

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 20 JUNE 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2019/0455/FULL

151 CAMPION ROAD, HATFIELD, AL10 9FL

CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) TO SMALL HMO
FOR UP TO SIX OCCUPANTS (USE CLASS C4)

APPLICANT: Miss S Wood

(Hatfield Villages)

1 Site Description

- 1.1 The application site comprises a two storey link-detached dwelling contained as part of a L-shaped cul-de-sac of properties on the southern end of Campion Road, close to its junction with Hatfield Avenue. The dwelling is orientated in such a way that its principal elevation fronts Campion Road rather than the common cul-de-sac access.
- 1.2 The surrounding area is characterised with predominately terraced and semi-detached dwellings and flats of similar design and varying size. The application dwelling is one of the larger dwellings within this overarching housing development.

2 The Proposal

- 2.1 The applicant seeks planning permission to change the use of an existing single family Dwellinghouse (C3) to a small HMO for up to six occupants (C4) , including creation of a dormer within the rear roof slope and ancillary structures within the garden.
- 2.2 Since the application was submitted, alterations have been made to the internal layout and amended floorplans (151/2c) have been submitted. The amended floorplans, received on the 3rd April 2019, include the following:
 - Removal of cycle storage unit adjacent to Campion Road
 - A washbasin is now shown within the bathroom which is adjacent to the kitchen
 - The plans for the kitchen now include a fridge, a freezer, washer and a drawer

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council has called-in the application:

“In accordance with the Amenity Standards for Licensable and Non-licensable Houses in Multiple Occupation (December 2015) the proposed kitchen will not meet the required standard as it fails to provide sufficient work space, indicates only on a single sink bowl, provides insufficient fridge/freezer space and does not have sufficient oven and hob provision. The plans show a toilet without hand washing facilities. Members question the means of escape from the loft room in case of fire.”

4 Relevant Planning History

- 4.1 Application Number: 6/2016/1829/HOUSE

Decision Date: 21 November 2016

Proposal: Erection of single storey side extension, side facing dormer window, single storey rear infill extension, roof alterations, roof light, sky light, conversion of garage and replacement of existing garage door with window.

Decision: Refused

- 4.2 Application Number: 6/2017/1318/HOUSE

Decision Date: 10 August 2017

Proposal: Erection of a single storey side and rear extension, side facing dormer window, roof lights, conversion of garage and replacement of existing garage door with window.

Decision: Granted

- 4.3 Application number: S6/2001/1338/FP

Proposal: Residential development comprising of 200 dwellings, new road, cycle ways, footpaths, landscaping and public open space. (Revisions to planning permissions S6/1999/0884/FP and S6/2001/0577/FP)

Decision; Granted

- 4.4 Application number: S6/2001/0577/FP

Proposal: Residential development comprising 370 dwellings, new roads, cycleways, footpaths, landscaping and public open space. (Revision to planning permission S6/1999/0884/FP)

Decision: Granted

- 4.5 Application number: S6/1999/0884/FP

Proposal: Residential development comprising 370 dwellings, new roads, cycleways, footpaths, landscaping and public open space

Decision: Granted

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2019 (NPPF)

- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)

- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)

- 5.4 Supplementary Design Guidance 2005 (SDG)

- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.7 Houses in Multiple Occupation, Supplementary Planning Document, February 2012

6 Site Designation

- 6.1 The site lies within the settlement of Hatfield Town as designated in the Welwyn Hatfield District Plan 2005. It is covered by the Hatfield Town Article 4 Direction restricting changes of use from C3 (single dwelling) to Use Class C4 (HMO's).

7 Representations Received

- 7.1 The application was advertised by means of site notice and neighbour notification letters. Two representations have been received from the occupiers at No. 114 and No. 149 Campion Road, which may be summarised as:

- Noise
- Potential for the property to be used by students.
- Lack of parking

It is important to note that although these neighbours initially objected to application they have since revised their representations to comments.

- 7.2 **Cllr Duncan Bell** – Permission should be in accordance with Article 4 rules.

