

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 13 MARCH 2025
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 03/01/2025 to 03/03/2025

6/2024/0566/HOUSE	
DCLG No:	APP/C1950/D/24/3347324
Appeal By:	Mr M Cybula
Site:	31 Marsden Green Welwyn Garden City AL8 6YD
Proposal:	Erection of a part two, part single storey side and rear extension
Decision:	Appeal Dismissed
Decision Date:	09/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a householder application for a single storey porch and a part two storey side extension. The main issue was the design of the extension on the host dwelling, surrounding area and the Welwyn Garden City Conservation Area.</p> <p>The property is located in a row of linked, semi-detached dwellings which are relatively symmetrical and uniform in appearance. The uniformity and spacious gaps at each end of the group contribute to the character of the Conservation Area. The Inspector acknowledged that the side extension would be set back from the frontage and set down from the ridge of the main house. However, it was also noted that it would not be set as far back as the side linking blocks between the dwellings and would appear far wider than these features. For these reasons, it would appear disproportionate. It would also substantially fill the gap between the appeal property and No.29, which would be out of keeping with the uniformity of the neighbouring group and the rhythm of the indented side elements, which are largely unaltered from their original design. The side extension would appear overly large, closing down the spaciousness at the west end of the group.</p> <p>Whilst no objections were raised to the rear flat roof extension in isolation, it would be attached to the proposed side extension and the cumulative footprint would overwhelm the modest scale of the original house, adversely affecting its character and appearance on the end of the uniform frontage to Nos 31-49.</p> <p>The appellant argued that the sustainable construction proposed for the extension would be a public benefit. However, the Inspector considered that as this is an aspect that should now be delivered in all development, it would be neutral in the balance. As the extensions are largely a private benefit for present and future occupants of the property, they would have limited weight. Accordingly, no public</p>

	<p>benefits were identified to outweigh the harm to the significance of the Conservation Area.</p> <p>The Inspector also had regard to the Public Sector Equality Duty contained in the Equality Act 2010 in respect of the appellant's wish to enlarge and improve accommodation in the property, to allow the family to stay in the location and make sustainable and effective use of it as a family home. It was noted that although the NPPF encourages the efficient use of land at Section 11, it states in Paragraph 129 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the side two storey extension and its impact on character and appearance would fail in this regard.</p> <p>The appeal was dismissed.</p>
6/2024/0657/HOUSE	
DCLG No:	APP/C1950/D/24/3354111
Appeal By:	Miss Lisa Carr
Site:	73 Knightsfield Welwyn Garden City AL8 7JE
Proposal:	Partial removal of previous boundary wall with installation of new boundary fence and various tree works
Decision:	Appeal Dismissed
Decision Date:	09/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a proposal to remove a considerable section of wall and the erection of a close-boarded fence 1.8 metres in height on the frontage in line with the front elevation of the house and along the boundary of the amenity strip along the back of the highway verge on Knightsfield.</p> <p>Part of the adjoining strip of amenity land to No 73 was acquired by the then property owners to enable a larger garden area to be created. In preparation for the proposal, trees from the extended garden area have been removed.</p> <p>The Inspector considered that the proposal would result in a very prominent addition on the frontage enclosing the corner plot, reducing the current open, spacious character and which would be highly visible, particularly in views westwards along Knightsfield. It was also considered that the proposal would be out of keeping with the established character of the Conservation Area.</p> <p>Whilst replacement landscaping for the trees already removed could be secured through a condition, the Inspector ruled that this would take time to establish and in the meantime the fence would be highly obtrusive in the Conservation Area. Moreover, whilst colour treatment might assist it would not be sufficient to entirely mitigate the visual impact of the fence on this currently open site.</p> <p>The Inspector agreed that the harm to the significance of the Conservation Area would be less than substantial and, in these circumstances, Paragraph 215 of the</p>

Framework states that the harm can be weighed against any public benefit. The appellant argued that the proposal would provide privacy, security and increase the usability of the space. However, the Inspector ruled that these would be private benefits for present and future occupants of the property, and they would have limited weight. The appellant also argued that the proposal would improve what is now an untidy and neglected area of amenity land which the Council has allowed to deteriorate. Whilst if this were the case it would constitute a public benefit, the Inspector considered that the introduction of the close-boarded fence would not in fact be an improvement to the Conservation Area. Accordingly, the Inspector was not persuaded that there are public benefits to outweigh the harm to the significance of the Conservation Area from the proposal.

Other Matters

The appellant also argued that the proposed fence is partly in response to structural concerns with the current wall and vermin being observed in the open area of former amenity land. From the Inspector's observations during a site visit, there was no obvious structural issue with the existing wall. The Inspector was not persuaded that simply enclosing the land with a fence would make any significant difference if vermin were established in the area.

The Inspector acknowledged the appellant's wish to incorporate the area into the garden to make sustainable and effective use of housing land, an objective which is encouraged by the Framework. However, the Inspector made reference to paragraph 129 in Section 11 of the Framework which states that development should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance of the area as a result of the proposed close-boarded fence.

The appellant also argued that the Council had not complied with Paragraph 39 of the Framework requiring Councils to take a positive and proactive approach to decision making. However, given that the principle of a close-boarded fence of this height and prominence in this location would not be acceptable, the Inspector was satisfied that this requirement in the Framework would have been difficult to deliver.

