

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0956/FP
APPLICATION Site:	128-130 Aviation Avenue, Hatfield

NOTATION:

The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is situated on the south east edge of the redeveloped former Hatfield Aerodrome site known as Salisbury Village. The application site accommodates two recently constructed dwellings which form part of a larger development (phase 4 of Hatfield Aerodrome). Phase 4 consists of 164 units and was granted planning permission under reference S6/2009/0891/MA. At the time of the site visit construction works were being carried out within the wider area and road and public areas were unfinished. This phase of the development contains a relatively high density of housing of approximately 58.6 dwellings per hectare.

The application site comprises of a pair of semi-detached dwellings with rear gardens and off street parking to the front. The semi-detached units are three storeys high and feature a mono-pitched roof. The surrounding properties are all newly constructed and have a consistent architectural style and palette of materials which has resulted in a uniform appearance to the street scene.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for retention of conversion of garages to habitable rooms, proposed installation of windows on side elevations and replacement of French doors on front elevation with windows.

Existing accommodation comprises of two separate dwellings each benefitting from eight bedrooms, one en-suite bathroom, three shared bathrooms, kitchen/diner and a store room (formally an integral garage). The proposed drawings show the former garage as a communal room. The application site is also the subject of a separate planning application, reference S6/2012/0957/FP, which seeks full planning permission for change of use of No.128 and No.130 from House of Multiple Occupation (Use Class C4) to a large House in Multiple Occupation (Sui Generis).

PLANNING HISTORY:

S6/2009/0891/MA – Residential development of 164 dwellings with access roads and landscaping (Granted 07/06/2010)

Planning Permission S6/2009/0891/MA was subject to the following planning condition:

“3. No garage shall be converted to living accommodation without the prior written approval of the local planning authority.

REASON: To ensure the retention of adequate car parking provision to serve the development, and to prevent environmental problems caused by over-intensive occupation of the dwellings.”

SUMMARY OF POLICIES:

National Planning Policy Framework, March, 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

T14: Parking

The Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

M14: Parking Standards for New Developments

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

Hatfield Aerodrome SPG, November 1999

CONSULTATIONS:

Hertfordshire County Council Transport Programmes & Strategy Department – No response (consultation expired 11 July 2012)

HATFIELD TOWN COUNCIL COMMENTS:

“Hatfield Town Council objects to the application considering the loss of garage space unacceptable as the dwelling was specifically built only 12 months ago to accommodate a vehicle.”

REPRESENTATIONS:

The application was advertised by site notice and neighbour notification letters. One representation was received from an occupier of Dragon Road objecting to the proposal on the grounds that the properties were not designed to accommodate the number of occupants proposed, as a result, there is a lack of parking, waste storage, cycle storage and communal living space.

DISCUSSION:

Background

The application site is within a recently built housing development which was approved for residential development prior to the creation of a C4 use class. Due to the approval not specifying any restrictions with the type of residential use, the approval allows the first occupation of the dwellings to fall within any of the types of residential use that would have been considered a C3 dwellinghouse at the time of the approval. Subsequent changes of use from C3 to C4 would be restricted by the recent Houses in Multiple Occupation (HMO) Supplementary Planning Document.

The legal advice regarding the Hatfield HMO Article 4 Direction notes:

“... .. it is at the least very strongly arguable that the permission does permit first use of the permitted dwellings as HMOs. On the assumption that approved buildings could accommodate a maximum of six persons, then the outline permission would permit of the use of the dwellings for the purposes of Class C4. In those circumstances, an Article 4 direction would be wholly ineffective to prevent, as a first use of the 164 Phase 4 dwellings for use within Class C4. Where a dwelling is put to a Class C3 use as its first use prior to the making of a direction then, a direction which withdrew GPDO Schedule 2 Part 3 Class 1 right to change to a C4 use without an express grant would be effective provided that change required planning permission.”

Welwyn Hatfield Council Housing Strategy Department have confirmed that both properties are licensable HMO's. The applicant has submitted an application for a licence which includes a declaration that the property became licensable on the 10 January 2012. Considering the property has been recently constructed this would indicate that the first occupation of the property was for a C4 use.

The main issues are:

1. Impact on the character of the property and the surrounding area
2. Impact on the residential amenity of neighbouring properties
3. Parking provision and cycle storage
4. Other material planning considerations

1. Impact on the character of the property and the surrounding area

The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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. These policies are expanded upon in the Council's Supplementary Design Guidance.

The proposed development would result in alterations to the front elevation of No.123 and No.130 Aviation Avenue. These properties form a semi detached pair within a row of six identical properties that have been constructed within the last 12 months as part of a wider residential development of 164 units. There are a number of house types within the surrounding area, however, a consistent architectural style and palette of materials has resulted in a uniform appearance to the street scene. The application properties each benefit from an integral garage and two off street parking spaces to the front of the site. The garage doors, which are situated centrally within the front elevation, project forward and form a prominent characteristic of the application building. Either side of the garages the front elevation is set back approximately 2m and features French doors. The main entrance to each property is situated within the side elevation.

The proposed replacement of the existing French doors with windows would, to a degree, disrupt the uniformity of the fenestration within the streetscene, however, the visual impact would be reduced in this case as both No.128 and No.130 would match and therefore retain their symmetry. It is proposed to retain the original garage doors and erect a wall internally to convert the garages habitable rooms. As a result, the general appearance of the dwelling would be retained. When viewed in context, although different, the proposed windows would not appear overly prominent or out of place.