- 7.3 **Hatfield Town Council** – call-in stated as follows:

- 7.4 “In accordance with the Amenity Standards for Licensable and Non-licensable Houses in Multiple Occupation (December 2015) the proposed kitchen will not meet the required standard as it fails to provide sufficient work space, indicates only on a single sink bowl, provides insufficient fridge/freezer space and does not have sufficient oven and hob provision. The plans show a toilet without hand washing facilities. Members question the means of escape from the loft room in case of fire.”

8 Consultations Received

- 8.1 Welwyn Hatfield Borough Council, Private Sector Housing (support this application).
- 8.2 Welwyn Hatfield Borough Council, Public Health and Protection have not objected or proposed any conditions
- 8.3 Welwyn Hatfield Borough Council, Client Services have not objected or proposed any conditions
- 8.4 Hertfordshire County Council, Transport Programmes and Strategy Department have not objected

9 Analysis

- 9.1 The main planning issues to be considered in the determination of this application are:

1. **Principle of the change of use to HMO (C4)** (Conversion of Residential Accommodation), Supplementary Planning Document 2012 HMO1)
2. **Design and impact on the character and context of the area** (NPPF; Policies D1, D8 of the District Plan; Policy SP9 of the Emerging Local Plan, Supplementary Design Guidance, Supplementary Planning Document 2012 HMO5)
3. **Impact on the living conditions of neighbouring occupiers and future occupiers** (NPPF; Policy D1 and SDG of the Local Plan; Policy SADM11 of the Emerging Local Plan)
4. **Other Relevant Planning Matters**
 - (i) **Highways and parking (M14, HMO2, HMO3)**
 - (ii) **Refuse and recycling (HMO4)**

1. Principle of the change of use to HMO

Whether the proposed development constitutes inappropriate development

- 9.2 A key national housing objective is the creation of mixed sustainable and inclusive communities with a variety of housing stock for a mix of different households. Within Welwyn Hatfield, houses in multiple occupation provide a valuable supply of private rented accommodation for professionals in employment, students and people on benefits. HMO's are one of the most affordable forms of accommodation in the private sector.
- 9.3 There are high concentrations of HMO's in parts of Hatfield, which can result in an imbalance in local communities that are not inclusive and do not create sustainable communities.
- 9.4 The Houses in Multiple Occupancy Supplementary Planning Document 2012 (HMO SPD) sets out the Council's objective to retain a balance of different housing types and sets out the Policies/criteria for achieving this aim. The SPD has been informed by extensive public consultation. Section 5.2 of the HMO SPD establishes that a change of use from C3 to a large HMO (Sui Generis) will be determined in relation to all the Criteria in the SPD (Policies HMO1 to HMO6).
- 9.5 Criterion HMO1 of the SPD sets a benchmark for determining whether there is an overconcentration of HMO's within an area. Under this Policy, applications for change of use to an HMO will not be permitted where the proportion of HMO's would exceed 20% of the total number of dwellings within a 50m radius of the centre of the application property. This criterion enables the Council to manage future changes in land use and to ensure that the surrounding area is not adversely affected by new HMO's. The 20% concentration level has been selected to prevent concentrations that result in an adverse impact but still allows a number of new HMO's to meet future need. The Policy does not intend to prevent new HMO's from being created per se.
- 9.6 The Council's information sources (licensed HMO's, enforcement records, Council tax records for student exemption, resident representations and databases of HMOs) show that of thirty eight other properties within the 50m radius, there are no other HMO's. If the proposed development was granted the

percentage of HMOs within the 50m radius would be 3%, which is below the threshold of 20%. The proposal is, therefore, compliant with criterion HMO1 of the HMO SPD 2012.