The appeal was dismissed.

6/2024/0670/HOUSE

DCLG No:	APP/C1950/D/24/3350476
Appeal By:	Mr Arion Dajko
Site:	8 Cole Green Lane Welwyn Garden City AL7 3PW
Proposal:	Erection of a two storey side extension, first floor rear extension and the addition of an alleyway
Decision:	Appeal Dismissed
Decision Date:	10/01/2025

Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to a householder application for a two-storey side extension, first floor rear extension and the addition of an alleyway. The main issue was the design of the extension on the character and appearance of the host dwelling, the terrace on Cole Green Lane and the Peartree Conservation Area.</p> <p>The south-east side of Cole Green Lane is in residential use and characterised at this point by short terraces of four dwellings which are little changed from their original form and which contribute, together with the treed highway verges, to the character of the Conservation Area. These original planned residential street layouts are an essential part of the significance of the Conservation Area. The terrace currently has a very uniform, symmetrical appearance centred around a portico over the rear pedestrian access.</p> <p>The Inspector acknowledged that the side extension would be set back from the frontage at first floor level and set down from the ridge, as well as reduced in width compared to previous proposals. However, it would wrap around the house from the side onto the rear elevation, and in combination with the rear extension, this means that the depth of the extension visible from the side would be greater than the depth of the original house. It would therefore appear disproportionate to the main house. The cumulative scale and mass of the extensions would also dominate and adversely impact both the character and appearance of the host dwelling and the terrace of which it forms a part.</p> <p>The extensions proposed would constitute entirely private benefits for present and future occupants of the property, rather than equating to wider public benefits. Therefore, the less than substantial harm to the Conservation Area would not be outweighed by any public benefits.</p> <p>The Inspector also had regard to the Public Sector Equality Duty contained in the Equality Act 2010 in respect of the appellant's wish to enlarge and improve accommodation in the property, to meet the needs of an extending family and make sustainable and effective use of it as a family home. It was noted that although the NPPF encourages the efficient use of land at Section 11, it states in Paragraph 129 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the side two storey extension and its impact on character and appearance would fail in this regard.</p> <p>In considering whether the proposal would meet the three sustainability objectives set out in the NPPF, they found that there would be some economic benefits during construction. However, these benefits attract limited weight as they would be relatively short term. The benefits in terms of providing a mix of housing would also be limited as, even though the proposal helps to meet the appellant's family needs, the development does not create any additional housing. Although it would make efficient use of land, it is not compliant with Paragraph 129 and as such the environmental objectives of the Framework would not be wholly met. In addition, the Inspector said that even if they were to conclude that the proposal would be sustainable development, Paragraph 12 of the Framework makes it clear that this does not 'trump' the primacy of the Local Plan. Where a planning application would conflict with an up-to-date development plan, permission should not usually be</p>

	<p>granted.</p> <p>The Inspector also commented on two approved applications at the site for a first-floor rear extension and a single storey side extension, noting that every house has a limit to the extent to which it can be extended before it would be disproportionate to the original house. The two approved permissions reach this point and the cumulative effect of the addition of the two-storey side extension on top would be disproportionate and constitute overdevelopment.</p> <p>The appeal was dismissed.</p>
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ENF/2020/0123

DCLG No:	APP/C1950/C/23/3315172 APP/C1950/C/23/3315173
Appeal By:	Mr Jayesh Patel and Mrs Sangita Patel
Site:	4 The Chase Welwyn AL6 0QT
Proposal:	Outbuilding erected and the raising of land levels (engineering operation) without planning permission
Decision:	Appeal Dismissed
Decision Date:	14/01/2025
Delegated or DMC Decision:	Delegated
Summary:	The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

6/2023/1289/LAWE

DCLG No:	APP/C1950/X/23/3329920
Appeal By:	Mr Tayo Fiola
Site:	65 Heathcote Avenue Hatfield AL10 0RQ
Proposal:	Certificate of lawfulness for existing rear extension and roof extension with rear dormer
Decision:	Appeal Allowed
Decision Date:	14/01/2025
Delegated or DMC Decision:	Delegated
Summary:	The appeal is allowed in part and a certificate of lawful use or development is issued in the terms set out below in the formal decision. The appeal is otherwise dismissed.

6/2024/0183/VAR

DCLG No:	APP/C1950/W/24/3353922
Appeal By:	Mr Harpal Tamber
Site:	Highfield House Roe Green Lane Hatfield Hertfordshire AL10 0FP

