
Appeal Decision

Site visit made on 9 February 2015

by Christa Masters MA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/C1950/A/14/2218872

2 De Havilland Close, Hatfield, Hertfordshire AL10 0DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Alsawan against Welwyn Hatfield Borough Council.
 - The application Ref S6/2014/0232/FP is dated 16 January 2014.
 - The development proposed is material change of use of part of ground floor from HMO (Use Class C4) to three self contained units (Use Class C3).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has referred to a previous enforcement appeal decision at the site (appeal reference APP/C1950/C/13/2191693). I have noted the contents of this decision in reaching my conclusions below.
3. The appeal proposal before me relates to the provision of three self contained units on part of the ground floor (Use Class C3). There is a disagreement between the parties regarding the lawful use of the remainder of the property. However, the lawful use of the remainder of the property is not a matter before me. I shall deal with the proposal on its merits and do not propose to comment any further in relation to this matter.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers;
 - The effect of the proposal on the living conditions of neighbouring properties.

Reasons

The effect of the proposal on the character and appearance of the area

5. The appeal site comprises a two storey end of terrace property with forecourt parking. De Havilland Close is a cul de sac comprising of primarily two storey terraced properties.

6. Policy H4 of the Welwyn Hatfield District Plan (WHDP) 2005 states that the Council will grant planning permission for the conversion of large residential units to provide smaller self contained units provided four criteria are met. The Council have alleged conflict with part (i) of this policy.
7. The proposal before me would result in the provision of three separate access points to the three self contained units proposed. A number of these access points have already been created, however drawing P100 Revision A indicates a total of five access gates would be created. These access points are through gates to the close boarded fencing which runs along the side boundary of the property. Although these access points may alter the character and appearance of the area, I do not agree that they have a materially harmful effect on the character and appearance of the area. Indeed the Council accept that the appearance of the property is not different to that of a family dwelling.
8. The Council have raised concerns that the subdivision of the garden into smaller areas and the wheelie bins to the front of the property contributes to harming the visual character of the area. However, the garden and amenity space is well screened from public view so its visual impact on the wider character and appearance of the area is limited. Furthermore, the presence of wheelie bins and refuse storage areas is not uncommon and therefore cannot in my view be deemed to be harmful to the character and appearance of the area.
9. To conclude in relation to the first main issue, there would be no harm to the character and appearance of the area as a result of the appeal proposal before me. The proposal would therefore accord with policy H4 (i) of the WHDP so far as this part of the policy relates to character and appearance. For the same reasons, the proposal would also accord with policy D2 of the WHDP which requires development proposal to maintain and where possible, enhance or improve the character of the existing area.

Whether the proposal would provide an acceptable standard of accommodation for future occupiers

10. The Council contend the proposal would result in inadequate egress and access arrangements to the proposed communal garden area, as well as insufficient external garden space. As outlined above, policy D1 requires all development proposals to be of a high quality design. I accept that there are no minimum space standards provided by the Council in relation to amenity space provision. In my view, the outdoor amenity space would be adequate for self contained units two and three. However, as outlined on the plan, the outdoor amenity space for self contained unit one would be directly overlooked by the window of self contained unit two. Its narrow shape and limited size would also restrict the usability of this space.
11. In all three of the units proposed, there would be no hallway and the access would open directly into the main living space of the units. I also have concerns regarding the security implications of the three separate access points along the side boundary of the property where natural surveillance is limited.
12. The occupiers of all three self contained units would be likely to use the washing and drying facilities located at the rear of the site as the limited size of the accommodation means it is not possible to provide such facilities within the units. These facilities are located some distance from the self contained units

one and two, in my view a direct reflection of the restricted space and layout of the accommodation proposed. On the basis of the evidence before me and my observations at the site visit, I am not convinced that the accommodation, access arrangements and outdoor amenity space to unit one would be sufficient to provide a satisfactory living environment.

13. For these reasons, I conclude the proposal would fail to provide a high quality environment envisaged by policy D1 of the WHDP. The proposal would also fail to accord with policy H4 (iv) of the WHDP which seeks, amongst other things, to ensure that adequate useable amenity space can be provided in the conversion of residential accommodation. The policy also seeks to ensure that conversion of residential accommodation should not adversely effect the amenity of neighbouring residential properties by overlooking of loss of privacy.

The effect of the proposal on the living conditions of neighbouring properties

14. The Council's concerns in this regard relate specifically to noise disturbance relating from the intensity of the uses being undertaking within the appeal property.
15. The appellant states that the number of residents would not increase. However, as concluded by the previous Inspector, it would not be possible to restrict the number of occupiers of the units proposed. I also agree that there can be no reliance on the appellant letting to single people only as the permission would run with the land. The access arrangements to the side of the property would mean that residents would need to take refuse some distance to the collection point at the front of the property. Comings and goings and also likely to be high given the location of the washing and drying facilities at the rear of the appeal site and the numerous individual access points provided along this side boundary. On this basis, the number of separate household which would be accommodated at the property could cause noise and disturbance over and above what would normally be expected in this area.
16. In conclusion, the proposal would conflict with the guidance contained within the National Planning Policy Framework (the Framework) which states at paragraph 17 that decision taking should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

17. I acknowledge the benefits the proposal would bring in terms of meeting housing need in a sustainable location. However, these are not factors that outweigh the main issues before me. For the reasons I have set out above, the proposal would result in poor quality accommodation which would fail to meet the objectives of the development plan policy and the Framework.
18. Concerns have been raised by Hatfield Town Council regarding the potential for parking problems to be exacerbated. However, I conclude that the development is unlikely to cause significant pressures on local parking facilities so as to warrant an objection on this basis.
19. For the reasons given and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christa Masters

INSPECTOR