



Appeal Decision

Site visit made on 11 October 2005

by **Leslie Coop BA(Hons) DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

21 OCT 2005

Appeal Ref: APP/C1950/A/05/1183800

East Lodge, Judges Hill, Northaw, Hertfordshire EN6 4NL

- 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 Dr J J N Masani against the decision of Welwyn Hatfield Council.
- The application ref: S6/2005/251/FP, dated 4 March 2005, was refused by notice dated 27 April 2005
- The development proposed is a conservatory at the rear and a weather porch to the front.

Decision

1. I allow the appeal and grant planning permission for a conservatory at the rear and a weather porch to the front at East Lodge, Judges Hill, Northaw, Hertfordshire EN6 4NL in accordance with the terms of application Ref: S6/2005/251/FP, dated 4 March 2005 and the plans submitted therewith subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 2. No development shall take place until full details or samples of the materials to be used in the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons for the Decision

2. There appears to be no dispute that the proposal when added to the size of the existing dwelling, would represent an increase of 143% in floorspace compared with the original lodge which stood on the site. I consider this would represent inappropriate development in the Green Belt in terms of Policy RA3 of the Welwyn Hatfield District Plan and Government policy as set out in Planning Policy Guidance Note 2: *Green Belts* (PPG2). However, the original lodge was a small dwelling of some 60m and even with the proposed extensions, the existing property would not be particularly large when compared to other properties in the vicinity. It is situated on a spacious plot and the porch would not be visible to public view. The conservatory would not be particularly prominent as it would be tucked in an angle of the existing building. Its impact would also be reduced by the substantial screening of a fence and trees, including evergreens, along the boundary with Judges Hill. In my opinion, therefore, the proposal would not harm this part of the Green Belt in terms of its openness or appearance. I agree with the Council that the design of the proposed porch and conservatory complements the existing dwelling and would preserve the character and appearance of the Northaw

Conservation Area.

3. I note the appellant's accommodation needs. I also note the numerous appeal decisions referred to by the appellant and the Council's concern that to allow the proposal would make it difficult for them to resist a larger dwelling on the site of West Lodge. However, I have not reached my decision on anything other than the circumstances and planning merits of this case and therefore the decision should not be seen as a precedent for any other proposals in the area.

Leslie Coop.

INSPECTOR

file



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Mr Kevin Steptoe
Development Control Manager
Welwyn Hatfield Council
The Campus
Welwyn Garden City
Hertfordshire AL8 6AE

Your Ref: S6/2005/251/FP
Our Ref: APP/C1950/A/05/1183800
Date: 10 November 2005

Dear Mr Steptoe

APPEAL BY DR J J N MASANI AT EAST LODGE, JUDGES HILL, NORTHAW, POTTERS BAR

Further to my letter of 2 November I am responding to your concerns about this appeal decision.

I agree with you that the Inspector has not properly considered the very special circumstances test required when considering inappropriate development in the Green Belt. Clearly he took the view that the limited size of the proposed extension did not give rise to actual harm. However, as you have pointed out, limited practical harm to the openness of the Green Belt does not count as an advantage. It merely reduces the weight of the disadvantages. We strive for error free decisions and very much regret that this mistake has occurred. I can only apologise and try to assure you that we will endeavour to learn from what has happened.

I hope this explanation is helpful.

Yours sincerely

TONY BISHOP
Quality Assurance Unit