Proposal:	Removal of condition 17 (solar panels) on planning permission 6/2016/0345/MAJ
Decision:	Appeal Allowed
Decision Date:	23/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>Background</p> <p>Planning permission was granted for a new flatted development in 2017, including a condition for the installation of 64 x solar panels on the roof, to be installed prior to the first occupation of the building. The solar panels were proposed as part of the application to address climate change and were demonstrated on the submitted roof plan (please see attached). The developer failed to install the solar panels when the building was constructed. This was reported to enforcement and because the condition had not been complied with, an application was submitted to remove the condition, which was refused. This appeal is therefore in relation to a S73 application to remove Condition 17 (installation of 64 solar panels).</p> <p>Appeal decision</p> <p>The S73 application was refused as it was considered the applicant had failed to sufficiently demonstrate that the development would maximise the opportunities available for renewable and low carbon sources of energy supply. It was unclear whether it would have been possible to utilise alternative renewable energy measures to enhance the sustainability credentials of the building, or if installing a reduced number of solar panels would represent an improvement compared to the existing situation. The appellant considered that it would not be technically feasible to retrofit the solar panels due to structural issues with the roof. However, no evidence was submitted with the application to support the view that the roof was structurally unable to accommodate the approved number, or a reduced number, of solar panels.</p> <p>The Inspector considered that the condition was reasonable, necessary, and relevant, and there was no indication that the solar panels were to be an optional part of the development. However, the appellant set out that a gas-boiler fed gas central heating system was installed as it emitted less carbon than electric heating that was intended to be fed by the solar panels. Furthermore, the electrical supply to the development posed a risk to its feasibility, as the low voltage mains running along Roe Green Lane was at capacity and therefore this risk was mitigated following the switch to gas fired heating. The documents submitted with the original proposal suggested that the regulated CO2 emissions from the development would be reduced by approximately 12.17% once energy efficiency measures and photovoltaics were taken into account. The development, as built, was assessed by Dynamic Energy Consultants as achieving a 31.83% reduction in carbon emissions. The Inspector therefore considered that the removal of Condition 17 was sufficient, and the applicant did not need to demonstrate that they had considered other options to improve the sustainability credentials of the development.</p> <p>As such, the appeal was allowed.</p>

No revised plans were submitted with the application to vary the approved drawings (which included the approved solar panels) However, the Inspector accepted revised plans as part of the appeal process. In addition, following legal advice, the LPA considered that due to the wording in the s106, a deed of variation would need to be entered into to bind any permission granted pursuant to the S73 application. The Inspector set out that, because the Council previously issued a letter acknowledging the second green space and play facilities contribution had been paid and discharged the Owner's obligations in regard to the S106 contributions due to the Council, they were satisfied that the original S106 was not required to be appended to this decision via a deed of variation.

Costs decision

The appellant submitted a costs application with the appeal on the basis that:

- The Council made an error in including Condition 17 on the original planning application.
- The appeal was unnecessary and was a result of the Council's unreasonable behaviour in relation to its handling of the application.
- The Council failed to use Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 which states, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- It would not be expedient for the Council's Enforcement Team to take enforcement action as there is no reasoned or justifiable reason to so.

In considering the application for costs, the Inspector set out that:

- The condition was imposed based on the evidence available to the Council at that time that solar panels would be part of the development's sustainability criteria and there was no indication that the solar panels were to be an optional part of the development.
- No appeal against the condition was lodged at the time of the application being determined, which was an option open to the applicant.
- The reason for the refusal set out in the decision notice was complete, precise, specific, and relevant to the application. It also clearly stated the policies that the proposal would conflict with.
- The reasons for refusal were adequately substantiated by the Council in its appeal statement.
- The Council, in exercising their planning judgement, had reasonable concerns about the impact of the proposed development which justified its decision, and the appeal did not result in unnecessary or wasted expense on the part of the appellant.

The application for an award of costs was therefore refused.

6/2024/0958/HOUSE

DCLG No:

3350519

Appeal By:	Mr & Mrs Wood
Site:	16 Guessens Road Welwyn Garden City AL8 6QR
Proposal:	Erection of single storey side, part single, part double storey rear extension and replacement garage. Insertion of rear rooflights. Replacement front door. Landscape and boundary treatment
Decision:	Appeal Dismissed
Decision Date:	27/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>Background</p> <p>This relates to two appeal decisions at 16 Guessens Road, which is in the Welwyn Garden City Conservation Area. The Welwyn Garden City Character Appraisal (September 2007) notes that No.16 Guessens Road is a house of particular interest and a key unlisted building, as Sir Frederic Osborn lived at the property from 1927-78.</p> <p>Both applications were for the erection of a single storey side extension, part single, part double storey rear extension and replacement garage, landscape works and boundary treatments. The main difference between the two proposals was that the width of the side extension was reduced in Appeal B to 2.9 metres, from 3.9 metres in Appeal A (excluding the proposed bay window projection). The applications were refused as the proposed extensions failed to relate well to the character and proportions of the existing building, the surrounding context or the street scene, and would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>Appeal decision</p> <p>The Inspector found that as the side extension and rear flat roof extension would wrap around the house to meet the two-storey rear extension, these elements would be read together and taken together would be greater than the depth of the original house. From the south in inward views from Guessens Road, this would appear as a disproportionate addition which would sit awkwardly with the attractive hipped roof and cubed form of the original house. The suggestion that adding the bay window to the side extension, the parapet detail, and the set-back would ensure the original frontage of the house was not affected was not accepted, as none of these details would sufficiently mitigate the adverse visual impact of the flat roof side elevation itself on the form and character of the original house. The height of the side extension rising to the mid-point between the current bay window and the first-floor window, and its flat roof form would be clearly visible from Guessens Road over the current hedge line, which would appear an obtrusive and alien addition. Although landscaping was proposed to screen this, it was considered that just because a development would eventually be partially screened from the public domain would not warrant allowing a design which would adversely impact on the character and appearance of the original house and would be detrimental to the character of the Conservation Area.</p>

