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# Appeal Decision

Site visit made on 13 December 2023

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> February 2024**

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**Appeal Ref: APP/C1950/W/22/3305719**

**110 Hawkshead Road, Little Heath, Potters Bar, Hertfordshire EN6 1NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Larry Kenney against the decision of Welwyn Hatfield Borough Council.
  - The application Ref 6/2022/1015/FULL, dated 27 April 2022, was refused by notice dated 14 July 2022.
  - The development proposed is the demolition of existing property and the erection of a new dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Following the Council's decision, the Welwyn Hatfield Borough Council Local Plan 2016-2036 (the Local Plan) was adopted (October 2023). As a result, the policies referred to in the decision notice have been replaced. The main parties have been invited to provide further comments on the Local Plan and, where received, I have taken them into account in my decision.
3. Additionally, during the appeal a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by the appeal being determined accordingly.

## Main Issues

4. The main issues are:
  - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - the effect of the proposed development on the openness of the Green Belt;
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed access arrangement on the safety of users of Hawkshead Road; and

- if the proposed development is inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Whether inappropriate development*

5. The appeal site is located within the Green Belt where the construction of new buildings, including replacement buildings, should be regarded as inappropriate, subject to the following exception identified in the Framework: where it would be in the same use and not materially larger than the one it replaces. The proposed development comprises the demolition of an existing residential property and detached garage and the construction of a new dwelling. Therefore, the first part of the exception is met.
6. Whether the proposed replacement dwelling is materially larger than the existing property is a matter of judgment. The Framework does not set out which physical dimension is most relevant to this assessment, however, Policy SADM34 of the Local Plan stipulates that the footprint, height and external volume of the replacement dwelling will be taken into account. The view that the existing dwelling is small relative to its plot and the fact that other properties close to the site have been extended do not form part of this assessment.
7. Notwithstanding the limited numerical detail of the existing and proposed dwellings, the main parties agree that the proposed dwelling would increase the building footprint on the site. In terms of volume, the first floor of the existing dwelling does not extend to the full width and depth of the irregularly shaped ground floor. However, despite being a similar width to the existing property, the proposed dwelling would be deeper, with a rectangular form providing ground and first-floor areas of similar sizes. Furthermore, a basement storage area is proposed, although this has not been quantified in the application documentation. Consequently, the footprint and external volume of the replacement dwelling would be larger than the existing dwelling and, in the case of the external volume, this increase would be substantial.
8. The supporting text to Policy SADM34 refers to what may be considered acceptable in terms of a percentage increase in a development's footprint. Although the increase in footprint proposed would be well below this percentage, this relates to whether an extension would be defined as a disproportionate addition. This comparison forms part of a different exception test set out in the Framework and is therefore not determinative in this case.
9. I conclude that the proposed replacement dwelling would be materially larger than the existing dwelling and, therefore, does not meet the relevant exception set out in the Framework. It would be inappropriate development in the Green Belt and should not be approved except in very special circumstances.

### *Openness*

10. Openness, or the absence of development, is an essential characteristic of the Green Belt. As an existing dwelling with a detached garage is already located on the site, the proposed development would not result in the introduction of development into an area otherwise devoid of built form. However, the

increased bulk at the first-floor level of the replacement dwelling would be apparent in the street scene and lead to a reduction in the openness of the site, albeit to a limited degree.

11. The width of the replacement dwelling would be similar to that of the existing property whilst the removal of the detached garage would increase the openness of the site at ground level. Nevertheless, the proposed dwelling would result in a loss of the openness of the Green Belt and would conflict with its fundamental aim to safeguard the countryside from encroachment.

#### *Character and appearance*

12. The appeal site is located within a line of properties that face Hawkshead Road. Although there are some similarities in fenestration arrangement, use of materials and roofscape design within this line of properties, this is primarily evident in the short rows of terraced homes located on either side of Swanley Crescent.
13. The replacement dwelling would add to the variety in built form, with the proposed ridgeline orientated at right angles to the road. However, this results in a greater ground to eaves height and, combined with the dominant amount of plain rendered wall in the façade, would contrast starkly with other properties nearby, to the detriment of the street scene.
14. The proposed openings, particularly to the side elevations, would comprise an excessive variety in terms of their size and proportion, not only in comparison with nearby properties but also the replacement dwelling itself. Furthermore, the inconsistency and irregular arrangement of openings would be laid out in a contrived manner that further emphasises the amount of blank wall to each side elevation. Whilst the fenestration design and arrangement could be modified, this is not the scheme before me, nor would it overcome the harm to the street scene as a result of the proposed roofscape.
15. Even though the redevelopment of the now vacant site would enhance the street scene, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policy SP9 of the Local Plan which requires development, amongst other things, to be of a high-quality design that relates well to its surroundings whilst creating coherent and attractive forms and elevations.
16. I also find conflict with Chapter 12 of the Framework which requires development to be sympathetic to the surrounding built environment.

#### *Highway safety*

17. Two paved areas currently provide vehicular access to the appeal site from Hawkshead Road. These would be retained to provide access to a gated area of parking located at the front of the replacement dwelling. A grassed verge, pavement and another, wider strip of grass are located between the carriageway and the site boundary. Despite the omission of the relationship between the site boundary and the carriageway on the Proposed Block Plan<sup>1</sup>, there is sufficient space to permit a vehicle to wait clear of the highway whilst the gates are being opened. Although this could impede pedestrian movement along the pavement, this would be unlikely to delay pavement users to such an

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<sup>1</sup> Drawing ref: KEN.AUG.21C

extent that they would be forced to use the carriageway. Similarly, I see no reason why the required visibility splays could not be accommodated in this space, despite the lack of boundary details provided. Notwithstanding the above, a condition requiring details of the proposed boundary treatments to be approved by the Council could have been imposed, had I been minded to allow the appeal.

18. I conclude that the proposed development would not harm the safety of users of Hawkshead Road and would comply with policies SP4, SP9, SADM2 and SADM3 of the Local Plan. In combination, these policies, amongst other provisions, seek to improve the safety of all highway users whilst supporting development that has no negative impact on highway safety and provides a suitable level of parking. It would also accord with the Interim Car Parking Policy<sup>2</sup> which adopts a case-by-case assessment of the required number of car parking spaces to be provided for a development.
19. As I have concluded that the proposed development would not lead to an unacceptable impact on highway safety, it would accord with Chapter 9 of the Framework in this regard.

#### *Other considerations*

20. The proposed development would result in the replacement of a currently vacant property that is no longer fit for purpose as a family dwelling due to its size, age and ability to meet modern living standards. The removal of the hoarding along the site frontage would have a positive impact on the street scene, as would bringing into use the site. However, the fulfilment of these benefits is not dependent upon the appeal scheme before me. Therefore, I afford these benefits moderate weight.
21. Even if I were to conclude that the proposed development would not harm the living conditions of neighbouring occupiers, this would be a neutral factor in my decision.
22. Matters relating to the pre-application and application process, including the issues raised by the Council at these stages are matters beyond the remit of my decision.
23. Notwithstanding the limited information before me, even if the Council has approved developments comprising multiple new dwellings in the Green Belt, as this case relates to a replacement rather than a new dwelling or multiple dwellings, the circumstances are not directly comparable.

#### *Green Belt balance*

24. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of openness to the Green Belt. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework requires that the harm by reason of inappropriateness and the openness of the Green Belt be given substantial weight.

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<sup>2</sup> Interim Policy for Car Parking and Garage Sizes (the Interim Car Parking Policy)

## **Conclusion**

25. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR