

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 9 MARCH 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 02/02/2023 to 27/02/2023

6/2022/1476/HOUSE	
DCLG No:	APP/C1950/D/22/3306336
Appeal By:	Mr P Martin
Site:	11 Aldock Welwyn Garden City AL7 4QF
Proposal:	Erection of a double detached garage following the demolition of existing attached garage and removal of Cypress and Hawthorn hedge. Extension to driveway, new hedging and 2m high fencing
Decision:	Appeal Allowed with Conditions
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the replacement of an existing garage and changes to boundary treatment.</p> <p>The main issue was the effect of the proposed development upon the character and appearance of the host dwelling and its setting within the CA.</p> <p>The proposal involves the removal of an existing flat-roofed garage at the front of the property and its replacement on the side garden with access across the existing forecourt and garage footprint. The alteration would result in a more open frontage to the house.</p> <p>The Inspector considers that the proposed garage would change the appearance of No.11 in the street by adding apparent width to the built form whilst removing more prominently placed built form to the front of the dwelling. But change is not to be assumed as harmful. As the building would be inset into the garden and behind a fence at the boundary this increased built form would only be apparent in partly obscured frontal and oblique views from the public realm and, being flat-roofed, would not unduly harm the sense of openness currently found.</p> <p>Moreover, the Inspector considers that whilst the height of the proposed building would be greater than that of the proposed hedge replacement fence which seeks to screen the building from the public realm, construction detailing plays an important part in the character and appearance of a building and, in this case would be material to the impact of the proposal on the Conservation Area.</p> <p>Overall it was concluded that the proposal would neither be unduly prominent nor,</p>

	<p>on the basis the Inspector had reasoned, uncharacteristic and detrimental to the character and appearance of the area.</p> <p>The appeal was allowed, subject to conditions.</p>
6/2022/1719/HOUSE	
DCLG No:	APP/C1950/D/22/3309152
Appeal By:	Mr Gaspare Giambrone
Site:	16 Burleigh Way Cuffley Potters Bar EN6 4LG
Proposal:	Alterations to the roof including the Insertion of a front dormer window, the enlargement of the existing side dormer window and the insertion of side dormer window
Decision:	Appeal Allowed with Conditions
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>The application relates to alterations to the roof including the insertion of a front dormer window, the enlargement of the existing side dormer window and the insertion of side dormer window at 16 Burleigh Way, Cuffley.</p> <p>The appeal property is a detached bungalow and has a small side dormer window. The proposal would increase the size of the side dormer window to cover the majority of the side roof slope, a similar dormer window is proposed on the other side roof. A dormer extension is also proposed to the front.</p> <p>Reason for refusal: The proposal would materially harm the character and appearance of the host dwelling and the surrounding area. It would conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 of the Welwyn Hatfield Supplementary Design Guidance. Policy SP9 of the Emerging Local Plan. Accordingly, it is considered that the proposed development represents a poor standard of design and is therefore contrary to the National Planning Policy Framework</p> <p>The inspector commented that “The Council’s Supplementary Design Guidance (the SDG) states that dormer windows should be contained in the roof slope, be set in at least 1metre from the flank wall, and not extend beyond the ridge of the existing dwelling. The proposed development would not comply with the SDG.</p> <p>Notwithstanding this, it is important to recognise that such guidance does not constitute a ‘black and white’ set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate. The proposal would add bulk to the modest size of the existing property. Nonetheless I observed during my site visit that properties in the area vary in terms of design, and that side and front dormer windows are a common design feature within the area. Whilst large, the dormers would be similar in terms of location, size and design to others within the immediate area.</p> <p>Due to the similarities of the appeal proposal to others in the area I find that the</p>

