

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 19 DECEMBER 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 11/10/2024 to 10/12/2024

6/2024/0614/FULL	
DCLG No:	APP/C1950/W/24/3345771
Appeal By:	McPartland Planning Ltd
Site:	2 Copse Hill Welwyn AL6 0SG
Proposal:	Erection of a new dwelling
Decision:	Appeal Dismissed
Decision Date:	18/10/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a proposed new dwelling.</p> <p>The Inspector considered that the appeal site makes a positive contribution to the wider area. It is heavily wooded with mature trees and other greenery. The application was not refused by the Council in respect of design, nevertheless, the Inspector concluded that the new dwelling would not sit comfortably within the landscape setting which is provided by this plot. It would be overly dominant due to its substantial footprint combined with its height. They disagreed with the Council's assessment and considered that the development would represent poor design in this particular context as it would fail to adequately take account of its immediate setting with regard to its proposed scale; and with regard to its wider setting.</p> <p>The Inspector agreed that the proposal would adversely impact the living conditions of the adjacent occupiers.</p> <p>With regard to accessibility, the Inspector concluded that vehicles and pedestrians can coexist without significant safety issues. They considered that the proposal is not in the most accessible location but despite the concerns with regard to the lack of pavements along the route, beyond these narrow lanes and within the wider local road network, the addition of a further dwelling would not conflict with policies.</p> <p>The Inspector did not accept amended drawings that were received as part of the appeal process. The plans show an altered internal layout of the first floor of the dwelling to avoid overlooking from habitable rooms. They did not accept the amended plans without prejudice to other parties, particularly the residents of 28 Robbery Bottom Lane.</p>

	<p>In weighing any benefits, which can be afforded greater weight given the local housing supply position, the Inspector concluded that the development would result in considerable environmental harm to the character and appearance of the area, and it would represent poor design in this particular context.</p> <p>The appeal was dismissed.</p>
6/2023/1065/FULL	
DCLG No:	APP/C1950/W/24/3337063
Appeal By:	Mr Muhammad Bashir
Site:	1 Warren Green Hatfield Hertfordshire AL10 0AJ
Proposal:	Erection of rear extension with flat roof to existing dwelling (No.1) and construction of a two storey 2 bedroom house adjacent to the existing dwelling, following demolition of the existing side extension. New crossover and access proposed for the existing dwelling, with the new dwelling utilising the existing access.
Decision:	Appeal Dismissed
Decision Date:	18/10/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a rear extension with a flat roof to the existing dwelling (No.1); and the construction of a two storey, two bedroom house adjacent to the existing dwelling, following demolition of the existing side extension.</p> <p>The main issue was whether the proposal would provide suitably designed parking and access arrangements.</p> <p>No objection has been raised to the principle of a new dwelling or the impact on the character or appearance of the area, subject to the retention of the existing roadside hedge along Cornerfield.</p> <p>The highway authority was concerned that it has not been demonstrated how the parking space outside the new house would be utilised based on the layout shown. Although an illustration of a car is provided, no dimensions of the parking space are provided. Although the highway authority asked for a swept path illustration, this had not been submitted.</p> <p>The planning officer asked for an accurately surveyed plan due to concerns with regard to the space that would be available for parking. It had not been demonstrated, on any plan, that the space available would actually be capable of accommodating a full sized parking space, or that the space could be accessed in a convenient manner.</p> <p>Moreover, parking, if actually possible fully off the pavement, would require significant manoeuvring within the pavement. It is also likely that access to the front door would be hindered by such parking, or alternatively, a parked vehicle would extend onto the pavement. In any event, the layout would result in a particularly poor frontage with unacceptable access arrangements for the new dwelling.</p>

Overall, the parking and access arrangements and the frontage design of the new property would represent particularly poor design. This is a relatively large plot and it could accommodate a dwelling without the need for such compromised parking and access arrangements.

As the current layout represents particularly poor design and would not provide a suitable means of access or adequate parking provision, it would be contrary to the requirements of policies SP 9 and SADM 2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (2023).

Consequently, the appeal is dismissed.