	<p>The Inspector considered the fact that some substantial extensions had been granted historically to the side of other properties in the area (e.g. No.14 and 18 Guessens Road). However, noted that these permissions do not necessarily justify the appeal proposal which would be for a locally important building. Although No.14 (which was built with No.16 as a symmetrical pair flanking the entrance to Guessens Walk) has been extended, the Inspector did not agree that this destroyed the symmetry of the pair from a northwards view or if looking towards the two properties from the front, as that extension is set back from the frontage.</p> <p>In weighing up whether less than substantial harm was outweighed by any public benefits, the Inspector stated that the extensions proposed would constitute entirely private benefits for present and future occupants of the property and would not outweigh the identified harm to the significance of the Conservation Area from the proposal.</p> <p>Both appeals were dismissed.</p>
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6/2024/0346/HOUSE

DCLG No:	APP/C1950/D/24/3348206
Appeal By:	Mr and Mrs Wood
Site:	16 Guessens Road Welwyn Garden City AL8 6QR
Proposal:	Erection of a single storey side extension, part single, part double storey rear extension and replacement garage. Landscape works and boundary treatment
Decision:	Appeal Dismissed
Decision Date:	27/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>Background</p> <p>This relates to two appeal decisions at 16 Guessens Road, which is in the Welwyn Garden City Conservation Area. The Welwyn Garden City Character Appraisal (September 2007) notes that No.16 Guessens Road is a house of particular interest and a key unlisted building, as Sir Frederic Osborn lived at the property from 1927-78.</p> <p>Both applications were for the erection of a single storey side extension, part single, part double storey rear extension and replacement garage, landscape works and boundary treatments. The main difference between the two proposals was that the width of the side extension was reduced in Appeal B to 2.9 metres, from 3.9 metres in Appeal A (excluding the proposed bay window projection). The applications were refused as the proposed extensions failed to relate well to the character and proportions of the existing building, the surrounding context or the street scene, and would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>Appeal decision</p>

The Inspector found that as the side extension and rear flat roof extension would wrap around the house to meet the two-storey rear extension, these elements would be read together and taken together would be greater than the depth of the original house. From the south in inward views from Guessens Road, this would appear as a disproportionate addition which would sit awkwardly with the attractive hipped roof and cubed form of the original house. The suggestion that adding the bay window to the side extension, the parapet detail, and the set-back would ensure the original frontage of the house was not affected was not accepted, as none of these details would sufficiently mitigate the adverse visual impact of the flat roof side elevation itself on the form and character of the original house. The height of the side extension rising to the mid-point between the current bay window and the first-floor window, and its flat roof form would be clearly visible from Guessens Road over the current hedge line, which would appear an obtrusive and alien addition. Although landscaping was proposed to screen this, it was considered that just because a development would eventually be partially screened from the public domain would not warrant allowing a design which would adversely impact on the character and appearance of the original house and would be detrimental to the character of the Conservation Area.

The Inspector considered the fact that some substantial extensions had been granted historically to the side of other properties in the area (e.g. No.14 and 18 Guessens Road). However, noted that these permissions do not necessarily justify the appeal proposal which would be for a locally important building. Although No.14 (which was built with No.16 as a symmetrical pair flanking the entrance to Guessens Walk) has been extended, the Inspector did not agree that this destroyed the symmetry of the pair from a northwards view or if looking towards the two properties from the front, as that extension is set back from the frontage.

In weighing up whether less than substantial harm was outweighed by any public benefits, the Inspector stated that the extensions proposed would constitute entirely private benefits for present and future occupants of the property and would not outweigh the identified harm to the significance of the Conservation Area from the proposal.

Both appeals were dismissed.

6/2024/0636/HOUSE

DCLG No:	APP/C1950/D/24/3347179
Appeal By:	Mr Martyn Bridgeman
Site:	5 Selwyn Crescent Hatfield AL10 9NL
Proposal:	Erection of a two storey side and rear extension, internal alterations, alterations to the roof to include rear dormer, front rooflights and hip to gable roof
Decision:	Appeal Dismissed
Decision Date:	27/01/2025
Delegated or DMC Decision:	Delegated