	<p>proposed development would not harm the character and appearance of the area nor the appeal property itself”.</p> <p>Subsequently, this appeal was allowed.</p>
6/2022/1633/HOUSE	
DCLG No:	APP/C1950/D/22/3310686
Appeal By:	Mrs Laura Jevons
Site:	2 The Driveway Cuffley Potters Bar EN6 4EB
Proposal:	Erection of first floor extension with increase in roof height
Decision:	Appeal Dismissed
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the erection of a first floor extension with increase in roof height.</p> <p>The application dwelling and its adjoining neighbour No. 1 are chalet bungalows and are the only dwellings accessed from The Driveway. The proposal was considered to alter the character of the application dwelling from a chalet bungalow to a two-storey dwelling and the scale, height and massing of the development would fail to respond to neighbouring building forms within The Driveway. The proposal was considered to interrupt the transition in height of the buildings from Hill Rise to The Driveway and East Ridgeway beyond, due to the topography of the area and substantial increase in ridge height.</p> <p>Furthermore, the positioning of the development in proximity to No. 1 The Driveway, in combination with the sloping land levels and increase in height and massing at the first floor and roof levels, would appear overbearing and unduly dominant towards the occupiers of No. 1 The Driveway.</p> <p>The Inspector stated that the proposed development would be a prominent addition to the area and would appear incongruous and stark in the streetscene, concluding that the development would harm the character and appearance of the area.</p> <p>Moving on to neighbouring amenity, the Inspector stated that the difference in levels, the proposed development would be visually dominant and overbearing to the occupiers of neighbouring properties and concluded that the development would harm the living conditions of occupiers of neighbouring properties.</p> <p>The appeal was therefore dismissed.</p>
6/2022/1566/HOUSE	
DCLG No:	APP/C1950/D/22/3312439
Appeal By:	Mr Graham Swanson

Site:	23 Gresley Close Welwyn Garden City AL8 7QA
Proposal:	Erection of single storey rear extension, first floor front extension & loft conversion including raising existing roof height, addition of rear dormer & rooflights to front
Decision:	Appeal Allowed
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>The development proposed is described as a single storey rear extension, first floor front extension & loft conversion including raising existing roof height, addition of dormer to rear & rooflights to front. The reasons for refusal focussed on the first-floor side extension and the large rear dormer.</p> <p>In respect of the first-floor extension, the Inspector concluded that the first-floor extension would not be incongruous nor dominate the property or the streetscene.</p> <p>In considering the rear dormer, the Inspector considered the Supplementary Design Guidance (the SDG) (which states that dormer windows should be contained in the roof slope, be set in at least 1metre from the flank wall, and not extend beyond the ridge of the existing dwelling). She concluded that the proposed large rear dormer would not comply with the SDG.</p> <p>However, the Inspector said, “Notwithstanding this, it is important to recognise that such guidance does not constitute a ‘black and white’ set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate”. Taking account of the surroundings, she stated that “the dormer would not be obvious to the surrounding properties”.</p> <p>This appeal was allowed.</p>

6/2022/2139/HOUSE

DCLG No:	APP/C1950/D/22/3313727
Appeal By:	Mr J Barnett
Site:	30 Barleycroft Road Welwyn Garden City Hertfordshire AL8 6JU
Proposal:	Erection of part single & part 2-storey rear extension, roof extension & alterations to openings
Decision:	Appeal Dismissed
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the proposed erection of part single & part 2-storey rear extension, roof extension & alterations to openings at 30 Barleycroft Road.</p> <p>The planning application was refused as the proposed development, by virtue of its scale, design and form would represent a dominant and bulky addition that would overwhelm the original property. Furthermore, the design of the crown roof would fail to respect the character and appearance of the original dwelling and</p>

	<p>surrounding area and would therefore represent a poor quality of design that would fail to preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area.</p> <p>The Inspector states that the cumulative impact of the proposed development, including the alterations to the openings, loss of original chimney features, and replacement crown roof, would detract from the distinct character of the property and would diminish unacceptably the character and appearance of the conservation area, resulting in less than substantial harm with no public benefits to outweigh such harm.</p> <p>The appeal was therefore dismissed.</p>
6/2021/3335/PN15	
DCLG No:	APP/C1950/W/22/3291297
Appeal By:	MBNL
Site:	Welwyn Garden City Ambulance Station Ascots Lane Welwyn Garden City AL7 4HX
Proposal:	Prior approval for the installation of a 20.0m Phase 7 Monopole complete with wraparound cabinet to be installed on root foundation and associated ancillary works.
Decision:	Appeal Dismissed
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This prior approval application was for the erection of a 20.0m Phase 7 Monopole complete with wraparound cabinet to be installed on root foundation and associated ancillary work.</p> <p>This monopole was to replace the phone masts that used to be on the QE2 buildings which have been demolished.</p> <p>The area is largely residential in character.</p> <p>In 2018 prior approval was granted for a permanent 17.5m mast in the same location as the current appeal (LPA Reference: 6/2017/2928/PN15) but has not been installed.</p> <p>At ground level the proposed mast and cabinets would largely be obscured from view by coniferous and deciduous trees, and the rear of the ambulance station and medical centre buildings. At 20m in height, the proposed mast would only be slightly higher than that previously approved, but it would be a broader mast, and with antennas for EE, 3UK and the Emergency Services Network (ESN), would be visually more complex. At 20m in height it would stand around 10m above the trees around it, and 14.5m higher than the ambulance station building adjacent.</p> <p>The Planning Inspectorate then makes some in depth points about the character and appearance including its negative presence of industrial character in views, and adjusting the colour of the proposed mast would not provide adequate mitigation.</p> <p>Therefore the proposal was dismissed on the siting and appearance of the</p>

	<p>proposal and it was stated it would therefore harm the character and appearance of the area, and the harm should be weighed against the need for the installation to be sited in this location.</p> <p>The Planning Inspectorate was critical of the needs and alternatives of the proposal put forward by the applicant on the terms of accuracy and detail. The appeal was therefore dismissed.</p>
6/2021/2881/FULL	
DCLG No:	APP/C1950/W/22/3300873
Appeal By:	Sir/Madam
Site:	Land at Great North Road Welwyn Garden City AL8 7TQ
Proposal:	Redevelopment of the site to include the erection of 9 x 3-bedroom dwellings following the demolition of existing buildings
Decision:	Appeal Dismissed
Decision Date:	02/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal related to the erection of 9 x 3-bedroom market dwellings in the Green Belt. The application site is a parcel of land which is positioned between Great North Road in Welwyn Garden City and the A1(M). The land was promoted to the Council through the Call for Sites in 2019 and its suitability was assessed in the Housing and Employment Land Availability Assessment as site StL15. The assessment identified that a capacity of 8 dwellings (25dph) would be suitable and achievable on this site. The site was not proposed for allocation due to the need to remove the settlement of Stanborough from the Green Belt (P39) and its lack of services and facilities. Site StL15 was also examined by the Inspector at the Stage 9 hearing sessions as a site that had been considered suitable for allocation, but not submitted to the examination.</p> <p>The appellant's view was that the Council's lack of a 5-year land supply and the proposed nine, 3-bedroom market houses amounted to the very special circumstances required to overcome the harm identified, particularly as the Council's Annual Monitoring Report (AMR) at the time highlighted that only 2% of all completions were 3-bedroom dwellings. The appellant also suggested that as parcel P39 was considered to result in low harm to the Green Belt in the Green Belt Study, the harm arising from the proposal would be minimal.</p> <p>It is important to note the application site was not included in the boundary of parcel P39, therefore it was not specifically assessed within the Green Belt Study. The Inspector agreed with officers that the development would be inappropriate in the Green Belt by definition and considered that the proposed development would result in modest harm to the openness of the Green Belt. It was also found that the proposal would result in moderate encroachment into the Green Belt, in conflict with paragraph 138(c) of the NPPF. The Inspector stated Policy H2 was not fully consistent with the NPPF, therefore only limited weight was given to the conflict with this policy. The Inspector also gave limited weight to Draft Local Plan Policies SADM1 and SADM34 as the examination is still ongoing.</p>

In terms of landscape and visual impacts, the Inspector agreed that the existing site has a rural feel, therefore it makes a limited but positive contribution to the Landscape Character Area (LCA). It was considered that despite the proposed landscaping, the creation of the additional built form would result in a permanent loss of the soft, pastoral character of the land, which would have a small but negative effect on the LCA. The permanence and visibility to existing occupiers and pedestrians was found to have a moderate adverse effect on receptors A and D in the Landscape and Visual Impact Assessment and it was concluded that the proposal would have negative landscape and visual effects of moderate significance.

Regarding the character and appearance of the proposal, the Inspector said that the rear-facing orientation of much of the proposal would give the development a private, inactive appearance, in contrast with the positive frontage of publicly facing elevations and gardens, which is the predominant character in the area. Furthermore, the layout would conflict with its surroundings by being in a non-linear pattern and with plots much narrower than the dwellings nearby. It was concluded that the design and layout of the proposal would therefore appear contrived and out of place within the locality.

Substantial weight was afforded to the benefit to housing land supply. However, in comparing the proposal with allowed appeals in Bullens Green Lane and Codicote (presented by the appellant), the Inspector noted that the conclusions for both of those appeals incorporated a much wider range of factors. Those factors included a more substantial contribution to market, self-build and affordable housing, and a school expansion. The Inspector afforded moderate weight to the provision of nine 3-bedroom dwellings and the social and economic contribution to the area as a result, due to the relatively small size of the development. The Inspector incorrectly states in paragraph 32 that the site is allocated in the Draft Local Plan as Policy StL15 (as the site has not been selected) but gave this factor limited weight in the planning balance regardless. Overall it was found that the benefits were not clearly outweighed by the harm identified and the very special circumstances to justify the development did not exist.

The appeal was dismissed.

6/2022/0995/HOUSE	
DCLG No:	APP/C1950/W/22/3305204
Appeal By:	Mr and Mrs S Taylor
Site:	8 Thistle Drive Hatfield AL10 9FQ
Proposal:	Retention of habitable space created from conversion of garage space.
Decision:	Appeal Allowed
Decision Date:	03/02/2023
Delegated or DMC Decision:	Delegated
Summary:	This application was for the retention of habitable space created from the conversion of the garage space, as well as enlargement of the existing hardstanding.

The application site was a result of application S6/1999/0884/FP, where condition 14 sought to ensure garaging and car parking spaces remain in situ to ensure adequate off-street parking is provided and condition 16 of that approval revoked certain PD rights, including Class A of Schedule 2, Part 1 of the GDPO.

The applicant had completed the garage conversion works under the assumption that the development was PD, however the application site did not benefit from the relevant PD rights.

The car parking requirements for this site were considered under the Hatfield Aerodrome SPG 1999, where two car parking spaces should be provided for a 2-3 bedroom dwelling. The application dwelling was considered to be a three-bedroom dwelling.

Many neighbouring comments in support of this application were received.

While the garage of the application site did not meet the suggested dimensions of garage sizes in the Interim Policy for Car Parking Standards and Garage Sizes, the size of the garage at approximately 5.3m in length and 2.6m in width and was considered reasonable to park a vehicle. It was noted that the structural pier reduced the garage width to approximately 2.4m at a certain point however it was considered reasonable parking could be achieved in a manner to avoid the structural pier.

The site benefits from a driveway suitable to park one vehicle and the proposal included extending this hardstanding for motorcycle and bicycle parking. However, the plans did not show any structures or development to facilitate bicycle and/or motorcycle parking, and such parking would still not constitute car parking spaces.

From site visits, a considerable number of vehicles were seen to be parked on the street, with some parking across the pavement to avoid blocking the road. It was considered parking in this manner endangers pedestrians and cyclists, as well as causing accessibility issues for those with pushchairs, wheelchairs etc who may be forced to travel in the road.

The application was therefore refused on the basis of an unacceptable impact to the safety and operation of the adjoining highway network.

The Inspector did not consider that the loss of one car parking space would have, or has had, any significant impact on the operation or safety of the road network, stating the roads are lightly trafficked and vehicle speeds low.

The Inspector also considered that the many comments in support of the development add weight to the appellants suggestion that there was no loss of parking as the garage was incapable of being used to park a vehicle. The Inspector noted that the constraints of the site would not allow the garage to be extended and that converting the garage is hardly surprising given the compact size of the dwelling.

