

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/0354/FP
APPLICATION Site:	5 – 7 Birchwood Avenue

NOTATION:

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

DESCRIPTION OF SITE:

The application site is within a row of residential properties on the northern side of Birchwood Avenue. No.7 was previously a semi-detached house and has the appearance of a residential building when viewed from the surrounding streetscene but is now a dental surgery. No.5 remains a two storey semi-detached dwelling. No.7 has an enclosed front garden with a low picket fence to the front boundary and No.5 a low brick front boundary wall. There is existing signage on the front of the No.7 indicating that it is used as a dental surgery.

The application building has redbrick elevations below a dark brown, plain tiled roof. The immediate surrounding area accommodates mostly semi-detached housing and the Birchwood small neighbourhood shopping area is nearby to the east.

DESCRIPTION OF PROPOSAL:

Change of use of ground floor accommodation from residential to dentist surgery at No.5 Birchwood Avenue and single storey rear extension (No.5 and 7 Birchwood Avenue) to create extended dental surgery with new disabled parking space and vehicular access at No.7 Birchwood Avenue. Creation of 2 bedroom flat at first floor level following change of use of first floor accommodation at No.7 Birchwood Avenue from existing dental surgery use with existing ground floor access to No.5 Birchwood Avenue retained along with existing parking space and front garden.

PLANNING HISTORY:

S6/2012/2233/PA - Change of use of dwelling to surgery on ground floor and erection of single storey ground floor extension (5 Birchwood Avenue) and change of

use of surgery to dwelling on first floor and demolition of single storey outbuilding – summary of advice:

This revised proposal for a ground floor surgery would be more acceptable as it would better accord with the requirements of Policy D9 (Access and Design for people with disabilities). However, it does raise issues in regards to how to maintain at least one residential unit on the site (as required by Policy) which would have habitable accommodation confined to only first floor level and how the rear garden would be utilised.

Taking into account that there are constraints to the proposed design due to the existing layout and physical limitations of the site, the design solution for the residential aspect of the scheme is not ideal but probably the only option. Access to the rear garden is awkward from the flat and the outlook for the rear first floor windows will be over the flat roof of the dental surgery and then the garden serving the surgery. This concern is counter balanced by there being an established dental surgery which has operated from this site for a number of years, and also the provision of a much more improved and accessible dental surgery which would be beneficial to the wider community.

On this occasion, there is likely to be justification in accepting one 2 bed flat with one parking space to the front and a garden area which is limited to that of the existing front garden to No.5 due to the constraints and benefits listed above.

S6/2011/2054/FP - Erection of single storey rear extension to existing dental surgery and single storey outbuilding to accommodate a staff room and new vehicular hardstanding – granted 2 February 2012

S6/2010/1475/PA - Proposed alterations and extension to existing surgery – Positive feedback given on a scheme similar to the current proposal. It was suggested that the side boundary fences are raised to maintain privacy with the neighbouring properties.

S6/2009/215/LU- Certificate of lawfulness for existing D1 use (Dental Surgery) – Approved 27 March 2009.

S6/2008/2007/FP - Change of use of No.5 from two storey residential dwelling to ground floor dental surgery to be used in conjunction with existing dental surgery at No.7 including erection of single storey rear extension for proposed treatment rooms, and formation of 2, 1 bed flats in existing 1st floor accommodation at No.5 & No.7 along with associated vehicular crossover for new parking area – Withdrawn October 2008.

SUMMARY OF POLICIES:

National Planning Policy Framework
Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

SD1: Sustainable Development
GBSP2: Town and Specified Settlements
R3: Energy Efficiency
R19 Noise and Vibration Pollution
R5: Waste Management
M14: Parking standards for new developments
H3: Loss of residential accommodation
D1: Quality of design
D2: Character and context
D7: Safety by Design
D8: Landscaping
D9: Access and Design for people with disabilities

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) – advise that they do not wish to restrict the grant of permission.

Hertfordshire Biological Records Centre – advise that they do not know of any ecological constraints regarding the proposed development.

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

None, period expired 16-04-13.

DISCUSSION:

The main issues are:

- 1. The impact upon the character and appearance of the locality**
- 2. The impact upon the residential amenity of neighbouring occupiers**
- 3. Parking provision and highway safety**
- 4. Other material planning considerations**

- 1. The proposed development's impact upon the character and appearance of the locality**

Local Plan Policy D1 and D2 are relevant along with the Supplementary Design Guidance (SDG).

The proposed development would be largely sited to the rear of the property. The proposed crossover and hardstanding in front of No.7 would be the main visible

change from the streetscene. As some of the existing surrounding properties have vehicular hardstandings within their front gardens this change would not be out of keeping with the character of the property or surrounding area. An area of soft landscaping will also still be retained.

The proposed site would still retain an acceptable appearance within the well landscaped streetscene and would not have an adverse impact upon the character and appearance of the locality.

The proposed rear single storey extensions to create the new treatment rooms would require a single storey rear extension which would be approximately 4.5m deep with a pitched roof and a flat roof crown behind for the full width of the existing building.