Summary:	<p>This appeal relates to planning application reference 6/2024/0636/HOUSE for the “Erection of a two storey side and rear extension, internal alterations, alterations to the roof to include rear dormer, front rooflights and hip to gable roof”</p> <p>The property is a semi-detached dwelling located in a residential area where the properties are similar in size, scale and design. Several of the properties have been extended and whilst there is variety in the size and design of the extensions, the street itself retains a generally cohesive character of semi-detached development in a mature setting.</p> <p>The Inspector agreed the works would “result in a sizeable addition to No 5. They would appear disproportionate and unsympathetic and add considerably to the bulk and scale of the side of the dwelling. Notwithstanding the one metre gap from the adjoining flank boundary in accordance with recommendations contained within the Welwyn Hatfield Supplementary Design Guidance (Design Guidance), the proposal would result in a mass of built form which would be dominant in the street scene resulting in harm to the character and appearance of the area.</p> <p>The appellant cites a number of other extensions to properties on Selwyn Crescent in support of the proposal. Whilst these demonstrate a variety of designs, in general most of these extensions reflect the design of the original dwelling and are of a subservient form. Particular attention has been drawn to a dormer roof development at No 9 Selwyn Crescent. Whilst I observed this property on site I am not aware of the full circumstances surrounding this development. However it is an isolated feature within the streetscene and as such it does not change the overall character and appearance of the area. In any event, the existence of this development does not justify development which would otherwise be harmful. As such this development only merits limited weight and does not lead me to a different view in this case”.</p> <p>The Inspector also acknowledged that a Lawful Development Certificate for a hip to gable loft conversion with rear dormer and rooflights to the front roofslope has been granted and that this represents a realistic fallback position for the appellant. However, this scheme would be smaller and the gable conversion, due to its scale and siting further away from the side of the dwelling, would not be as prominent within the streetscene. As such, the fallback position has limited weight.</p> <p>The appeal was dismissed.</p>
6/2024/0126/HOUSE	
DCLG No:	APP/C1950/D/24/3347087
Appeal By:	Mrs Emma Haughey
Site:	8 High Road Essendon Hatfield AL9 6HW
Proposal:	Erection of a ground floor rear extension, installation of new dormer window to rear elevation, replacement of existing window reveal detailing, removal of existing front door and porch and installation of new window, reinstatement of original front door, replacement of timber windows to match original, blocking up existing window on side elevation at first floor level, alterations to window sizes on rear elevation at first floor level, installation of velux rooflight and internal alterations

Decision:	Appeal Dismissed
Decision Date:	28/01/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>Background</p> <p>This appeal relates to a householder application for the erection of a ground floor rear extension, installation of new dormer window to rear elevation, replacement of existing window reveal detailing, removal of existing front door and porch and installation of new window, reinstatement of original front door, replacement of timber windows to match original, blocking up existing window on side elevation at first floor level, alterations to window sizes on rear elevation at first floor level, installation of velux rooflight and internal alterations. The application was refused as it would represent a disproportionate addition to the original building, would impact openness and would constitute inappropriate development in the Green Belt. It was also refused on design grounds as it would fail to preserve or enhance the character and appearance of the Essendon Conservation Area.</p> <p>Appeal decision</p> <p>The Inspector considered that the proposal would result in a sizeable addition to the dwelling, adding a significant increase in footprint to the original building. The proposed extension would undoubtedly increase the depth of the original building at the rear and the proposed dormer, whilst not increasing the footprint, would introduce additional mass to the roofslope. Visually, the additions to the dwelling would further alter it significantly from the original simple cottage. Whilst not readily apparent in wider public views, the scale and bulk of the proposal would dominate the rear of the appeal property. The proposed changes would therefore amount to disproportionate additions to the dwelling. It was also noted that Green Belt policies do not refer to consideration of the size and character of surrounding properties in assessing disproportionality. In spatial terms, the proposed development would lead to a loss of openness. Available views of the development would be limited to those obtained from neighbouring properties and would be localised. Therefore, the development would cause some, albeit very limited harm, to the openness of the Green Belt.</p> <p>The appeal property is an attractive semi-detached Victorian cottage, adjacent to a similar pair of cottages sited on the main road in the village of Essendon. The significance of the appeal property derives from its age and the relationship of the cottages as a whole to the Conservation Area. Despite the cottages having been extended to the side, their original proportions are still well articulated, and they contribute positively to the significance of the Conservation Area and character and appearance of the area.</p> <p>Notwithstanding that the rear extension would be single storey, due to its detailed design, scale and depth, it would not be read as a subservient addition to the appeal property. It would be an unsympathetic addition given the harmful impact on the character and appearance of the host dwelling and the pair to which it belongs. The introduction of the rear dormer would be an awkward design feature interrupting the shallow original roof slope of the cottage. As such, it would reduce the visual articulation of the shallow roof slope, which is an attractive feature found</p>

in this pair of cottages. It would be contrary to the SDG in relation to dormer windows and would cause unacceptable harm to the character and appearance of the property. The Inspector acknowledged the appellant's point that the Design Guide does not take into account modern building regulation standards and national space standards, however considered that it remained unacceptable in design terms. The proposed rooflight would also appear alien in its context and further detract from the original qualities of the appeal property, and the row of cottages in general. Each case must be considered on its own merits and other decisions nearby where not viewed to be directly comparable.

In weighing up if there were any public benefits to outweigh the less than substantial harm, the Inspector noted that the appellant's desire is to secure the optimum viable and effective use of the site. It would result in improved, more practical living conditions for the appellant and their family. However, the appeal proposal failed to demonstrate that it was the only practical option to achieve such benefits. Although it would improve the appearance of the front elevation and enable the provision of additional off -street parking, there was nothing to suggest that these renovations to the fenestration and front of the appeal property were in any way dependent on the provision of the rear or dormer extensions, nor that these improvements could not be achieved independent of the current scheme. This was attributed moderate weight. A lack of harm in relation to living conditions of adjoining occupiers did not weigh in favour of the scheme. Examples of other extensions nearby were attributed limited weight. It was concluded that there were insufficient public benefits arising from this proposal to offset the identified harm, to which significant weight was attached.