The Inspector concluded "overall, I have been unable to identify any planning harm arising from the use of, and related works to, the former garage at No.8. The

	<p>increase of living space achieved is a tangible benefit whereas the parking space (garage) the Council wish to retain either made no, or at best a questionable, contribution to off-road parking. In any event I found no evidence of risk to safety or the proper operation of the highway.”</p> <p>The appeal was allowed.</p>
6/2022/0123/HOUSE	
DCLG No:	APP/C1950/D/22/3296697
Appeal By:	Mr & Mrs A & R Thomas
Site:	108 Harmer Green Lane Digswell Welwyn AL6 0ET
Proposal:	Erection of a first floor rear extension and erection of a front porch.
Decision:	Appeal Dismissed
Decision Date:	09/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to planning permission that was refused for the erection of a first floor rear extension incorporating a roof light and front porch. The site is within the Green Belt.</p> <p>The Inspector says the proposal is inappropriate development in the Green Belt. She said, “the proposal taken collectively with other previous extensions to the dwelling, would represent disproportionate extensions to this property”. She also concluded that the increase in size of the dwelling would give rise to a degree of harm to openness.</p> <p>The Inspector also takes some time to consider the appellants arguments about permitted development rights at the property and a neighbouring property. She comments specifically on their suggested fallback position as follows: “Permitted development would allow for extensions to the appeal property. However, unlike the case at 106 Harmer Green Road, there are no permissions or approvals in place that would indicate a clear intention to extend the property in such a way. I do not consider the existence of permitted development would demonstrate a greater than theoretical prospect that additions would be constructed. The existence of permitted development does not make the proposed development more acceptable, nor does it justify the harm that I have identified above. Furthermore, if a first-floor extension to the rear could be constructed as the applicant says, it would be of 2m lesser depth than that proposed. As such, this fallback position would be less harmful. As such, the existence of permitted development rights offers little weight in favour of the proposal”.</p> <p>She also gives moderate weight to the dwelling not being overlarge in relation to its plot and in relation to other nearby dwellings.</p> <p>Overall, the Inspector concludes that there are no considerations sufficient to clearly outweigh the harm to the Green Belt.</p> <p>The appeal is dismissed.</p>

6/2021/2764/PN15

DCLG No:	APP/C1950/W/21/3288698
Appeal By:	Sir/Madam
Site:	Howlands The Ryde Hatfield Hyde Welwyn Garden City AL7 4EJ
Proposal:	Prior approval for the installation of an 18m Phase 8 Monopole wrapround cabinet at base and associated ancillary works
Decision:	Appeal Dismissed
Decision Date:	09/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This was a Prior approval application for an 18.0m Phase 8 monopole C/W wraparound cabinet at base and associated ancillary works on land near Howlands, The Ryde, Hatfield Hyde, Welwyn Garden City.</p> <p>In respect of Highway Safety, the Inspector said that the four cabinets proposed would exceed the height of the railings associated with the crossing. He said that “although the cabinets would not be high enough to obscure the traffic lights, the proposed monopole would be substantially broader than other street furniture, and would obscure the lights, even if only momentarily, for drivers leaving the roundabout and approaching the crossing. In addition, the curvature of the road, as it leaves the roundabout, means the line of cabinets would reduce driver visibility of pedestrians and cyclists preparing to use the crossing”.</p> <p>He concluded that “the siting and appearance of the proposed installation would therefore have a harmful effect on highway safety, and the harm should be weighed against the need for the installation to be sited in this location”.</p> <p>In relation to character and appearance, he also found the proposal unacceptable. He said “the monopole mast would be more than double that height close to the highway, and would be prominent on this corner of open land near the roundabout junction. The mast would be substantially broader than the street lighting and traffic signs in the area, and the mast and cabinets would appear particularly large from the lower ground in the cutting”.</p> <p>It is interesting to note that this part of WGC has no specific designation (not a C/A or nearby listed buildings) but yet he still found the siting and appearance of the proposal would harm the character and appearance of the area.</p>

6/2022/2056/HOUSE

DCLG No:	APP/C1950/D/23/3314253
Appeal By:	Mr Roy Harper
Site:	1 High Oaks Road Welwyn Garden City AL8 7BJ
Proposal:	Replacement of existing garage to include a pitched roof
Decision:	Appeal Dismissed

