

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 13 SEPTEMBER 2023  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**Appeal Decisions 13/07/2023 to 31/08/2023**

6/2022/1097/OUTLINE	
<b>DCLG No:</b>	APP/C1950/W/22/3307844
<b>Appeal By:</b>	Aurora Properties (UK) Limited
<b>Site:</b>	Land to the North of Bradmore Way Bradmore Way The Brookmans Estate Brookmans Park
<b>Proposal:</b>	Outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2)
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	21/07/2023
<b>Delegated or DMC Decision:</b>	Committee
<b>Summary:</b>	<p>“The development proposed was Outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms and a scout hut. All matters were reserved except for access.</p> <p>The main issues in the appeal were:</p> <ul style="list-style-type: none"><li>• the effect of the proposal on the openness of the Green Belt and its purposes;</li><li>• the effect of the scheme on the character and appearance of the area;</li></ul> <p>and</p> <ul style="list-style-type: none"><li>• 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 within the Green Belt.</li></ul> <p>Green Belt</p> <p>It was common ground that the proposal constituted inappropriate development in the Green Belt. The area of dispute concerned the extent of the spatial and visual effects on Green Belt openness.</p> <p>In terms of spatial harm, the Inspector considered that if the appeal scheme were to go ahead there would a significant amount of Green Belt lost permanently to built development. On this point she agreed with the Council that the presence of built form cannot be tempered by the extent of containment of the site.</p> ”

Visually, the Inspector considered that while many views would be from the built-up environment and there would be containment from some aspects, this would not reduce the change visually from an absence of built form.

The Inspector also agreed with the Council that the appeal proposal would conflict with one of the purposes of including land the Green Belt as it would not assist in safeguarding the countryside from encroachment.

In this respect, she concluded that there would be significant harm to openness arising from the appeal scheme. This, harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

#### Character and appearance

One of the main areas of disagreement was regarding the extent to which the site is influenced by the existing settlement edge of Brookmans Park. The Inspector considered that the site is transitional and not strongly influenced by harsh and urbanising factors.

The Appellant submitted a Landscape and Visual Impact Assessment which said that the that the susceptibility of the appeal site is medium and as such it has the ability to accommodate the scheme. This position focused on the enclosure provided by the built development to the southern boundary and suggests that it would impart a suburban character. The Inspector did not agree that the site itself is heavily influenced by a suburban character and highlighted that this is one boundary and a singular relationship to the appeal site.

The Inspector appreciated that the site is contained to some extent but did not agree with the Appellants position that the development would have a slight adverse effect. In this respect, she concluded that the scheme would have an adverse effect on the character and appearance of the area, in conflict with Policies D1, D2 and RA10 of the District Plan.

#### Benefits

In terms of other considerations, the Inspector gave positive weight to the following:

- Very substantial weight to the provision of market housing
- Very substantial weight to the provision of affordable housing
- Substantial weight to the provision of self-build housing
- Significant weight to the provision of the care home
- Moderate weight to the provision of the scout hut
- Moderate weight to the 15% net gain for biodiversity
- Very minor weight to the comments made by the Local Plan Inspector relating directly to the appeal site
- Very minor weight to the location of the site
- Very minor weight to the economic benefits

The Appellant identified that the site has been found suitable for development within a number of other documents. The Inspectors response and, of particular note, was that the fact is that the site was not included in the list of sites taken

	<p>forward within the main modifications.</p> <p>Very special circumstances</p> <p>The Inspector stated that the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. However, very special circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, for the appeal to be allowed, the overall balance would have to favour the Appellant's case, not just marginally, but decisively.</p> <p>The Inspector found that the totality of the other considerations do not clearly outweigh the combined weight of the harm to the Green belt, harm to character and appearance and conflict with the development plan in this regard. Consequently, the very special circumstances necessary to justify the development did not exist and the appeal was dismissed."</p>
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### 6/2022/0686/HOUSE

