

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

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| <b>APPLICATION No:</b>   | <b>S6/2013/0583/FP</b>     |
| <b>APPLICATION Site:</b> | <b>1 Cunningham Avenue</b> |

**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 comprises of a detached three storey dwelling which is located on the road junction of Cunningham Avenue and Albatross Way. The property is finished in a red facing brick under a pitch tiled roof and is set back from the road with a side path providing access to the rear.

The property has a rear garden and at the bottom of this is a detached double garage with parking to the front.

The property forms part of the wider Hatfield Aerodrome development and there is controlled residents parking on the highway.

**DESCRIPTION OF PROPOSAL:**

The application seeks the retention of a change of Use from a small House in Multiple Occupation (HMO) (C4 Use) to a Large House in Multiple Occupation (Sui Generis) for seven persons.

**PLANNING HISTORY:**

S6/2013/0045/FP - Erection of garage with habitable accommodation in roof space following demolition of existing garage – withdrawn 23/05/13

S6/2005/0872/FP - Variation of condition 2 attached to outline planning permission s6/1999/1064/op to allow an additional 5 years for submission of reserved matters (up to 29/12/2015) Granted 10/10/2005

S6/2001/1153/DE - Erection of 211 dwellings with garaging, parking and infrastructure. (reserved matters following outline permission s6/1999/1064/op)  
Granted 15/03/2002

S6/2000/1480/DE - Construction of phase i of the spine road and highway works, together with associated services as part of the hatfield aerodrome development  
Granted 04/03/2002

## **SUMMARY OF POLICIES:**

### **National Planning Policy**

The National Planning Policy Framework (NPPF), March 2012.  
Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

### **Welwyn Hatfield District Plan 2005 (Saved Policies)**

SD1: Sustainable Development  
GBSP2: Towns and Specified Settlements  
M6 Cycle Routes and Facilities  
M14: Parking Standards for New Development  
D1: Quality of design  
D2: Character and context  
D7: Safety by Design  
D8: Landscaping  
D9: Access and Design for people with disabilities

Houses in Multiple Occupancy Supplementary Planning Document, February 2012

## **CONSULTATIONS:**

**Hertfordshire County Council (Transport Programmes & Strategy)** – do not wish to restrict the grant of planning permission.

**Welwyn Hatfield Borough Council Client Services Department** – No issues as this property is already incorporated into the standard waste services.

**TOWN/PARISH COUNCIL COMMENTS:** None

## **REPRESENTATIONS:**

This application has been advertised and 2 representations from properties in Nimrod Drive have been received, raising the following objections:

- The existing residential area is already blighted from HMO's due to noise, parking and rubbish issues, including this part of Cunningham Avenue. An increase in residents will add to these existing issues.

- The properties sold by Bovis Homes were sold for single occupancy according to the deeds and so properties were bought on this basis believing it would be an area for families.
- There are no previous applications for this property.
- The area does not seem to cope with high density of population.
- The area suffers from a litter problem.
- Residents in HMO'S seem to be lax about their waste management where contents of overfilled bins overflow on the street. This waste is then not cleared for long periods. In addition, when bins are not sorted correctly, they are not collected by waste contractors and are open to infestation with Environmental Health becoming involved.
- HMO's have increased the level of parking where access is sometimes impeded for emergency vehicles due to parked cars on pavements.
- There is noise and disturbance from existing HMO's with loud noise and shouting at night, and sometimes violence. Additional increases to HMO's will add to this.
- These problems noticeably reduce or disappear during university vacation times.

Period expired 24-05-13

## **DISCUSSION:**

- 1. The impact of the change of use upon the character and amenity of the locality**
- 2. The proposed development's impact upon the residential amenity of the locality**
- 3. Amenity standards for the future occupants**
- 4. Parking and cycle parking provision**
- 5. Other material planning considerations**

### **1. The impact of the change of use upon the character and amenity of the locality**

The Houses in Multiple Occupation (HMO) Supplementary Planning Document sets out objectives and explains the reasons why the Council aims to retain a balance of different housing types. To retain an appropriate balance of housing the permitted development rights for changes of use from use class C3 (dwellinghouse) to C4 (house in multiple occupation) have been withdrawn by an Article 4 Direction over a large area in Hatfield.

Within Welwyn Hatfield, houses in multiple occupation form an important part of the housing stock, providing a valuable supply of privately rented accommodation. Houses in multiple occupation are one of the most affordable forms of accommodation in the private rented sector.

There are particularly high concentrations of houses in multiple occupation in different parts of Hatfield, with some areas having concentrations as high as 50%. This high concentration has been changing the character of parts of Hatfield which

can have a detrimental effect on surrounding residents and the wider local area. A key national housing objective is the creation of mixed, sustainable and inclusive communities, which contain a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. The presence of a high concentration of houses in multiple occupation in areas of Hatfield results in a lack of mix and imbalance within local communities, is not inclusive and does not create sustainable communities.

