



Town and Country Planning Act 1990
PLANNING DECISION NOTICE – REFUSAL

S6/2012/957/FP

Change of use of No.128 & No.130 from Houses in Multiple Occupation (Use Class C4) to large 8 bedroom Houses in Multiple Occupation (Sui Generis)

at: 128-130 Aviation Avenue HATFIELD

Agent Name And Address

Mr A Patel
Construct 360 Ltd
13 Oakdale Avenue
Kenton
Harrow
LONDON
HA3 OJJ

Applicant Name And Address

Mr D Shah
128 Aviation Avenue
HATFIELD
AL10 9UE

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 07/06/2012 and shown on the plan(s) accompanying such application.

The reason(s) for the Council's decision to refuse permission for the development is/are:-

1. The proposal would further intensify the existing use of the No.128 and No.130 Aviation Avenue as Houses in Multiple Occupation within an area that already has a high concentration of Houses of Multiple Occupation. As existing the concentration of Houses in Multiple Occupation within a 50 metre radius of the application site exceeds the maximum 20 percent of the total number of dwellings contrary to Policy HMO1 of the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document. Therefore, the creation of a two large Sui Generis Houses in Multiple Occupation would fail to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1, D1, D2, R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005. The proposal would also conflict with section 6 and 8 of the National Planning Policy Framework.

2. The proposed change of use to an eight bedroom House in Multiple Occupation, by reason of the intensity and concentration of the proposed occupation, and the likely resultant levels of activity, noise and disturbance would materially harmfully affect the living conditions of neighbouring residential occupiers. As such the proposal is

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considered contrary Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

3. The proposal would result in an unacceptable intensification in the use of the No.128 and No.130 Aviation Avenue comprising a cramped layout and inappropriately sited bedrooms. In particular, two of the bedrooms within each property would fall below the minimum room size standards within Criterion HMO5 and a bedroom located on the ground floor of each property would be sited too close to the parking area, which would cause noise and disturbance to the occupants, contrary to Criterion HMO2 of the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document. These rooms would provide inadequate living conditions for the occupants and fail to meet the requirements of Policies GBSP2, SD1, D1 and the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document February 2012.

4. Drawing No.AA128130-1002A Proposed Plans and Elevations shows the converted garage as a communal room, however, the conversion of the garage to habitable accommodation is unauthorised and planning permission for retention of the garage conversion was recently refused under planning reference S6/2012/0956/FP. If the garages were to be reinstated, then there would be space available for the no provision for a communal room within either of the two properties which would fail to comply with criterion HMO5 of the HMO2 of the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document. The properties would therefore provide inadequate living conditions for the occupants and fail to meet the requirements of Policies GBSP2, SD1, D1 and the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document February 2012.

5. The proposal would provide insufficient off street parking space for the number of bedrooms and occupants of No.128 and No.130 Aviation Avenue. When considering the application site is within a wider development which has a shortfall of off road parking space, the proposal would be contrary to the conditions of the previous consent under planning reference S6/2009/0891/MA which requires garages to be retained for parking of private vehicles. As a result the proposal would exacerbate an existing shortfall of off street parking space both on the application site and within the wider development, which has an existing high concentration of properties in use as Houses in Multiple Occupation. Insufficient off street parking space is likely to result in cars being parked in inappropriate places and a subsequent impact upon highway and pedestrian safety and harm the character and appearance of the surrounding streetscene. The application is therefore contrary to Criterion HMO2 of the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document February 2012 and Policy M14 of the Welwyn Hatfield District Plan 2005.

REFUSED PLAN NUMBER(S): AA128130-1002A received and dated 31 July 2012

Date: **02/08/2012**

A handwritten signature in black ink, consisting of a stylized initial 'H' followed by a long horizontal stroke.

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Tracy Harvey
Head of Planning