<b>DCLG No:</b>	APP/C1950/D/22/3299572
<b>Appeal By:</b>	Mr Erhan Binbay
<b>Site:</b>	7 Swanland Road North Mymms Hatfield Hertfordshire AL9 7TG
<b>Proposal:</b>	Erection of single storey side extension for use as a garage
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	28/07/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to two applications at the same site:</p> <p>Appeal A: 6/2022/1138/HOUSE- loft conversion with rear dormer and front skylights, Juliet balcony and change of roof profile. Ground floor windows and bi-folding door</p> <p>Appeal B: 6/2022/0686/HOUSE- erection of the garage</p> <p>The main issues in regard to both appeals are:</p> <ul style="list-style-type: none"> <li>- whether the developments would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;</li> <li>- the effect of the developments on the openness of the Green Belt, and;</li> <li>- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposals.</li> </ul> <p>Whether inappropriate development</p> <p>Although the appellant disputed the floorspace figures calculated by the Council,</p>

the Inspector was not presented with any evidence in the form of alternative figures, and has therefore used the Council's figures.

The Inspector considered that "the developments proposed in both appeals, taken both individually, and together would amount to substantial additions to the size of the original building, leading to a building of significant increased size in comparison to its original form. I find that the level of increase in size would be disproportionate in both cases. Consequently, the proposals in both appeals would be inappropriate development in the Green Belt which is, by definition, harmful."

#### Openness

The developments proposed in both appeals would increase the size of the existing building.

The Inspector considered that "The Appeal A proposal would increase the volume, and therefore bulk of the roof structure, if not the overall footprint of the building. It would therefore lead to a noticeable increase in the size of the appeal property. Despite the level of vegetation around the appeal property, and the lack of wider public views of the rear of the property, it would lead to the harmful loss of openness which is currently afforded by the hipped roof design, between the appeal property and those neighbouring it."

The Inspector goes further to considered that "although the Appeal B proposal would infill an existing recess within the front elevation of the appeal property, it would nevertheless increase the size of the building overall and would reduce the visual articulation of the front elevation. It would therefore also lead to a loss of openness."

#### Other considerations

The other factors considered as part of this application are not matters of dispute, however the Inspector considers that these would be only neutral factors which would not weigh in favour of the schemes.

The Inspector goes on to note that "the appellant has highlighted that the following the implementation of the proposals, that the appeal property would be of a similar scale to other nearby properties, which have also been previously extended. However, my attention has not been drawn to specific examples of previous approvals or details provided."

The appellant states that the proposal would use energy efficient materials. Given the scale of the proposals, and limited detail provided within this regard, the Inspector afforded minimal weight in this favour.

#### Conclusion

The proposals in both appeals would be inappropriate development in the Green Belt, leading to harm to the openness. The harm to the Green Belt would not be clearly outweighed by the other considerations and therefore the very special circumstances required to justify the grant of planning permission have not been demonstrated.

Both Appeal A and Appeal B are therefore dismissed.

**6/2022/1107/OUTLINE**

<b>DCLG No:</b>	APP/C1950/W/23/3316025
<b>Appeal By:</b>	Shortgrove Developments Ltd
<b>Site:</b>	Roebuck Farm Lemsford Village Lemsford AL8 7TW
<b>Proposal:</b>	Outline Application for the development of up to 33 dwellings (Use Class C3) together with all ancillary works (all matters reserved except access) at land at Roebuck Farm, Lemsford Village
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	10/08/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to an outline application for the development of up to 33 dwellings together with all ancillary works (all matters reserved except access) at land at Roebuck Farm, Lemsford Village.</p> <p>The main issues with the appeal were:</p> <ul style="list-style-type: none"><li>• Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.</li><li>• The effect of the proposal on the openness of the Green Belt</li><li>• The effect of the proposed development on the setting of the nearby listed buildings including Grade II listed The Old Cottage, The Sun Inn, Lemsford Mill, Mill House and No.37, on the character and appearance of the Lemsford Conservation Area and the effect on the non-designated heritage asset of Roebuck Farm and Farmhouse.</li><li>• The effect of the proposed development on the character and appearance of the area.</li><li>• Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.</li></ul> <p>Green Belt</p> <p>In term of Green Belt appropriateness, the Inspector states that exception 149g of the NPPF is of relevance to the appeal and given that there is no evidence to the contrary to suggest that the paddock in question is not within the curtilage of the previously approved equestrian use, the appeal site was therefore considered to be previously developed land for Green Belt assessment purposes. In this case, affordable housing is being provide therefore test is whether there will be substantial harm to Green Belt openness. Notwithstanding this, the Inspector states that given the site's undeveloped and open nature, the proposed development of up to 33 dwellings that are visible in localised public views would clearly result in a significant increase in built form in this location in terms of height, footprint and volume, introducing urban development into an area where there currently is none. In this respect, the Inspector concluded that there would be</p>

