful to note he was satisfied that a refusal with no negotiation was not unreasonable behaviour "as both the initial acknowledgement letter explained this procedure and the pre application mechanism was not pursued by the Appellant". This is useful in terms of not allowing amendments if a proposal is unacceptable in principle.