2. Design and Character of the area

- 9.7 District Plan Policies D1 and D2, Emerging Local Plan Policy SP9 and the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. The policies require proposals to complement and reflect design and character, be subordinate in scale, and not look cramped within the site in regards to bulk. These policies are in line with the National Planning Policy Framework (NPPF) in that planning should require good design.
- 9.8 These policies are expanded upon in the Council's Supplementary Design Guidance (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area.
- 9.9 Policy HMO5 of the HMO SPD provides standards for HMO's which applications for this use are expected to be met to demonstrate that the layout and design are suitable for the proposed use and number of units/occupants. These standards cover internal layout standards, external amenity space, drying area and entrance.
- 9.10 In terms of internal layout, the size of each unit depends upon the number of people occupying and whether there is a separate or included kitchen. Para 5.23 of the HMO SPD makes clear that a communal room will normally be expected in a house of multiple occupation. The HMO SPD sets out that HMOs with communal kitchens should have bedrooms of at least 8sqm for single occupation and 13sqm for double occupation. Shared facilities should be provided as follows: a shared kitchen for up to five people should be 6sqm and dining living area 8.5sqm (14.5sqm in total). For 6 to 10 people the kitchen should be 11sqm and lounge/diner of 12.5sqm. These areas exclude en-suite or separate bathrooms and W/C's.
- 9.11 As part of this proposal the six bedrooms proposed are of the size listed below:
- Bedroom 1 – 10sqm (Single occupation)
 - Bedroom 2 – 11sqm (Single occupation)
 - Bedroom 3 – 13sqm (Single occupation)
 - Bedroom 4 – 11sqm (Single occupation)
 - Bedroom 5 – 10sqm (Single occupation)
 - Bedroom 6 – 16sqm (Single occupation)
- These bedrooms therefore meet the standards set out in the above paragraph.
- 9.12 With regards to the proposed communal facilities it is noted from the submitted plans that the proposed development would provide a kitchen, communal room and utility room. The size of this room is listed below:

Kitchen – 17sqm

Communal Room – 21sqm

Utility Room – 9sqm

These communal facilities therefore meet the standards set out in the above paragraph.

- 9.13 With regard to external amenity space, the HMO SPD requires 20sqm for up to three occupants plus 1sqm for each additional occupant. The current proposal for six residents, therefore, requires 23sqm of communal external amenity space available for all occupants to use. This area should be kept free of car parking, cycle parking, waste recycling and compost bins and drying areas. The rear garden measures approximately 83sqm and is accessed through the galley kitchen at the rear of the house (as well as separately from bedroom 01 and via the door at the rear of the garage). There is ample space to meet the required standard while keeping the amenity area separate from cycle parking, waste storage and drying areas. The proposed amenity space provisions therefore comfortably meet the requirements of the SPD in this respect.
- 9.14 The main entrance to the property for all occupants is through the front door. No alterations are proposed to this arrangement. This element complies with the criteria in the HMO SPD which seeks to retain the use of main entrance doors for all occupants in order to protect the character of the area and meet the requirements of Secured by Design.
- 9.15 It is proposed that a dormer window would be created within the rear roof slope of the property and fencing would be erection in front of the garage to conceal the bin storage area and cycle storage area.
- 9.16 The scale, bulk and design of the proposed dormer window would be sufficiently subordinate to the existing property and has been designed in a manner that is in keeping with the character of the existing dwelling. The proposed fencing and shed to the front of the property would be limited in scale and would have a sympathetic appearance in relation to the dwelling. As a consequence, it is considered that this structure would be acceptable and would appropriately relate to the existing dwelling. In addition, it is considered that the proposed fencing would help to mitigate the impact of having bins and cycle storage to the front of the property.
- 9.17 It is noted that the proposed materials to be used on the dormer or fence are not shown within the submitted plans with the result that it is considered that it would be reasonable and appropriate to impose a condition within any approval to require that these materials are assessed prior to the above ground works commencing and the use commencing.
- 9.18 According to Council-held records there are no other HMO's in the vicinity. The local vicinity is, therefore, predominantly single household dwellings. The proposal would introduce a different use within Use Class C than is currently represented within this part of Champion Road. Given the scale of the proposal and predominance of single households the main character of the area would not be unduly affected. The proposed change of use of one property would not result in an overconcentration of such types of use in the vicinity such that it would adversely affect the character of the local area. Overall the proposal is considered to be in keeping with the character of the area. The property has

been assessed as providing sufficient space and facilities for the proposed number of occupants.