This would be of a design which would reflect the character of the original dwelling and, subject to a planning condition requiring the use of matching materials, would comply with the above design policies.

In regards to the design of the internal layout, the enlarged dental unit will now occupy only the ground floor area and so in terms of access for patients will be a significant improvement as the treatment rooms are currently at first floor level and there is no lift.

With regard to the residential unit, the new layout will replace an existing two storey dwelling with a first floor flat. The quality of the residential accommodation that is to be provided is considered to still be of a high quality with an open plan kitchen and living room and two bedrooms.

Finally, in regard to the outside amenity space, the current rear private gardens to both these existing properties will be given over to the dental unit with the new treatment rooms looking over this outside space.

In the pre-application it was suggested that the rear garden was subdivided to create into two separate areas, so that one could be used in connection with the first floor flat. The practicalities of this were raised as a concern by the Council, in that the garden to the proposed flat would be very disjointed in terms of the access being along a narrow fenced corridor. As such the garden to the flat would be at risk of being under used and so could be poorly maintained in the future.

On balance, it was advised that the most suitable approach would be that the rear garden was maintained as an attractive outlook for patients using the dental surgery and that only the existing front garden was retained for the flat. In reaching this conclusion weight is also attached to the importance of providing an important and improved local health service to the surrounding community, whilst also accepting that a lower provision for residential garden space than might be usually supported would have to be a necessity. In this sense, this application does not set a precedent for other properties in the locality in terms of garden space, but is an exception which can be justified for this site.

A landscaping condition would be reasonable to ensure that improvements are made such as the removal of the existing sub-dividing rear fence and that there is new planting, where necessary, particularly to the front of the site.

Overall, the quality of design is considered to be acceptable subject to the above planning conditions.

2. The impact upon the residential amenity of neighbouring occupiers

Local Plan Policy D1 and the SDG is relevant.

The proposed rear extension and outbuilding would be viewed from limited areas within the adjacent plots and dwellings. The proposed rear extension would have a relatively large depth (approximately 4.5m). However, due to the adjacent dwelling at No.9 has an existing single storey rear extension and No.3 has a rear garage and so the proposal's full depth would not be viewed at ground floor level from the adjacent properties. The first floor windows of the neighbouring properties would retain a good outlook towards the rear of the relatively deep landscaped gardens.

Furthermore, the proposed rear extension would have a hipped roof and not have a significantly dominant or prominent appearance when viewed from the surrounding areas.

In terms of privacy, there are no new side windows proposed. The existing ground floor windows which currently serve kitchen would be retained and used for a staff room and managers office instead. Taking into account the previous use of these windows, it is considered that this new use would not be materially different in terms of impact.

Finally, the hours of use for the site are a relevant consideration in terms of noise and R19.

The application form states that the hours of use are Monday to Friday 9am—6pm.

A previous application (S6/2011/2054/FP) granted permission for a different type of extension to the dental unit which although not implemented imposed the following times:

'Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 0830 and 2000 hours Mondays to Saturdays (inclusive) and not at all on either Sundays, Bank or National Holidays and no customer shall be permitted to be on the premises outside of these times.'

At the time of the previous application it was noted that:

'When considering the existing site does not have time restrictions in terms of planning conditions, it would only be reasonable to condition the proposal to prevent the additional development from having a further cumulative adverse impact. In terms of noise and disturbance, The Council's Environmental Health Team would be best placed to monitor and control any nuisances if the site is operating unreasonably in the future.'

To ensure that there is some constraint on the site's intensification of activity from the proposed scheme, it would be appropriate to ensure that the site does not frequently have a lot of visitors during unsociable hours. Therefore, to allow the applicant some flexibility, it is considered reasonable to restrict customers from using the site between 8:30am and 8pm between Monday and Saturday. The proposal would therefore comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.'

Although the current hours on the application form are less, it would be unreasonable to impose different hours of operation where the type of development use is basically the same. The previous hours of operation should therefore be replicated in this application. In reaching this view, it is considered that if the surgery did operate for these longer hours, the residential amenity of adjoining neighbours would not be unduly impacted taking into account the location of the site and the existing character of the wider area.

Overall the proposal complies with local plan policy D1 & R19 along with the SDG.

3. Parking provision and highway safety

Local Plan Policy M14 is relevant along with the Supplementary Planning Guidance – Parking Standards (SPG).

The application site currently does not have any off road parking space and the proposed development would provide one space with disabled access. The application site is within zone 3 as designated by the parking standards of the Welwyn Hatfield District Plan 2005. The parking standards give a maximum standard of 3 off road parking spaces per consulting room and 1 space per full time member of staff other than consulting dentists. The existing the site has 2 treatment rooms and 5 full time members of staff. The applicant has previously indicated the site currently has 2 dentists, two nurses and a receptionist. Therefore, as existing the site has a maximum parking space requirement of 9 off road spaces.

