

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL  
DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2011/2104/FP</b>
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**NOTATION:**

This site is located within the town of Hatfield as defined in the Welwyn Hatfield District Plan Proposals Map.

**DESCRIPTION OF SITE:**

The application site is situated west of Horsa Gardens. The application property as originally constructed comprised of a single garage and a private entrance door at ground floor level with stairs leading to accommodation at first floor. The garage has since been converted to provide a third bedroom. The first floor accommodation extends over two adjoining garages which are not within the applicant's ownership. The application property benefits from a single parking space situated in front of the garage. Beyond the parking space to the front are the rear gardens No.10 and No.12 Horsa Gardens which are three storey terrace properties. A parking court is located immediately to the rear of the application building to the north. To the east side is an adjoining flat with a similar arrangement to the application property. To the west is a block of garages. The application property does not benefit from any external private amenity space.

**DESCRIPTION OF PROPOSAL:**

This application seeks full planning permission for retention of change of use of garage into habitable accommodation. The garage door has been replaced with facing brick beneath a window. The garage is in use as a third bedroom. A new window has been inserted into the rear wall of the garage. Planning permission is required as the application property is not a dwellinghouse and therefore does not benefit from permitted development rights.

**PLANNING HISTORY:**

S6/2003/0957/DE – Residential development of 322 dwellings and associated infrastructure (works pursuant to outline approval S6/1999/1064/OP) (Granted 23/10/2003)

S6/1999/1064/OP – Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within use class B1, B2, B8 and sui generis use; housing; new university campus (use class D1 and D2) to include replacement De Havilland sports and social club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use of existing listed hangar; aviation heritage centre. Together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined (Granted 29/12/2000)

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy:  
PPS1 Delivering Sustainable Communities  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport

East of England Plan 2008:  
SS1 Achieving Sustainable Development  
ENV3 Biodiversity & Earth Heritage  
ENV7 Quality in the Built Environment  
T14 Parking

Welwyn Hatfield District Plan 2005:  
GBSP2 Towns and Specified Settlements  
SD1 Sustainable Development  
R3 Energy Efficiency  
D1 Quality of Design  
D2 Character and Context  
M14 Parking Standards for New Development

Welwyn Hatfield District Plan, Supplementary Design Guidance, 2005  
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004  
Hatfield Aerodrome Supplementary Planning Guidance, 1999

**CONSULTATIONS:**

Hertfordshire County Council Transportation Planning and Policy Department – Do not wish to restrict the grant of permission.  
Environmental Health – No response (consultation expired 16/11/2011)

**TOWN/PARISH COUNCIL COMMENTS:**

Hatfield Town Council – No response (consultation expired 16/11/2011)

**REPRESENTATIONS:**

The application was advertised by site notice and neighbour notification letters. No representations were received.

**DISCUSSION:**

The main issues are:

1. Impact on the Character of the Area
2. Impact on the Residential Amenity of Neighbouring Properties
3. Parking Provision and Impact on the Highway
4. Other Material Considerations

**1. Impact on the Character of the Area**

National Planning Policy Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively

require high quality design in all new development and for proposals to respect and relate to the character and context of their location.

The replacement of a garage door with a window and facing brick below has not resulted in any harm to the visual amenity of the application building or the character of the area. The window has been designed in a style to match existing windows at first floor and the adjacent entrance door. The development adequately maintains the character of the area in accordance PPS1, Policy SS1 and ENV7 of the East of England Plan 2008 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

## **2. Impact on the Residential Amenity of Neighbouring Properties**

The development would have no impact on the light or privacy that is afforded to neighbouring residents. The conversion of the garage to a habitable room would not result in additional noise generation beyond what would be expected as reasonable noise within a residential environment. In terms of impact on residential amenity, the proposal complies with PPS1, Policy SS1 and ENV7 of the East of England Plan 2008, Policy D1 and D2 of the Welwyn Hatfield District Plan and Supplementary Design Guidance, February 2005 (Statement of Council Policy).

## **3. Parking Provision and Impact on the Highway**

The Hatfield Aerodrome Supplementary Planning Guidance, 1999 (SPG) identifies a parking requirement of two spaces for a 2 bed flat or a 2-3 bedroom dwelling (expressed as a maximum). The Government has published an amendment to PPG13 to better reflect localism (para 49, 51, 54 and 56). The Government's position on parking standards is that local authorities are best placed to take account of local circumstances and are able to make the right decisions for the benefit of their communities. As such, the central requirement to express "maximum" parking standards for new development has been deleted. Local authorities will still need to set parking standards for their areas, but it will be for them to determine what that standard should be, depending on individual circumstances.