substantial harm to openness arising from the appeal scheme.

#### Character and Appearance

In her decision, the Inspector stated that whilst the site is visually contained and new planting is proposed to the boundaries to soften and partially screen the development, the development would nevertheless be visible in local views, particularly from the public footpath. It was considered that the extent of the development is such that it would be a clearly urbanising feature, even considering its proximity to the existing built form in Lemsford. Therefore, although the effect would be localised, the proposed development was deemed to be harmful to the character and appearance of the area.

#### Heritage

In terms of impact upon heritage assets, the Inspector states that there would be less than substantial harm to the setting of the Grade II listed Old Cottage and to the Lemsford Conservation Area. There would also be a loss of significance of Roebuck Farm and Farmhouse, which minor harm is attributed. Notwithstanding the harm identified, the Inspector considers that the provision of housing is an important benefit that would outweigh the minor harm to the setting of the Listed Building and the Conservation Area in terms of Paragraph 202 of the NPPF.

#### Very Special Circumstances

In carrying out the Green Belt balance, the Inspector attributed substantial weight to the harm caused to the Green Belt by reason of the proposed development's inappropriateness and substantial harm to openness. Other minor harm was also attributed to heritage assets as well as the harm to the character and appearance of the area. In weighing up the benefits of the scheme, significant weight was given to the provision of market housing and affordable housing, along with the social and economic benefits of such provision. However, even taken with the other benefits put forward by the appellant (including biodiversity net gain), the Inspector did not consider that this would be sufficient to overcome the harm to the Green Belt as well as the totality of the harm to the other multiple important matters. Consequently, very special circumstances necessary to justify the development did not exist.

#### Planning Balance

The Inspector notes the shortfall of a 5-year supply of deliverable housing sites within the borough however in this case it was stated that the application of policies relating to the Green Belt provides a clear reason for refusing the development proposed, as set out in footnote 7 of the NPPF.

The appeal was therefore dismissed.

**6/2022/1113/FULL**

<b>DCLG No:</b>	APP/C1950/W/22/3312790
<b>Appeal By:</b>	Mrs Sruti Gudka
<b>Site:</b>	55 Cherry Way Hatfield AL10 8LF