Previously the applicant has indicated that if the proposal is built the site would employ 1 additional dentist and 1 additional nurse, therefore 7 members of full time staff. As proposed the site would have 3 treatment rooms, with an additional room that has been labelled as a consulting room. Therefore, taking the proposal to comprise an additional 3 rooms, the development would have a maximum parking space requirement of 13 off road spaces.

Being located within zone 3 the parking standards allow a reduced parking provision which can be between 50-75% of the maximum standards. It should also be noted that the site does not currently have any off road parking space and the increase in demand is therefore 4 – 7 spaces. When taking into account the discounted standard this would equate to 2 – 3.5 spaces when the proposal is considered to result in a total of 3 consulting rooms.

The above assessment is basically the same as considered in application S6/2011/2054/FP (with now one less consulting room). At the time of this previous application it was considered that:

'The application site is located close to the Birchwood small neighbourhood centre, which has a parade of shops and some time-limit controlled on-street parking provision. At the time of the officer site visit, although the surrounding area was relatively busy there was some short-term parking capacity within easy walking distance of the application site. With the proposal providing a disabled off road space the surrounding area would have the capacity to accommodate the increase parking requirement without resulting in an adverse impact upon highway safety.

The application has been assessed by Hertfordshire County Council (Transportation Planning and Policy). No objection has been raised and their comments reflect the information provided within the pre-application consultation. It has been suggested that the disabled parking space to the front of the site is only used when school buses would not be arriving in the morning. However, it would be difficult to condition the parking space to be occupied in this way and it would not be enforceable, if approved it would be appropriate to condition the business to only be used within reasonable hours to prevent an impact upon the residential amenity of the adjoining occupiers. Therefore, any further use of the parking space outside of these hours is likely to be limited and would not have an adverse impact upon highway safety. The application therefore meets the intentions of Policy M14 of the Welwyn Hatfield District Plan 2005.'

This previous assessment is still considered to be relevant for this application and the highway authority has not raised any objection. Taking all of these matters into account the proposal in regards to the dental surgery part of the proposal is still considered to meet the parking requirements of the local plan..

In regard to the new flat, this would have one less bedroom than the current dwelling. As the exiting parking space is to remain, it is considered that there will be sufficient parking provision for this revised housing unit.

4. Other Material Planning Considerations

Housing: Local Plan Policy H3 does not support the loss of housing. This application does not reduce the number of housing units but simply replaces as house with a flat. The proposal therefore raises no issues in this respect.

Chalk Mining: As with all developments across Hatfield, the suitability of the development in accordance with the National Planning Policy: Development on Unstable Land needs to be assessed. The site is not within any designated area that has been identified as possibly being at risk of chalk mining. As the development would result in little alteration in terms of weight bearing load upon ground conditions, an informative only is required.

Energy Efficiency The application has been submitted with a sustainability checklist which notes that the proposal's design would maximise energy efficiency minimising heat loss through the use of insulation standards for new structures. These

provisions would be reasonable to meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

Disabled Access Policy D9 (Access and Design for people with disabilities) is relevant. The proposal would improve access with ground floor only accommodation and so the proposal complies with this requirement.

CONCLUSION:

The proposed development which will create an improved dental surgery for the wider community will still retain an existing residential unit on the site and so there will be no net loss of housing in the Borough. The parking issue was considered in the previous application for this site and the provision for a parking space in front of the surgery was considered to be appropriate as it would further improve the disabled facilities for the surgery. The previous scheme concluded that although no new parking would be provided, apart from this single space, that there remained sufficient availability of on-street parking within the area and that there was good links to public transport to ensure that this would still result in a sustainable form of development.

Overall the proposal is considered to meet the design and amenity standards required by the local plan policies and the NPPF and that the development would not raise any highway safety issues.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details 1:1250 Site Location Plan & BSH/PL3-03 Rev A & BSH/PL3-04 Rev A & BSH/PL3-05 Rev A & BSH/PL3-06 & BSH/PL3-07 Rev A – all received and dated 1 March 2013.

PRE DEVELOPMENT

3. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the local planning authority. The landscaping details to be submitted shall include:-
 - a) means of enclosure and boundary treatments
 - b) hard surfacing, other hard landscape features and materials
 - c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction

- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. Before the premises are occupied all on-site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

POST DEVELOPMENT

5. C5.2 Matching materials
6. C.4.2 Implementation of landscape planting
7. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 0830 and 2000 hours Mondays to Saturdays (inclusive) and not at all on either Sundays, Bank or National Holidays and no customer shall be permitted to be on the premises outside of these times.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION

The proposal has been considered against the National Planning Policy Framework, and Local Development Plan Policies SD1, GBSP2, R3, H3, R19, M14, H3, D1, D2,, D7, D8 & D9 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 inspected at these offices).

INFORMATIVES:

1. That applicant is informed that if the development hereby approved requires further air handling equipment or air conditioning units to be re-sited, these changes area likely to require planning permission.
2. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
3. The highway authority require the construction of the vehicle cross-over to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
4. Damage to grass verges - Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

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