- 9.19 It is noted that part of the objection from Hatfield Town Council is on the basis that they consider that the proposal would fail to comply with Amenity Standards for Licensable and Non-licensable Houses in Multiple Occupation (December 2015). It is important to note that this document is not a planning document and that the WHBC Private Sector Housing team have been consulted and have raised no objection to the proposal. Furthermore as the proposed use of the property is for six occupants the owner of the property would have to seek a licence from Private Sector Housing to operate.
- 9.20 With regards to the concerns about fire safety it is important to note that as the proposed dormer window is yet to be constructed and its construction would have to be in accordance with building control regulations.
- 9.21 Accordingly, the proposal would represent a good quality of design and would be acceptable to the provisions of the National Planning Policy Framework 2018, Policies D1 and D2 of the District Plan 2005, Emerging Local Plan Policy SP9 and Supplementary Design Guidance 2005.

3. Impact on living conditions and the residential amenity of adjoining neighbours

- 9.22 Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, SADM11 of the Emerging Local Plan and the Supplementary Design Guidance 2005 aim to preserve neighbouring amenity. These policies are in line with the NPPF which seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The impacts on neighbouring residential amenity and living conditions are assessed in terms of overbearing impact, day and sun light and privacy/overlooking. Where changes of use occur issues of noise are also considered.
- 9.23 The properties most likely to be affected are Numbers 149 and 153 Campion Road. The change of use would intensify the residential use of the site to some extent given the likely nature of the proposed use. Policy R19 states that uses which generate unacceptable noise would not be considered acceptable.
- 9.24 Public Health and Protection Department has been consulted and commented although the proposal would result in an intensification of the use of the building, it would remain as a residential property with the result that this would not be unacceptable. All sources of noise are not expected to be of concern, with any issues in future only likely to arise from unreasonable behaviour of future occupants of the property. In such cases, any issues would be dealt with through the Environmental Protection Act 1990.
- 9.25 With regards to the built form that is proposed within this application it is considered given its scale, design and positioning that it would not unacceptably impact on Numbers 149 and 151. It is therefore considered that the proposal would not result in adverse harm to these neighbours amenity by way of overlooking, loss of light or overshadowing upon neighbour amenity. On this basis, the development is considered in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, SADM11 of the Emerging Local Plan, the Supplementary Design Guidance 2005 and the NPPF.

4. Other Relevant Matters

i) Highways and Parking

- 9.26 Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 109 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 9.27 Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 9.28 The standard set out in in Criterion HMO2 of the HMO SPD is 0.5 spaces per tenancy unit. The proposal contains six tenancy units. Accordingly the proposal on this basis requires three parking spaces. The proposal includes the provision of three car parking spaces to the front of the property which are already parking spaces associated with the current use of the dwelling.
- 9.29 With regards to cycle parking, Criterion HMO3 of the HMO SPD requires cycle parking to be provided on-site at a rate of one long-term space per tenancy unit. Half of the spaces must be secure and weatherproof. It is proposed that six covered and secure cycle spaces would be provided as part of this proposal.
- 9.30 As a consequence of the above it is considered that subject to a condition being imposed on any approval that this parking provision would be permanently retained for the occupiers of this property that it would be acceptable.

ii) Refuse and Recycling

- 9.31 Criterion HMO4 of the HMO SPD 2012 requires sufficient bin capacity for the number of occupants and for these to be stored outside the house on a hard level surface easily accessible from the kitchen and the road, as well as screened from view at the side or rear of the property.
- 9.32 The submitted plans do not indicate the exact type or size of bins that are being proposed but the area that is shown as being set aside for bin storage is in an appropriate location and size to meet the requirement of HMO4. As a consequence, subject to a condition being imposed on any approval that specific details be provided on the proposed bin provision and its permanent retention, it is considered that this aspect of the proposal would be acceptable.

10 Conclusion

- 10.1 The proposed use would, in principle, be in accordance with Criteria HMO1 of the Houses in Multiple Occupancy Supplementary Planning Document 2012. The proposed use would continue to be residential and the change of use of one property would not result in an overconcentration of such types of use in the area. Given the scale of the proposal and predominance of single household

dwellings in the vicinity, the main character of the area would not be unduly affected. In addition, the proposal would provide adequate car and cycle parking and bin storage for the residents of the site in accordance with current policy. These shall be secured by condition.