Decision Date:	13/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the proposed replacement of existing garage to include pitched roof. Our planning reference 6/2022/2056/HOUSE.</p> <p>The Inspector stated that the “Conservation Area in the vicinity of the appeal site is characterised by properties of varying forms, however uniformity in terms garages with flat roof design is evident.</p> <p>The Appellant has drawn my attention to properties in the area with garages which have a pitched roof. Notwithstanding this I note that the harmony of design in terms of flat roof, modest garages is retained by the majority of the properties. The pitched roof garage on this prominent corner would be out of keeping with the area in general.</p> <p>The proposed development would be an unsympathetic addition to the area. On this basis I conclude that the proposed development would diminish unacceptably the character and appearance of the conservation area. There is conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan (2005) and Policies SP9 and SADM15 of the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission August 2016 which seek amongst other things to ensure development is of high standard of design responding positively to the character and context of the historic area.</p> <p>The appeal was dismissed.</p>

6/2022/1401/HOUSE

DCLG No:	APP/C1950/D/22/3311156
Appeal By:	Dr Michael Henein
Site:	12 Heathlands Welwyn AL6 0UU
Proposal:	Erection of first floor rear extension
Decision:	Appeal Dismissed
Decision Date:	13/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the erection of a first floor rear extension, our reference 6/2022/1401/HOUSE.</p> <p>The Inspector stated that the proposed development would be a prominent addition to the existing dwelling adding bulk to the rear of the property. The proposed development would not be subordinate to the existing property and would appear incongruous and concluded that the proposed development would harm the character and appearance of the area.</p> <p>The Inspector also said that the proposed development would bring the property closer at first floor to the shared boundaries. Whilst mutual overlooking does exist between properties in this area; the scale, positioning and design of the proposed</p>

	<p>development would exacerbate the sense of being under surveillance and would diminish the levels of privacy currently experienced and concluded that the proposed development would harm the living conditions of occupiers of neighbouring properties.</p> <p>It was concluded that there is conflict with Policy D1 of the District Plan and Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission August 2016 which seek amongst other things to ensure development is of high quality which protects the living conditions of occupiers of neighbouring properties, respects neighbouring buildings and the surrounding context in terms of height, mass and scale.</p> <p>The appeal was dismissed.</p>
6/2022/1619/HOUSE	
DCLG No:	APP/C1950/D/22/3309116
Appeal By:	Mr and Mrs S and E Biggs
Site:	123 Tolmers Road Cuffley Potters Bar EN6 4JW
Proposal:	Erection of ancillary annex following demolition of existing garage
Decision:	Appeal Dismissed
Decision Date:	13/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the erection of an ancillary annexe following the demolition of an existing garage.</p> <p>The main issue was the effect of the proposed development on the character of the area.</p> <p>The Inspector considers that the proposed development due to its design, scale and location would not appear to be functionally and physically associated with the existing property. Despite the proposed use as an annex, the proposed development would be considerably larger in size and would appear visually as a separate dwelling, accessed by a pedestrian gate from High Ridge. The proposed annex would be considerably smaller than other properties in the area.</p> <p>Moreover, the proposed development would appear cramped and prominent in the proposed position which is set forward of the building line of the adjacent property on High Ridge and closer to the highway than the existing garage. The proposed development would introduce a constrained residential building incongruous to the surrounding area.</p> <p>Overall, the Inspector considers that the proposed development would be a prominent addition to the area and would appear incongruous in the streetscene, concluding that the proposed development would harm the character and appearance of the area. The Inspector considers that there is conflict with Policies D1, D2 and GBSP2 of the Welwyn Hatfield District Plan (2005) and Policy SP9 of the Welwyn Hatfield Borough Council - Draft Local Plan Proposed Submission</p>