6/2024/0042/FULL

DCLG No:	APP/C1950/W/24/3341182
Appeal By:	Mr R Fyson
Site:	Brocksfield Stables Homerswood Lane Welwyn AL6 9AD
Proposal:	Change of use of existing stables with external alterations to form a 4 bedroom detached dwelling with associated car parking and use of existing vehicular access
Decision:	Appeal Allowed with Conditions
Decision Date:	22/10/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the change of use of existing stables with external alterations to form a four-bedroom detached dwelling with associated car parking and use of existing vehicular access.</p> <p>The application was refused because although there is lawful development certificate that confirmed that the stable and land within the red line for that application is lawful. It was not demonstrated that the whole site can be considered as being previously developed because the majority of the site is open and undeveloped and the red line extends beyond the red line of the certificate, into a wooded area</p> <p>However, the Inspector concluded that the proposal would not increase the scale of built development and would reduce the surfaced areas of the site. They concluded that the small area of land to the rear did not fall within the land associated with the certificate of lawfulness, its change of use would not result in any physical development that would change its openness.</p> <p>In relation to character, the Inspector concluded that although they were not satisfied that the development would enhance the appearance of this site, conditions could ensure that any impact on the landscape would be minimised.</p> <p>With regard to whether the proposal is a suitably accessible location for a new dwelling, it was concluded that although the accessibility of the site reduces its sustainability credentials it would contribute to local economic development and the new residents would contribute to social and economic objectives as they would be likely to utilise facilities and services in the local area and contribute to</p>

	<p>the life of local communities. They said that the site is not a location ideally suited to new residential development as it would not help to deliver a sustainable pattern of development which minimises the need to travel. It would contribute to important elements of sustainable development such as providing new housing and doing so on previously developed land.</p> <p>The Inspector did not consider suggested conditions regarding bin and cycle storage; and electric charging points were necessary given the retention of a building for cycle storage and given the scale of the site and the requirements of other regulations.</p> <p>The appeal was allowed.</p>
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6/2023/2443/FULL

DCLG No:	APP/C1950/W/24/3342317
Appeal By:	Mr Pedram Aghaei
Site:	109 Woods Avenue Hatfield AL10 8QQ
Proposal:	Erection of double garage and storage area for flat A and B following demolition of existing garage
Decision:	Late Appeal turned away
Decision Date:	05/11/2024
Delegated or DMC Decision:	Delegated
Summary:	None

6/2024/0083/HOUSE

DCLG No:	APP/C1950/D/24/3350895
Appeal By:	Mr Sunil Modhvadia
Site:	24 Great North Road Welwyn AL6 0PS
Proposal:	Retention of front boundary wall
Decision:	Appeal Dismissed
Decision Date:	08/11/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a 2m high brick wall built across the front boundary of the property. Boundary hedging was removed and the wall was built without permission. The main issue is the effect of the proposal on the character and appearance of the dwelling and the area. The site comprises a large detached house sited on a very wide plot within a row of dwellings on a busy road at the edge of a residential area with fields on the opposite side of the road.</p> <p>Most dwellings in the area benefit from tall mature green edges which provides significant screening of the dwelling. The inspector noted the exception of the red brick wall along the frontage of a children's nursery but that is some distance away from the appeal site, and agreed with the Council assessment stating that it is</p>

necessary for safety. Moreover, it is finished with a red brick which reflects the character of the area. The context and justification for that wall therefore differs significantly from this proposal.

The siting of the proposed wall, together with the hardness and colour of the brick materials used, introduces a feature and materials not generally seen elsewhere along this long stretch of road and presents a stark contrast to the softness and greenery of most of the other residential boundaries. Although the light buff brick materials are of a high quality, they are not appropriate in this location. The extensive length of the wall, together with its height, emphasises its presence. The siting, scale and materials of the wall draw attention to and exacerbates this already prominent property to an unacceptable degree unlike the most of the other properties that are softened by mature planting. The straightness of the road means that the wall can be seen from some distance in both directions, interrupting this generally leafy section of road and detracting significantly from the street scene.

As part of the appeal the applicant submitted amended plans showing planting in front of the wall. However the inspector concluded that as that planting would be on land outside the appeal site and no form of legal agreement was presented to secure it, the inspector was unable to give any significant weight to that in this appeal. In any case, that would not overcome the fundamental objection to the presence of the wall because a screened wall does not have the same degree of softness as a hedge. Given the light colour of the wall, it is unlikely that planting could provide sufficient screening and even if it were acceptable it would take a long time for any planting to mature.

The appeal was therefore dismissed.

6/2023/2066/HOUSE

DCLG No:	APP/C1950/D/24/3352908
Appeal By:	Mr Fazliddin Kurbanov
Site:	16 The Wade Welwyn Garden City AL7 4LG
Proposal:	Erection of a rear conservatory
Decision:	Appeal Allowed with Conditions
Decision Date:	14/11/2024
Delegated or DMC Decision:	Delegated
Summary:	This appeal relates to the erection of a conservatory to the rear of the dwelling. The application was refused as the submitted plans are inconsistent and inaccurate, and also included development which was not within the proposal. The inspector stated that the plans are not of a style typically submitted for a planning application. However, the diagrams along with the supporting measurements give sufficient detail in understanding the scale and form of the proposal, and that there is just about enough information to be able to assess the proposed conservatory in planning terms.