<b>Proposal:</b>	Change of use from single dwelling (C3) to HMO (C4)
<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	18/08/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to a change of use from a single dwelling (C3) to HMO (C4) at 55 Cherry Way, Hatfield.</p> <p>Planning application 6/2022/1113/FULL was refused on the basis that the proposal would result in increased parking demand which would cause significant harm to the character of the area. The proposal also did not make provision for cycle storage facilities for the future occupiers.</p> <p>The application property is a mid-terrace dwelling which fronts a small triangular area of grass, situated within a predominantly residential area. The nearby roads accommodate parking, with no parking restrictions.</p> <p>With regards to parking, the Inspector stated that whilst she appreciated that it was a snapshot of time, at the time of the visit, she observed that there was a high degree of on-street parking, but that there was capacity to accommodate additional vehicles. The Inspector stated that the existing use was also likely to have resulted in some on-street parking demand which would be displaced by the proposal. In the absence of clear evidence of a local parking issue, the likely parking demand associated with the proposed units would not be significant and could be accommodated on the nearby roads.</p> <p>The Inspector highlighted that on-street parking is an accepted part of the character and appearance of the area and there is no reason to suggest that parking demand associated with the proposed development would be harmful to the character and appearance of the locality. It was therefore concluded that the proposed development would not be unacceptably harmful to the character and appearance of the area by reason of vehicular parking.</p> <p>Although the proposal did not include any cycle storage facilities, the Inspector observed during the site visit that there is sufficient space within the application site boundary to provide bicycle storage which would meet the standards the Council seek to achieve and this could be secured through a planning condition.</p> <p>The appeal was therefore allowed.</p>
<b>6/2022/2658/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/23/3319672
<b>Appeal By:</b>	Mr & Mrs A Rist
<b>Site:</b>	18A London Road Woolmer Green SG3 6JP
<b>Proposal:</b>	Erection of first floor side extension, single story rear extension and conversion of car port into habitable space

<b>Decision:</b>	Appeal Allowed with Conditions
<b>Decision Date:</b>	23/08/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to the erection of first floor side extension, single story rear extension and conversion of car port into habitable space at 18a London Road, Woolmer Green. The application followed refused applications 6/2020/1812/HOUSE and 6/2022/0298/HOUSE. These applications were for similar development and the more recent refusal was application 6/2022/0298/HOUSE, which was refused on the basis of representing a poor standard of design and causing undue harm to the living conditions of the occupiers of No. 6 Kimptons Court.</p> <p>This appealed application was also refused on the basis of poor standard of design and harm to the living conditions of the occupiers of No. 6 Kimpton Court. The application dwelling has a gabled roof and the proposed first-floor extension would feature a half-hipped roof, which was considered to result in an incongruous roof form which would detrimentally harm the character of the area, particularly given the application dwellings prominent position within the street scene. The positioning of the first-floor extension would be opposite a habitable window of No. 6 Kimpton Court, with the depth, height and scale of the first-floor extension considered to appear unduly overbearing when viewed from the only habitable window of the room it serves at No. 6 Kimpton Court.</p> <p>In regards to the design, the Inspector stated that the house's roof already lacked full symmetry due to the existence of the chimney at one end and that the design of the dwelling does not rely on a formal, symmetrical appearance. The Inspector stated that even in the prominent position, the proposed extension with its half-hipped roof would sit comfortably within and complement its context.</p> <p>Turning to residential amenity, the Inspector stated that the side window of No. 6 was situated high enough up and far enough away that, with the half-hip, it would maintain a reasonable outlook over and around the extension, and the extension would thereby not unduly dominate these views. The Inspector also stated that No. 6's main outlook to the front and rear would remain unaffected, with the development not resulting in an adverse impact to the light or privacy of the occupiers of No. 6.</p> <p>The appeal was therefore allowed.</p>
<b>6/2022/1138/HOUSE</b>	
<b>DCLG No:</b>	APP/C1950/D/22/3303852
<b>Appeal By:</b>	Mr Erhan Binbay
<b>Site:</b>	7 Swanland Road North Mymms Hatfield AL9 7TG
<b>Proposal:</b>	Loft conversion with rear dormer and Juliet balconies, front rooflights, change to existing rear extension roof profile, alteration of the existing roof from a hipped design to a half hip and fenestration alterations
<b>Decision:</b>	Appeal Dismissed