	<p>August 2016, the Council's Supplementary Design Guidance and the National Planning Policy Framework (2021).</p> <p>The appeal was dismissed.</p>
6/2022/0821/FULL	
DCLG No:	APP/C1950/W/22/3307181
Appeal By:	Mr Andrew Marler
Site:	5 Oakwell Drive Northaw Potters Bar Hertfordshire EN6 4EZ
Proposal:	Formation of single subterranean dwelling
Decision:	Appeal Allowed with Conditions
Decision Date:	14/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal related to a subterranean dwelling in Northaw. The key issues were whether or not the proposal would be inappropriate development in the Green Belt including effect on Green Belt openness; effect on the area's character and appearance; whether or not the development would be in a sustainable location and, if the development would be inappropriate, whether very special circumstances exist to justify the development.</p> <p>There is recent history of submissions at the site for both a subterranean pool house and a subterranean dwelling. The former has been granted planning permission by officers with the latter being dismissed at appeal. Since the dismissed appeal, a lawful development certificate has been granted at the site for the laying of loose stone for use as a parking space. There has also been a successful application for variations to the pool house development including a change to the location of the above ground part of the development and alterations to the underground part.</p> <p>The Inspector identified that the proposal would cause limited harm to the openness of the Green Belt and harm the Green Belt by virtue of inappropriateness. He also identified limited and localised harm to the character and appearance of the area and slight harm in terms of the site's unsustainable location.</p> <p>Against the harms, the Inspector gave considerable weight to the fall-back position of implementing the pool house (he concluded that the overall impact would be no more). Great weight was given to the provision of a dwelling (noting the Council's lack of a 5-year housing land supply) and limited positive weight was given to the energy efficiency of the dwelling and economic and social benefits.</p> <p>In light of his findings, the Inspector considered that there are no policies in the NPPF that protect areas or assets of particular importance which would provide a clear reason for refusing the development. The presumption (paragraph 11(d)(ii) of the NPPF) therefore provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole</p>

The Inspector concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, therefore, the appeal was allowed.

6/2021/0773/FULL

DCLG No:	APP/C1950/W/22/3290436
Appeal By:	JS & HBJ Conway 1994 Settlement
Site:	1 Maynard Place Cuffley Potters Bar EN6 4JA
Proposal:	The erection of a one storey roof extension to create 6 no. flats including 3 x 1 bed and 3 x 2 bed flats, with associated parking and cycle and refuse provision
Decision:	Appeal Allowed
Decision Date:	17/02/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to the erection of a one storey roof extension to create 6 flats including 3 x 1 bed and 3 x 2 bed flats, associated parking and cycle and refuse provision.</p> <p>The main issue was whether the proposed development would have an adverse highway impact on nearby highways.</p> <p>Taking the existing and proposed development together, a total requirement of 29 spaces would be required at the site when applying the current SPG parking standards. The proposal seeks alternatively to provide 6 parking spaces at the location where the existing 11 unallocated spaces are currently provided. The parking requirement of the proposed development together with the existing development on site would represent a shortfall of 23 car parking spaces. On this basis the Council contends there to be insufficient car parking.</p> <p>The Council noted that the existing garages would fall below the garage space standards, and interested parties suggested that some of the garages may have been sold. The Inspector has no substantive evidence that would substantiate this and considers that the existing 10 garages should be regarded as contributing to parking provision at the site. On this basis the shortfall would reduce to 13 car parking spaces. The Inspector accepts there would be a shortfall in parking provision when taking the existing and proposed in combination, but when an allowance is made for the existing garages that are to remain, the combined shortfall would be less acute.</p> <p>The Inspector accepts that there would be a shortfall in parking provision at the site to serve a combined total of 20 flats. Nonetheless, the location of the development would represent a sustainable one that would reduce the reliance on private vehicle. Furthermore, there are parking restrictions in the local area with other parking restrictions on residential streets. These restrictions would deter overspill parking generated by the proposed development from dispersing onto nearby highways.</p>

Overall, the Inspector does not consider the extent of parking demand would result in residents dispersing onto nearby highways to such a degree that would create an adverse highway impact. The proposed development would therefore not have a significant adverse highway impact on nearby highways.

Other matters were raised such as the proposed gate potentially restricting the width of the road into Maynard Place, ability of the refuse lorry and emergency vehicles to access the site, access to garages and parking spaces of Plough Hill residents, overlooking, loss of privacy and sunlight to properties at Plough Hill. The Inspector concluded that there would not be any issues in respect of these matters.

The appeal was allowed, subject to conditions.