

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 14 JANUARY 2025
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 10/12/2024 to 03/01/2025

6/2024/0181/FULL	
DCLG No:	APP/C1950/W/24/3346636
Appeal By:	Omnicreast Construction LTD
Site:	Marlborough Court Green Close Brookmans Park AL9 7ST
Proposal:	Three storey side extension comprising an enlarged building to support the change of use of the first floor from storage to a new two bedroom flat, new entry and staircase and the creation of two terrace areas, with the relocation of two parking spaces underneath. New roof structure with dormers to create an additional floor accommodating a further new one bedroom flat. Addition of a further dormer to the existing flat at No.19. Conversion of existing entry area to bike store and meter cupboard and the relocation of the refuse storage
Decision:	Appeal Dismissed
Decision Date:	11/12/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the removal of the existing roof containing a store, the erection of a first floor extension containing a 2 bed flat, new roof structure containing a 1 bed flat with front facing dormers, a 3 storey side extension containing a staircase and balconies and an additional dormer to separate flat, extension to adjoining flat number 19.</p> <p>The main issues were:</p> <ol style="list-style-type: none">1) whether the proposed development would provide satisfactory living conditions for the future occupants with particular regard to noise,2) whether sufficient vehicle parking is available for the proposed development,3) whether there are adequate refuse storage arrangements to cater for the proposed development,4) the effect of the proposed development on the character and appearance of the area. <p>Living conditions The appeal site is located adjacent to the East Coast Mainline.</p> <p>Whilst the proposed flats have been designed with no windows or other openings to the aspect facing the railway line, the potential for noise intrusion would still be significant given the proximity.</p>

The submitted noise assessment related to a differing scheme. Accordingly, it is not possible to make a fair assessment on the effects of noise from the railway line upon the future occupants of the proposed flats.

The proposed development therefore fails to comply with policies SADM11 and SADM18 of the Welwyn Hatfield Borough Local Plan 2023 (WHLP), the Supplementary Design Guidance and the National Planning Policy Framework (the Framework) insofar as development should provide good standard of amenity for the occupants.

Vehicle parking

The proposed development would displace two parking spaces in order to enable its construction.

One would be replaced and would be set beneath the proposed extension. The other would be set adjacent to the repositioned refuse store. The latter, however, is substandard in terms of its dimensions. It would result in a vehicle overhanging the carriageway causing an obstruction to pedestrians, cyclists and vehicles. As such this cannot be regarded as a vehicle parking space.

This amounts to a net shortfall of three spaces.

The proposed development therefore fails to comply with policies SP9, SADM2 and SADM12 of the WHLP and guidance contained in the WHCPS and WHPGPS in that parking spaces should be appropriately related to the part of the development that they serve.

Refuse store

Insufficient information has been provided that would allow the Inspector to make an assessment as to whether the refuse storage capacity is sufficient to cater for the development.

Whilst the storage may be sufficient to cater for the development, and a condition could be imposed to secure further details, there is not sufficient detail that would allow the Inspector to form such a judgement.

The proposed development therefore does not comply with policy SP9 of the WHLP and the Supplementary Design Guidance insofar as these policies require the delivery of high-quality design.

Character and appearance

The site is set along Green Close which is a relatively recent development of terraced houses and flats. These buildings are predominantly three storeys in height.

The extension would be formed over an existing wing of the building which presently features garaging to the ground floor with a storage area in the roof space. This would be increased in height to broadly align with the height of the remainder of the building.

The extension would be visible and quite prominent in views along this section of the road as it bends round the corner. This would close off longer views across the railway line and to the countryside beyond. It would also enclose this part of the road by providing a continuous building that would be three storeys in height.

The extension would be in line with the height of the existing building and would not be subordinate to it.

However, the extension is well designed and would integrate with the existing building. It would reflect its form and features. Although it would not be subordinate in height to the remainder of the building, it would not need to be as it would appear as a natural progression of it that follows the curve in the road.

The proposed extension would not be detrimental to the character and appearance of the area and would comply with policies SP1 and SP9 of the WHLP, the Supplementary Design Guidance and provisions of the Framework insofar as it delivers a high quality design that fosters a positive sense of place.

Planning Balance and Conclusion

Set against the harm identified, the proposal would deliver a net gain of two new flats with each providing a good standard of accommodation. The scheme would be an efficient use of brownfield land in a sustainable location and could be delivered quickly. However, the addition of two dwellings would be limited in this context and minor weight is attached to this benefit.

There would be temporary and ongoing economic benefits from the development, including support for sustainable transport in the area, but given the small number of units proposed those benefits would attract relatively minor weight.

The appeal proposal would result in substandard living conditions for the future occupants due to the exposure to noise and this harm is significant.

There would also be harm due to the inadequate provision of parking and refuse facilities.

The conflict between the proposal and policies SP9, SADM2, SADM11, SADM12 and SADM18 of the WHLP should be given significant weight in this appeal.

The Council is not presently able to demonstrate a five-year supply of housing land. Paragraph 11(d)(ii) of the Framework is therefore engaged.

In this regard the Inspector finds that the adverse impacts on the living conditions of the future occupants and lack of satisfactory parking and refuse arrangements would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Consequently, the appeal is dismissed.

6/2022/2716/TPO

DCLG No:	APP/TPO/C1950/9561
Appeal By:	Mrs Karen Winbow
Site:	19 Scholars Mews Welwyn Garden City AL8 7JQ
Proposal:	T22 - Fell oak tree which has Acute Oak Decline
Decision:	Appeal Allowed with Conditions
Decision Date:	23/12/2024
Delegated or DMC Decision:	Delegated
Summary:	<p>Application 6/2022/2716/TPO was a tree work application to fell a mature oak tree infected with acute oak decline at 19 Scholars Mews Welwyn Garden City AL8 7JQ in.</p> <p>The application was refused as the tree showed early stages of infection and not advanced or advancing decline at the point of assessment in January 2023. Acute oak decline is not fatal in all trees and therefore the death of the tree was not necessarily inevitable. Some infected trees recover from this infection.</p> <p>The tree has a large stature, is part of the pre garden city woodland and stands in the conservation area. This tree has a high amenity value. There was insufficient justification or reasoning to fell the tree.</p> <p>The appeal inspector allowed the appeal (APP/TPO/C1950/9561). The inspector agreed with the assessment of the trees amenity value and the assessment of the stage of the acute oak decline and that trees can recover from this infection. However, during the inspectors site visit in late 2024, they noted a number of fresh fungal fruiting bodies growing on the tree. The fungi were either <i>Grifola frondosa</i> or <i>Pleurotus ostreatus</i> which cause decay and therefore structural weakness in trees. Once this decay is extensive and/or advanced it can increase the likelihood of failure. Due to the location of the tree by a residential property, the estimated extent of the decay and the previous management of the tree, the inspector thought it reasonable to allow the appeal without further investigation.</p> <p>It is unusual for an appeal to be assessed and determined for reasons other than those which are part of the original tree works application, but trees are living things and their circumstances change with time. The inspector has made a determination with the new information available to them.</p> <p>The inspector placed a condition to replant one hornbeam tree onto the decision</p>