As the proposal would result in harm to the Green Belt, substantial weight should be attributed, and the development should not be approved except in very special circumstances. This is in addition to the harm to the character and appearance of the dwelling and the Conservation Area. The other considerations would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

The appeal was dismissed.

6/2023/2562/FULL

DCLG No:	APP/C1950/W/24/3348540
Appeal By:	Downtown Constructions Ltd
Site:	22 The Common Hatfield AL10 0ND
Proposal:	Erection of additional storey to approved 4-storey block of 8 self-contained flats to facilitate an additional 2 bed 4 person self-contained flat.
Decision:	Appeal Dismissed
Decision Date:	04/02/2025
Delegated or DMC Decision:	Committee
Summary:	The above relates to an appeal for non-determination of a full application for the erection of an additional storey to approved 4-storey block of 8 self-contained flats

to facilitate an additional 2 bed 4 person self-contained flat.

The main issue is the effect of the proposed development on the character and appearance of the area.

The Inspector notes that the appeal building is located at the end of a series of four-storey buildings including the neighbouring No 24, as well as 3 blocks of flats further along the road, and to the other side of No 22 are smaller buildings of two and three storeys in height. It was noted that the multi-storey car park opposite the appeal site is a large building of comparable height to the appeal property, however it was considered that this side of The Commons comprises a more varied street scene including the supermarket and postal sorting office to either side of the car park. It was further noted that there is a block of flats rising to five storeys to the rear of the car park, and a much taller block of flats visible beyond this, however, these are not prominent from The Commons as the car park screens them from view.

The Inspector states that within this context the proposed additional storey would be an intrusive feature in the street scene and it would disrupt the established pattern of development, wherein No 22 forms the end of a series of buildings of comparable height. It was stated that uniformity is highlighted by the very similar form and materials of the neighbouring buildings at Nos 24 and 22.

It was judged that even allowing for the smaller footprint of the proposed fifth storey, so that it would be set in from 3 sides of the building, the resultant building would still be a significant increase in height. Furthermore, it was stated that the relationship with the neighbouring Alfred House (a two-storey building), would serve to highlight the incongruous appearance of the appeal proposal in the street scene. It was also considered that the use of zinc panels and a contrasting design to the predominantly brick exterior of No 22 would not be sufficient to offset the increase in height.

Consequently, the Inspector considered that the proposed development would be harmful to the character and appearance of the area.

In carrying out the planning balance, the Inspector acknowledges that the proposal would create a new apartment and support the government's objective of significantly boosting the supply of homes, which moderate weight is given. However, it was considered that the prominence of the proposed development in the street scene, where there is a broadly uniform ridgeline, would cause considerable harm to the character and appearance of the area. It was stated that in this instance the harm caused would significantly and demonstrably outweigh the benefits that would arise from the appeal proposal.

The appeal was subsequently dismissed

6/2024/1307/HOUSE

DCLG No: APP/C1950/D/24/3352342

Appeal By: Mr Bashar Edais

Site: 59 Chelwood Avenue Hatfield AL10 0RF

Proposal:	Erection of a single storey rear extension, two-storey side extension and a loft conversion with rear dormer and insertion of front rooflights
Decision:	Appeal Dismissed
Decision Date:	12/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>This application relates to planning application reference 6/2024/1307/HOUSE which required planning permission for the “Erection of a single storey rear extension, two-storey side extension and a loft conversion with rear dormer and insertion of front rooflights”.</p> <p>The application was refused for two reasons, the proposed design and the impact on neighbour amenity.</p> <p>Design In regards to the extensions, the Inspector said “the proposed two storey side extension would replace and be wider than the existing single storey projection, extending to the site boundary. It would have a ridge height to match the main dwelling and apart from a minimal set back from the front elevation would be the same depth as the main dwelling. It would be clearly visible in the street scene. Its width and lack of either set down or set back would upset the regular rhythm of the terrace, appearing bulky and out of place in the context of the appeal dwelling and terrace as a whole. It would noticeably reduce the gap between the appeal dwelling and its non-attached neighbour. Notwithstanding that the two dwellings are separated by a public footpath and the neighbour is a bungalow this, coupled with the lack of any separation between the extension and the side boundary, would result in a cramped appearance that would have a detrimental effect on the feeling of spaciousness. Overall, the side extension would not appear subservient or sympathetic to the host dwelling, the terrace or the surrounding street scene.</p> <p>The single storey rear extension would occupy the full width of the dwelling, including the proposed two storey side extension, and would have a depth of some 5m. Although not readily visible from beyond the site owing to high boundary fences, it would be seen from neighbouring properties from which its appearance, in combination with the two storey side extension and in particular its width, extending to the side boundary, would add to the overdeveloped and cramped appearance of the site”.</p> <p>The Inspector did not have a issue with the proposed dormer “whilst the SDG suggests that dormers should be set in by 1m from the party wall of the host dwelling, in this case where the gap to the flank wall would be generous and the dormer would appear modest in the context of the terrace as a whole, I do not find this essential”.</p> <p>Neighbour amenity The inspector says that “the proposed extension would be some 5m deep and some 3m high with a flat roof. The proposed extension would therefore project beyond the rear extension at No 57 by somewhere in the region of 3-4m. The two plots are separated by a high, close boarded fence some 2m high and the rear of</p>