The inspector stated that as the conservatory is at the rear of the dwelling, it would be well screened from public views and clearly would be a subservient addition with a modest height and typical of neighbouring property extensions. It would blend seamlessly with the existing property and be a logical addition. Due to the reasonable height and length of the proposal, it would not result in the extension blocking neighbouring light or reducing their outlook unacceptably. In addition, and due to the existing boundary treatments and the siting of the proposal, there would be no unacceptable impingement on the privacy of neighbours through overlooking. Resultantly, the proposal would not harm the character and appearance to the area or the living conditions of the occupiers of neighbouring properties.

The appeal was therefore allowed.

6/2023/1748/FULL

DCLG No:	APP/C1950/W/24/3342990
Appeal By:	Mr & Mrs Beesley
Site:	Northaw Brook Meadow Coopers Lane Road Northaw EN6 4FB
Proposal:	Conversion of a stable block into dwelling
Decision:	Appeal Dismissed
Decision Date:	19/11/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a proposal for conversion of a stable block to a single, two-bedroom dwelling.</p> <p>The main issues for consideration were:</p> <ul style="list-style-type: none"> • Green Belt • Character and appearance • Location • Refuse and Recycling • Flood risk • Very special circumstances <p>Green Belt The appeal site includes land between the stable block and the manège. During the Inspector’s site visit there was a structure present on this area of land which was not shown on the submitted plans. There was no evidence to say whether it is a permanent structure or whether it has been granted planning permission. Also, there was no indication on the submitted plans that it would be retained in this location if permission were to be granted. The Inspector therefore determined the appeal based on the submitted plans. These indicate that this land would be changed to a residential use in association with the proposed house.</p> <p>This area of land is relatively large, significantly greater in footprint than the buildings. The change of the site to a residential use would be likely to impact on both the spatial and visual openness of the Green Belt and would amount to an encroachment into the countryside given its present use as a modest stable block</p>

and garage as part of the wider stables.

The appeal proposal would therefore be inappropriate development in the Green Belt.

Character and appearance

The appeal site comprises a working stables with several outbuildings, including a barn and field shelters. The appeal buildings are low-level structures of limited visual presence in the wider setting. While the appeal proposal involves some minor changes to the appearance of the stable block, its general form would remain in keeping with the rural setting, and it would be seen in the context of the surrounding stable yard and associated buildings, including a large barn which lies between the appeal buildings and the road. However, the residential use of the land between the stable block and manège would result in a scale of development out of keeping in this setting.

Location

The appeal site is in a rural location, more than a mile from the nearest services and facilities, including public transport. There is no lighting or footpaths along Coopers Lane Road making pedestrian access unsafe and unattractive. Travel to and from the site is therefore likely to be by private vehicle. Even allowing for the reduced traffic levels associated with the site, it is not a suitable location for residential development. On balance, it was considered that the appeal proposal would conflict with the identified aims of local and national policies.

Refuse and recycling

If the Inspector were minded to allow the appeal, they were satisfied that adequate provision for the storage and collection of refuse and recycling could be provided.

Flood Risk

An updated Flood Risk Assessment showed that flood risk associated with the site and proposed development can be adequately managed.

Collectively, the Inspector found that the benefits of the proposal would attract moderate weight. This would not be sufficient to clearly outweigh the harm to the Green Belt and the other harm identified, so very special circumstances did not exist in this case.

The appeal was dismissed

6/2024/0516/PN8

DCLG No:	APP/C1950/D/24/3345261
Appeal By:	Mr Nouradine Ramdani
Site:	12 Homestead Road Hatfield AL10 0QL
Proposal:	Prior approval for the erection of a single storey rear extension with flat roof measuring 5.75m in depth, 3m in height and 3m to the eaves
Decision:	Appeal Dismissed
Decision Date:	20/11/2024

Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a prior approval application for a larger home extension, our application reference 6/2024/0516/PN8.</p> <p>This application was refused because the host dwelling benefits from an outrigger which is connected to the main dwelling. This appears to be a feature on several houses nearby. No evidence was submitted with the application to show that the outrigger was not original. The outrigger therefore forms part of the original dwellinghouse for the purposes of this assessment. The proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.</p> <p>The Inspector agreed to our assessment and the appeal was dismissed.</p>
6/2022/2775/HOUSE	
DCLG No:	APP/C1950/W/24/3343212
Appeal By:	Mr N Johnson
Site:	Flint Cottage Blackhorse Lane South Mimms Hertfordshire EN6 3NB
Proposal:	Alterations to dormers and crown roof over rear extension
Decision:	Appeal Dismissed
Decision Date:	03/12/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to alterations to dormers and crown roof over rear extension.</p> <p>The main issues were:</p> <ul style="list-style-type: none"> • Whether the proposal would be inappropriate development in the Green Belt • The effect of the proposal on the openness of the Green Belt, and; • 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. <p>Background</p> <p>The appeal site includes a detached dwelling surrounded by woodland. The site has an extensive planning history, of which the following is most pertinent:</p> <p>In 1994 permission was granted for what had been two semi-detached cottages to become one house and for it to be extended. Some permitted development rights, including those allowing further extensions, were removed so as to control development which may have a detrimental effect on a nearby Site of Special Scientific Interest (SSSI). Further extensions to the dwelling were permitted in 2004. Both the 1994 and 2004 permissions were implemented.</p> <p>Thereafter, unauthorised development took place. A retrospective application was refused in 2011, and an enforcement notice (the notice) requiring the demolition of</p>