12 Recommendation

12.1 It is recommended that planning permission be approved subject to the following conditions:

1. The building must not be occupied as a House in Multiple Occupation until the area set aside for car parking has been provided in accordance with drawing number 151/2c for three cars to be parked. The car parking spaces must be retained permanently thereafter for car parking and must not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to occupation of the building as a House in Multiple Occupation in the interests of highway safety in accordance with criterion HMO2 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and the National Planning Policy Framework 2019.

2. The building must not be occupied as a House in Multiple Occupation until the cycle storage unit is constructed in accordance with plan 151/2c and in the location shown within plan 151/2c. The bicycle parking shall be retained in that form thereafter.

REASON: To ensure that there is adequate bicycle storage provision, encouraging alternative modes of transport, in accordance with criterion HMO3 of the Houses in Multiple Occupation Supplementary Planning Document 2012, Supplementary Planning Guidance Parking Standards 2004, Policies M6 and M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

3. The building must not be occupied as a House in Multiple Occupation until the location for wheeled bins has been laid out in accordance with plan 151/2c. The location shall be retained in that form thereafter.

REASON: To ensure that there is adequate waste and recycling storage in accordance with criterion HMO4 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and to protect the residential amenity of the occupiers and adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. The building must not be occupied as a House in Multiple Occupation until the outdoor amenity space is laid out in accordance with plan 151/2c. The outdoor amenity space shall be retained in that form thereafter.

REASON: To ensure that there is adequate outdoor amenity space for the occupiers in accordance with criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012, to protect the residential amenity of the occupiers, and in accordance with Policies D1, D3 and D7 of the Welwyn Hatfield District Plan 2005.

5. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
151/4		Existing Elevations	28 February 2019
151/1		Existing Floor Plans	28 February 2019
151/3A		Proposed Elevations	24 June 2019
Block Plan		Block Plan	28 February 2019
Location Plan		Location Plan	28 February 2019
151/2c		Proposed Floor Plans	3 April 2019

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives

1. Noise can transfer between buildings. This can be indirectly through the structure itself (flanking transmission) or directly through the separating wall into the neighbouring property. This can be a particular concern with houses in multiple occupation in proximity to other residential uses. Some existing buildings do not meet the current noise insulation standards. Therefore it is strongly recommended that all possible measures are taken to reduce noise transfer from houses in multiple occupation by improving sound insulation. In addition, self closing doors installed for reduce spread of fire can cause problems of impact noise. Self closers should be adjusted so the doors do not slam shut.

For more information please refer to:

- BS 8233:2014 Sound insulation and noise reduction for buildings (Code of Practice).
 - BS EN ISO 140 Measurement of sound transmission
 - Building research establishment paper "Improving Sound Insulation In Homes". An information paper provided by the BRE acoustics team.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. All Houses in Multiple Occupation must comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 under the Housing Act 2004. Further information is available from the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services at <http://www.welhat.gov.uk/hmo> or by email housingandcommunity@welhat.gov.uk or telephone 01707 357672.

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. All rented property must comply with the Housing Health and Safety Rating System

(HHSRS) under the Housing Act 2004. This requires all rented accommodation to be free of category 1 hazards in any of the 29 prescribed categories. Further information is available from the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services by email housingandcommunity@welhat.gov.uk or by telephone 01707 357672.

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Under the Housing Act 2004, a house in multiple occupation is required to be licensed by statute where: the house in multiple occupation or any part of it comprises three storeys or more and is occupied by five or more persons living in two or more single households. For licensing contact the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services at <http://www.welhat.gov.uk/multipleoccupancy> or by email housingandcommunity@welhat.gov.uk or telephone 01707 357672.


PAL is a landlord and property accreditation scheme that aims to improve the standard of privately rented accommodation in Welwyn Hatfield. The free and voluntary scheme recognises landlords that meet their legal obligations and those that go above and beyond to provide quality homes. Further information is available at www.PAL-online.org.uk,

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

(Development Management)
Date 29/04/2018



 <p> WELWYN HATFIELD <small>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</small> </p>	Title: 151 Campion Road, Hatfield		Scale: DNS
	Project: DMC Committee		Date: 2019
	Drawing Number: 6/2019/0455/FULL		Drawn: Emma Small
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