In light of the above, development proposals should be considered on their individual merits depending on individual circumstances. In this case, the application property originally benefited from two car parking spaces including the garage space. This level of parking provision was in accordance with the requirements of the SPG. The conversion of the garage to habitable accommodation has resulted in the loss of one parking space. It is considered that the intensification of the use of the site, together with the loss of a parking space would add to the parking pressures within the vicinity and consequently would exacerbate the existing problems of inconvenience and danger to road users and damage to grass verges and landscaped areas. This would set an undesirable precedent for similar future developments which would be likely to further increase the stress on parking provision within the locality. The application, therefore, fails to comply with PPG13, Policy T14 of the East of England Plan 2008, Policy M14 of Welwyn Hatfield Council District Plan 2005 and Aerodrome Supplementary Planning Guidance, 1999.

## **4. Other Material Considerations**

**Private Amenity Space:** The proposed garage conversion would significantly increase the habitable accommodation provided within the application property effectively creating a three bedroom house. As a result the amount habitable accommodation would be significantly beyond what was initially intended for the site. The application property does not benefit from any private amenity space. Policy D1 and the Supplementary Design Guidance do not give specific dimensions but require private amenity space to be appropriate for the location and function. A three bedroom house could reasonably be considered a family home and therefore providing no private amenity space would fail to comply with Policy D1 of the District Plan and Supplementary Design Guidance February 2005 (Statement of Council Policy).

**Cycle Store:** Supplementary Planning Guidance on Parking Standards identifies a requirement for a minimum of one long term cycle storage space per dwelling in no garage or shed is provided. The proposal has resulted in the loss of a garage and no alternative provision has been made for cycle storage contrary to Policy M14 of Welwyn Hatfield Council District Plan 2005 and Supplementary Planning Guidance, Parking Standards, 2004.

**Bin Storage and Recycling Facilities:** Bin storage could have been provided within the garage/utility area before the change of use. The conversion of the garage to habitable accommodation has resulted in the loss of the only available storage space at ground floor level. The intensification of the use of the application property as a result of creating a third bedroom is also likely to increase the amount of household waste. However, in the absence of policy requirements in relation to bin storage within residential accommodation, a lack of proposed bin storage carries only limited weight and is unlikely to be sufficient to warrant refusal of planning permission.

**Sustainable Development:** The applicant has submitted details of how the proposal would contribute towards sustainability in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005. The applicant has indicated within the submitted sustainability checklist that the proposal does not impact on neighbour amenity and conforms to relevant building regulations.

**Protected Species:** The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

**East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

#### **CONCLUSION:**

The proposal fails to comply with PPS1, PPG13, Policy T14 of the East of England Plan 2008, Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance, 2005 (Statement of Council Policy).

#### **RECOMMENDATION: REFUSAL AND REASON (S)**

#### **SUMMARY OF REASONS FOR THE REFUSAL OF PERMISSION:**

1. The intensification of the use of the site, together with the loss of a parking space would add to the parking pressures within the vicinity and consequently would exacerbate the existing problems of inconvenience and danger to road users and damage to grass verges and landscaped areas. This would set an undesirable precedent for similar future developments which would be likely to further increase the stress on parking provision within the locality. The application, therefore, fails to comply with PPG13, Policy T14 of the East of England Plan 2008, Policy M14 of Welwyn Hatfield Council District Plan 2005 and Aerodrome Supplementary Planning Guidance, 1999.
2. The proposed increase in habitable accommodation would result in a dwelling size and type that could reasonably be considered a family home. No provision has been made for private amenity space. The proposal is therefore contrary to Policy D1 of the District Plan and Supplementary Design Guidance February 2005 (Statement of Council Policy).
3. The proposed development would result in the loss of a garage and no alternative provision has been made for cycle storage contrary to Policy M14 of Welwyn Hatfield Council District Plan 2005 and Supplementary Planning Guidance, Parking Standards, 2004.

#### **INFORMATIVES**

None

**DRAWING NUMBERS**

1:1250 Site Location Plan & 1:500 Block Plan & Proposed Plans and Elevations  
received and dated 11 October 2011

**Signature of author..... Date.....**