	<p>the dwellings face north.</p> <p>In view of the limited projection beyond the extension at No 57 and the height of the boundary fence I am satisfied that the proposed extension would not appear overbearing or oppressive when seen from No 57 and that there would be no material loss of light. Moreover, the north facing orientation would ensure that any overshadowing was minimal and also restricted to limited times of the day and year”.</p> <p>Although the inspector had no objection to the rear dormer or the impact to neighbouring properties, the appeal was dismissed as this would not alter or outweigh their findings of harm to character and appearance.</p>
6/2024/1036/ADV	
DCLG No:	APP/C1950/Z/24/3351950
Appeal By:	Rob Weller
Site:	40-42 Howardsgate Welwyn Garden City AL8 6BJ
Proposal:	Installation of an internally illuminated fascia text and an internally illuminated hanging sign
Decision:	Appeal Dismissed
Decision Date:	26/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal was against the refusal of an application for advertisement consent for an internally illuminated fascia sign and an internally illuminated hanging sign. It was refused because the proposal sought to introduce a row of ‘fairground’ lights across the width of the bottom of the fascia plate. There were no other lights in situ in the vicinity that were designed or illuminated in a similar manner to the proposed lights. The Council considered the layout and method of illuminating the lights gave the advertisement a contemporary appearance that detracted from and contrasted poorly with the architectural and historic interest of the restaurant, thus harming its contribution to the Conservation Area.</p> <p>The Inspector noted that the host terrace is a prominent early Garden City building which has a typical neo-Georgian theme and shopfronts with designed entablatures. It displays a strong degree of uniformity and symmetry and contributes to the townscape quality of the Conservation Area.</p> <p>The Inspector considered that the display of closely spaced fairground lights would be unsympathetic, even if they were reduced in number. The display of lights would be uncharacteristic of the traditional, well-designed fascia boards and signs in the host terrace, to the extent that they would disrupt the designed harmony and unity evident in the appeal building and the terrace as a whole. In angled views, the light bulbs also appeared to combine together to give the impression of a continuous strip light along the bottom of the fascia. The lighting was considered excessive, and it was concluded that, by reason of their appearance, illumination, prominent location and number, they would detract from the character and appearance of the host building and terrace, the street scene and the Conservation Area.</p>

The appeal was dismissed.

6/2024/1153/HOUSE

DCLG No:	APP/C1950/D/24/3354214
Appeal By:	Mr & Mrs J Shubhaker
Site:	15 Guessens Road Welwyn Garden City AL8 6QL
Proposal:	Erection of two storey rear extension, single storey side and rear extensions following demolition of existing garage, insertion of rooflights and installation of solar panels
Decision:	Appeal Allowed
Decision Date:	26/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>The above appeal relates to a refused householder application for the erection of a two storey rear extension, single storey side and rear extensions following demolition of existing garage, insertion of rooflights and installation of solar panels.</p> <p>The planning application was refused as officers considered that the proposed extensions would fail to complement and reflect the design and character of the dwelling and be subordinate in scale. The siting of the proposed solar panels would also be inappropriate. The proposal represents a poor standard of design and fails to preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>The Inspector states that given the limited depth of the 2-storey rear extension, the resulting building would not appear unduly elongated. It was considered a simple continuation of the existing hipped roof and as such would reflect the original design and character of the building. It was also stated that having regard to its limited size, it would appear sufficiently subordinate in scale to the existing building without the need for any recessive measures.</p> <p>It was acknowledged that the sides of the proposed 2-storey rear extension would be noticeable in certain oblique views from Guessens Road but given its limited rearward projection, the Inspector did not consider that it would materially dilute a sky gap that is important to the character and appearance of the CA, especially given the widely spaced layout of the plot.</p> <p>It was noted that the proposed single-storey extensions, when viewed cumulatively with previous single-storey extensions, might represent a sizeable percentage increase over the footprint of the original dwelling, however it was not considered to appear overdeveloped or unduly cramped in itself or in comparison to adjacent properties.</p> <p>With respect to the proposed solar panels, it was considered that a condition can be imposed to ensure that they project no higher than the top of the parapet wall.</p> <p>Overall, the Inspector considers that the proposed development would preserve the character and appearance of the dwelling, the surroundings and the CA.</p>

Consequently, the appeal was allowed.