It also proposed to insert a window to the side of each garage to serve the proposed habitable room. The new windows have been designed to match the style and scale of existing windows within the application building and would not be overly prominent due to their location. Overall, in terms of design, the proposal would adequately maintain the character and appearance of the application building and the wider area in accordance with the NPPF 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 impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing impact and noise. In this case, the proposal is for internal alterations and the insertion of a window within the front elevation at ground floor level. No external construction work is proposed, therefore, the development would have no impact in terms of light amenity or overbearing visual impact.

The conversion of the garage to a dining room would not result in additional noise generation beyond what would be expected as reasonable noise within a residential environment. The additional window within the side elevation would look out to the front of the site which is currently open and visible from the highway. No neighbour objections were received with regard to neighbour amenity issues. In terms of impact on residential amenity, the proposal complies with the Policy D1 of the

Welwyn Hatfield District Plan and Supplementary Design Guidance, February 2005 (Statement of Council Policy).

3. Parking provision and cycle storage

No.128 and No.130 Aviation Avenue are currently occupied as HMO's (Houses in Multiple Occupation) with each property benefiting from eight bedrooms. The number of bedrooms within the application properties would not increase as a result of this proposal. The car parking requirement for an eight bedroom HMO is four parking spaces to be provided within the curtilage of the dwelling. The proposed garage conversion would result in the loss of one parking space for each property. As a result, each eight bedroom property would have just two off street parking spaces.

When considering the original application for the development of phase 4 of the Hatfield Aerodrome, which included the application site, an assessment was made against the parking standards of the Hatfield Aerodrome Supplementary Planning Document (SPG) and Policy M14 of the Welwyn Hatfield District Plan 2005. The car parking requirement for the development of phase 4 was 309.5 spaces and permission was granted with 297 spaces, a shortfall of 12.5 spaces. Of the 297 car parking spaces, 54 are in the form of garages, forming some 18% of the total car parking provision. The permission was therefore conditioned to retain the garages for parking:

"3. No garage shall be converted to living accommodation without the prior written approval of the local planning authority.

REASON: To ensure the retention of adequate car parking provision to serve the development, and to prevent environmental problems caused by over-intensive occupation of the dwellings."

The National requirements for parking provision have since been changed to allow Councils to set their own parking standard appropriate for their local areas, this requirement is detailed within the National Planning Policy Framework. Paragraph 39 of the NPPF states:

"If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles."*

In producing the Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) the above criteria were taken into account and the minimum of 0.5 spaces per bedroom sets a reasonable proportion of cars to be accommodated relative to the amount of likely occupants. In addition, there are also likely to be visitors and deliveries that would frequently travel to and from the site by car and

require temporary parking space. Without sufficient off road parking space the proposal is likely to result in parking in inappropriate places, which would subsequently reduce the ease of movement throughout the area. Parking outside of the designated areas would restrict the manoeuvring space for emergency and refuse vehicles and also restrict visibility which can affect highway and pedestrian safety. Furthermore, inappropriate parking has an impact upon the character and appearance of the surrounding streetscene.

Although it is accepted that the site is accessible to some facilities, it does not form one of the most accessible parts of the Borough and is not comparable to the town centres. The application site is located outside of a convenient walking distance from the nearest train station and the proposed use of the site would be intensive with far more occupants than parking spaces. When considering the number of cars within the locality at the time of the site visit (during the University of Hertfordshire term time) and the car domination within other areas of the Hatfield Aerodrome site, the level of car ownership is likely to be very high. Furthermore, when considering the Council's database of HMO properties indicates that 58% of the properties within a 50m the locality area within HMO use, the number of individual occupiers is likely to be relatively high. This high concentration of individual occupiers results in a relatively high amount of car ownership per property and exacerbates the parking space usage.

It should also be noted that within the assessment of the application for phase 4, No.128 and No.130 Aviation Avenue were illustrated to accommodate five bedrooms. Due to the arrangement of the rooms it is possible to easily adapt the property to accommodate eight bedrooms. Although the parking standards for a C3 use do not differentiate between properties with four or more bedrooms, this illustrates how the wider site may result in occupying more bedrooms than were originally considered. As the parking standards are based on the amount of bedrooms each property has the overall increase in bedrooms across the development is a relevant consideration. It is difficult to determine how many properties accommodate more bedrooms than originally illustrated in the application for the phase 4 development. However, the 34 three bedroom dwellings, 17 four bedroom dwellings and 6 five bedroom dwellings within phase 4 all appear to be capable of accommodating at least one additional bedroom simply with an internal change in the use of rooms (i.e. a change in the use of a study or dining room to a bedroom).

In conclusion, the proposal would provide insufficient off road parking space which would be 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.

In terms of bicycle parking, the submitted drawings do not include any information about bicycle storage. Nonetheless, there is potential for a covered bicycle storage area to be provided within the rear garden which can be accessed without going through the property. The rear garden is screened from the public areas within the streetscene to the front of the property and is considered to be an appropriate space for a storage area. Therefore, if the application is to be approved the additional details illustrating appropriate storage could be agreed by condition.

4. Other material planning considerations

Protected Species: The presence of protected species is a material consideration, in accordance with, 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 policies 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.

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

CONCLUSION:

It is considered that the loss of a parking space would add to the parking pressures within the vicinity and result in parking in inappropriate places, which would subsequently reduce the ease of movement throughout the area. Parking outside of

the designated areas would restrict the manoeuvring space for emergency and refuse vehicles and also restrict visibility which can affect highway and pedestrian safety. Furthermore, inappropriate parking has an impact upon the character and appearance of the surrounding streetscene and can result in damage to landscaped areas. The grant of permission 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 proposal would provide insufficient off road parking space which would be 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.

RECOMMENDATION: REFUSAL AND REASONS

1. The proposal would result in the loss of a two garage parking spaces and 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.

INFORMATIVES:

None

REFUSED DRAWING NUMBERS:

AA128130-2001B received and dated 31 July 2012

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