both an outbuilding and of extensions and enlargements of the dwelling was upheld at appeal in 20141 (the EN appeal). Soon after, a planning application was submitted for alterations to the dwelling, including the retention of some of the development addressed by the notice. In 2018 this was refused and a subsequent appeal2 (the PA appeal) dismissed.

The development addressed by the notice remains in place.

Whether inappropriate development

Paragraph 154 exception c of the NPPF is relevant which is for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Policy SADM34 of the Local Plan closely follows the NPPF, also specifying disproportionate additions are to be considered in terms of bulk, scale, height or massing, and requires that account be taken of consistency with the general pattern of development, character of the area, and prominence in the landscape.

The footprint has increased from some 95m² to 187m², the floor area from 162m² to 390m², the roof volume from 95m³ to 242m³, the roof height from 3.1m to 3.8. The ridge length is 11m at present and, though the original length is not stated, it was 6m as of the 1994 and 2004 permissions.

The EN appeal found that the above increases were inappropriate development in the Green Belt. The proposal is for the same development as exists, less the pitched roofs on the six roof dormers, which would become flat-roofed, and the top part of the ground floor rear extension roof, which would be lowered.

The sum of the additions would result in a footprint increase of some 10m², a floor area increase of some 138%, a roof volume increase of slightly less than 150%, a roof height increase of some 700mm, and a ridge length increase of some 5m. In quantitative terms the extensions to the original building are substantial. Visually, the additions to the building have altered it significantly from the original humble cottages. In both respects, the sum of the additions is disproportionate over and above the size of the original building.

For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy SADM34 of the Local Plan, and with the Framework.

Openness

The appeal proposal comprises built development where it did not previously exist and, as such has a spatial effect on openness.

The bulk, scale, height, and massing of the appeal proposal are at odds with undeveloped, verdant character of the surrounding area and landscape.

The proposal would result in a harmful loss of openness, albeit one which would be slightly tempered by the secluded location of the site.

Other considerations

There is no dispute as to the protection afforded to bats, that since the PA appeal in 2018 bats have been found to roost at the appeal dwelling, or that work affecting bat roosts requires a licence from Natural England.

The requirements of the notice and whether the presence of bat roosts at the appeal dwelling justifies non-compliance with them are not matters before the Inspector.

It is not evident that an application for a license is bound to be refused. Furthermore, there is no evidence that a license was refused. As a result, and even if implementation of the appeal proposal would retain all existing bat roosts, it is not evident that the appeal proposal is the only way in which bats could be protected. Minimal weight is afforded.

Whilst the Inspector in the EN appeal expressed her hope that discussions between the parties would follow, she also upheld the enforcement notice without modification and made it clear that whether to waive any of its requirements was a matter for the Council. That remains the case. Even if the 2014 application had the support of officers, it was refused by the Council and was, in any event, a different scheme to that before the Inspector. Minimal weight is given to the EN appeal.

The condition restricting permitted development rights was imposed to protect the SSSI, and no harm to it has been identified by the Council. Minimal weight is afforded to the reason for the condition.

The appellants concerns over the time taken by the Council, and their assertion that bats have roosted in the meantime are noted by the Inspector. The performance of the Council is not a matter before the Inspector and, if the appellant has sufficient grounds, they may pursue a complaint independently to this appeal. In any event, it is not evident that the appellant was awaiting a decision from the Council in the period when the bats roosted. Overall, Council timescales carry minimal weight, therefore.

There is no reason to doubt that the appellant has undertaken improvements to the site and surrounding area, nor that the work undertaken to the dwelling has resulted in an energy efficient building. These matters do not alter the planning merits of the appeal proposal and as such, carry minimal weight.

The personal circumstances of a family member of the appellant is noted. There is very little evidence to confirm these circumstances. These matters attract minimal weight, therefore.

The Green Belt Balance and Conclusion

The proposal constitutes inappropriate development in the Green Belt and harms openness.

For the reasons given, the cumulative weight of the other considerations in this case does not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify this development do not exist.

The development is contrary to Policy SADM34 of the Local Plan, and also with the Framework, both of which seek to protect the Green Belt.

Consequently, the appeal is dismissed.