6/2024/0310/HOUSE

DCLG No:	APP/C1950/D/24/3342630
Appeal By:	Mr Pedram Aghaei
Site:	1 Oaklands Wood Hatfield AL10 8LU
Proposal:	Alterations to the roof, including hipped to gable roof, formation of rear dormer and installation of windows to front roofslope
Decision:	Appeal Dismissed
Decision Date:	27/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>Decision</p> <ol style="list-style-type: none">1. The appeal is dismissed. <p>Main Issue</p> <ol style="list-style-type: none">2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area. <p>Reasons</p> <ol style="list-style-type: none">3. The appeal property is a detached, two-storey, hipped roofed dwelling located close to the junction of Oaklands Wood with Woods Avenue. Oaklands Wood is a residential street comprising semi-detached and terraced properties which display both hipped and gable roof forms. Residential development is less evident on Woods Avenue, which has a mixed streetscape.4. The proposed rear dormer extension would only be marginally lower than the ridge of the roof and above the eaves. It would also be sited close to the flank walls of the dwelling, less than the distance advised in the Supplementary Design Guidance (SPG). Given its overall scale, the dormer would visually dominate the host building resulting in it appearing, at the rear, as a three-storey flat roof building. In views from neighbouring properties, and where glimpsed from public vantage points, it would be seen as an incongruous and intrusive feature.5. The hip to gable extension would increase the scale, bulk and mass of the dwelling. Nonetheless, the resultant roof would appear proportionate to the original building. Furthermore, the front elevation would not appear boxy due to the pitch of the roof remaining unchanged. In the context of the other pitched and gable roofed properties on Oaklands Wood, and the variation evident on Woods Avenue, the hip to gable extension would not appear overly dominant in the street scene. It would not be detrimental to the character and appearance of the host property or the area.6. Accordingly, whilst the proposed hip to gable extension would not be visually unacceptable, the introduction of the proposed rear dormer would harm the Appeal Decision APP/C1950/D/24/3342630 https://www.gov.uk/planning-inspectorate 2 character and appearance of the host dwelling and the surrounding area. It would, therefore, be contrary to Policy SP9 of the Welwyn Hatfield Borough Council Local Plan (LP) which requires proposals to deliver high quality design that responds to character and context.7. LP Policy SP1 has also been referred to in the reason for refusal. However, as

	<p>that policy relates to delivering sustainable development and makes no reference to design, character or appearance, it is not relevant to the main issue.</p> <p>Conclusion</p> <p>8. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.</p> <p>9. I therefore conclude that the appeal should be dismissed.</p>
6/2024/1543/HOUSE	
DCLG No:	APP/C1950/D/24/3356518
Appeal By:	Mr Anthony Kearns
Site:	8 Pennyfathers Lane Welwyn AL6 0EN
Proposal:	Installation of swing opening gates on the existing drive
Decision:	Appeal Allowed
Decision Date:	28/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>The appeal is allowed and planning permission is granted for installation of swing opening gates on the existing drive to the house at 8 Pennyfathers Lane, Welwyn, Hertfordshire AL6 0EN in accordance with the terms of the application, ref. 6/2024/1543/HOUSE, subject to the following conditions:</p> <p>1) The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p>2) The development hereby permitted (metal swing opening gates) shall be carried out in accordance with the following approved plans numbered and titled: A01 Block Plan; A01A Revised Block Plan; A03 Location Plan; A04 Proposed Gates; and A06 Position of Existing Entrance – Unaltered.</p>
6/2024/0511/HOUSE	
DCLG No:	APP/C1950/D/24/3352247
Appeal By:	Mr Anthony Kearns
Site:	8 Pennyfathers Lane Welwyn AL6 0EN
Proposal:	Installation of swing opening gates on existing drive
Decision:	Appeal Dismissed
Decision Date:	28/02/2025
Delegated or DMC Decision:	Delegated
Summary:	<p>This relates to two appeal decisions for opening swing gates which were refused on Green Belt grounds as the proposal failed to meet the specified exceptions or demonstrate very special circumstances. The main differences between the two applications were:</p> <p>Appeal A: A pair of part solid, part slatted timber gates with oak gate posts</p> <p>Appeal B: A pair of gates with metal railings and oak gate posts</p>

The inspector noted that the gates could not amount to an extension or alteration of a building due to the distances involved and as there is currently no 'building' to replace, they could not be assessed as a replacement building. In addition, what was proposed to take place could not be described as an engineering operation. The appellant was therefore unable to rely on any of the exceptions at Paragraph 154 of the NPPF. Nor, despite their limited scale and form, would the gates fit with any of the types of development that are permitted under Policy SADM34. Comments were made regarding the fact that it appeared odd that, on the face of it, a sizeable, yet not disproportionate addition to a building would be not inappropriate in the Green Belt. However, it was also noted that if the Government or the Council had meant for such items as gates, boundary fences and walls to be permitted as an exception, they would have been written to facilitate this option. Therefore, the proposals are both inappropriate development by definition.

The Inspector set out that the part solid, part slatted timber gates in Appeal A would provide for a stronger and more emphatic delineation across the front entrance which would be far less visually porous than the gates in Appeal B and would cause some limited harm to the openness of the Green Belt. However, having regard to their limited scale, the locational context and visual considerations, the Appeal B gates would not materially harm the openness of the Green Belt due to their open design across the full width and height which would be fully apparent and dominant in head-on views from the vicinity of the junction with Vera Lane directly opposite the appeal site.

The Inspector found that in Appeal B, the implementation of PD rights would have a greater effect on the visual openness of the Green Belt than the open style of the metal gates proposed, and very substantial weight was attributed to this. Moderate weight for both Appeals was given to the benefits the gates would bring about for the home environment and children in terms of safety, health and well-being and reducing the fear of crime. For Appeal A, the other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. However, for Appeal B, the other considerations do clearly outweigh the totality of harm arising solely from inappropriateness and they amount to the very special circumstances required to justify the development.

Appeal A was therefore dismissed, and Appeal B was allowed subject to conditions.