<b>Decision Date:</b>	28/08/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal relates to two applications at the same site:</p> <p>Appeal A: 6/2022/1138/HOUSE- loft conversion with rear dormer and front skylights, Juliet balcony and change of roof profile. Ground floor windows and bi-folding door</p> <p>Appeal B: 6/2022/0686/HOUSE- erection of the garage</p> <p>The main issues in regard to both appeals are:</p> <ul style="list-style-type: none"> <li>- whether the developments would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;</li> <li>- the effect of the developments on the openness of the Green Belt, and;</li> <li>- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposals.</li> </ul> <p>Whether inappropriate development</p> <p>Although the appellant disputed the floorspace figures calculated by the Council, the Inspector was not presented with any evidence in the form of alternative figures, and has therefore used the Council's figures.</p> <p>The Inspector considered that "the developments proposed in both appeals, taken both individually, and together would amount to substantial additions to the size of the original building, leading to a building of significant increased size in comparison to its original form. I find that the level of increase in size would be disproportionate in both cases. Consequently, the proposals in both appeals would be inappropriate development in the Green Belt which is, by definition, harmful."</p> <p>Openness</p> <p>The developments proposed in both appeals would increase the size of the existing building.</p> <p>The Inspector considered that "The Appeal A proposal would increase the volume, and therefore bulk of the roof structure, if not the overall footprint of the building. It would therefore lead to a noticeable increase in the size of the appeal property. Despite the level of vegetation around the appeal property, and the lack of wider public views of the rear of the property, it would lead to the harmful loss of openness which is currently afforded by the hipped roof design, between the appeal property and those neighbouring it."</p> <p>The Inspector goes further to considered that "although the Appeal B proposal would infill an existing recess within the front elevation of the appeal property, it would nevertheless increase the size of the building overall and would reduce the visual articulation of the front elevation. It would therefore also lead to a loss of</p>

	<p>openness.”</p> <p>Other considerations</p> <p>The other factors considered as part of this application are not matters of dispute, however the Inspector considers that these would be only neutral factors which would not weigh in favour of the schemes.</p> <p>The Inspector goes on to note that “the appellant has highlighted that the following the implementation of the proposals, that the appeal property would be of a similar scale to other nearby properties, which have also been previously extended. However, my attention has not been drawn to specific examples of previous approvals or details provided.”</p> <p>The appellant states that the proposal would use energy efficient materials. Given the scale of the proposals, and limited detail provided within this regard, the Inspector afforded minimal weight in this favour.</p> <p>Conclusion</p> <p>The proposals in both appeals would be inappropriate development in the Green Belt, leading to harm to the openness. The harm to the Green Belt would not be clearly outweighed by the other considerations and therefore the very special circumstances required to justify the grant of planning permission have not been demonstrated.</p> <p>Both Appeal A and Appeal B are therefore dismissed.</p>
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**6/2022/1735/HOUSE**

<b>DCLG No:</b>	APP/C1950/D/22/3309524
<b>Appeal By:</b>	A D Practice Ltd
<b>Site:</b>	Digswell Bridge Digswell Lane Welwyn AL6 0SW
<b>Proposal:</b>	Erection of garden room/store
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	31/08/2023
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>The application for the erection of garden / hobbies shed and garden room on an island (surrounded by the River Mimram) was refused under ref: 6/2022/1735/HOUSE. The associated dwelling is Grade II listed. The River Mimram runs through the garden of the host property. The Inspector concluded that: “On account of its position and distance from the host property I do not consider it is reasonable to regard the proposed building as an extension to the host property. The proposed development would not conform with any of the other exceptions set out in paragraph 149 of the Framework”. They said that the proposal would comprise inappropriate development in the Green Belt, contrary to Policies GBSP1 and RA3 of the DP, Policy SADM34 of the draft LP and the Framework.</p>

In terms of openness the Inspector conclude that “The proposal would introduce built form where presently there is none. Therefore, in spatial terms the proposed development would lead to a loss of openness”. The development would cause some, albeit very limited, harm to the openness of the Green Belt in both spatial and visual terms.

In relation to character and appearance, The Inspector said that given the location of the proposed garden room and that it would be set in from the boundaries of the site and largely screened from view by extensive landscaping the proposed development would not be visually intrusive to the semi-rural character of the surrounding area.

They agreed with the Council’s view that, given the distances involved, the proposal would not be harmful to the setting of the listed building.

The appeal was dismissed.

The Inspector said the Draft Local Plan has not yet reached the adoption stage so that the emerging policies could not be afforded substantial weight as a material consideration.