The usage of a house in multiple occupation is considered to be very different than that of a family dwellinghouse. However, the application site has provided a HMO use prior to the adoption of the HMO Supplementary Planning Document and therefore the property can accommodate up to six people within use class C4 without the need for planning permission. The council's records show that this property was investigated as being an existing HMO before the time of the Article 4 coming into force.

More than six people residing in a property results in the use being a large house in multiple occupation (*sui generis*) for which planning permission is required. The property has currently seven bedrooms and the application is to retain accommodation for single occupancy to house in total seven people.

A C4 use for six people has already been established and the main issue for this application is the further resultant impact of the property being used as a *sui generis* HMO with seven single occupancy bedrooms on the surrounding area and on the existing facilities of the property.

The HMO Supplementary Planning Document does not require the concentration of HMOs to be assessed where an application is for a change of use from Class C4 to a *sui generis* house in multiple occupation.

When considering the additional impact of having seven bedrooms over and above the C4 threshold of six bedrooms, the effects of an additional single resident, in this case are likely not to have any noticeable changes to the existing character and amenity of the area.

In summary, the proposal would not result in a further material imbalance in the existing community or have a material effect on the character and amenity of the area in terms of the concentration of HMO uses within this area.

## **2. The proposed development's impact upon the residential amenity of the locality**

No external alterations to the application building are proposed.

In this case, when considering the additional impact of the application property containing up to seven people in comparison with a six bedroom/person property on the residential amenity of neighbours in the immediate vicinity of the property, it is considered that the changes in terms of any further noise and disturbance would be insignificant.

The communal kitchen/dining areas of the property would remain at ground floor level and these are considered to be appropriately sited to prevent any further noise and disturbance to the bedrooms of the adjacent dwellings.

### **3. Amenity standards for the future occupants**

All seven bedrooms are above the minimum space standard of 8m<sup>2</sup>.

The existing communal room of approximately 17m<sup>2</sup> meets the minimum space standard and a Dining/Kitchen of 12.5m<sup>2</sup>.

Although there is not an allocated drying area shown the plans, the rear garden is a sufficient size to accommodate an area for drying clothes. The garden area exceeds the minimum requirement of 24m<sup>2</sup> set out in the Supplementary Planning Document, this area would be private and readily accessible to all occupants.

The proposal would provide satisfactory living conditions for its intended occupants in compliance with criterion HMO5 of the HMO Supplementary Planning Document.

### **4. Parking provision**

The HMO Supplementary Planning Document has a parking standard which is a minimum of 0.5 spaces per bedroom.

Seven bedrooms would therefore equate to 3.5 parking spaces, and four spaces exist (two in the garage and 2 spaces in front). Because of the existing arrangement, it is not possible to have all the car parking spaces being capable of being used independently of one another. This has also been noted by the Highway Authority, although they comment that all the manoeuvring and reversing of cars will take place within the private access road. As no highway concerns are raised and because the proposal is concerning the addition of one further bedroom only to an established HMO, it would be reasonable in this case to accept the parking arrangement that currently exists.

Concerns have been raised by third parties about the problem of parking on pavements and also the impact this has on the quality and character of the area, along with the potential to impact on the need for access for emergency vehicles.

It is clear that parking is an issue in this part of Hatfield and so it would not be unreasonable to ensure that the existing 4 parking spaces are retained for the use of the residents in the HMO.

The proposal, subject to this planning condition, would not result in an adverse impact upon the safety and free flow of the surrounding highway network. The proposal therefore sufficiently complies with the requirements of the parking standards and policy HMO2 of the HMO Supplementary Planning Document.

### **5. Other material planning considerations**

**Cycle Parking:** The submitted application and the application drawings do not include any information about bicycle storage, but the planning statement confirms

that there is sufficient space in the garage for up to 4 cycles. This is considered to be sufficient for the seven number of residents.

**Refuse and Recycling Storage:** No information has been provided regarding refuse and recycling storage. The application site is currently used as a HMO and the waste collections have been made accordingly and therefore there is not a need to adapt collections as there would possibly be if the application had proposed a change of use from a C3 family dwellinghouse to an HMO. The Client Services department of the council have confirmed that the proposal is a continuation of the existing use and no refuse or recycling issues are anticipated.

Concerns have been raised by third parties about the poor management of refuse handling in HMO'S and this does appear to be a problem at times. Although this is not disputed, the issue here is whether just one further resident would have a material impact on this type of issue that would justify withholding planning permission. The allowance of one further resident on this site would be unlikely to have any noticeable harmful impact in regards to this matter, which is ultimately a result of poor refuse management where individual properties should take a greater responsibility for ensuring the clean and safe disposal of their refuse.

**Protected Species** The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

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 and amended 2012 Regulations further.

**Other Matters** Third parties have advised that there were covenants on the properties by the original developer that prevented the current use. This however is a separate private civil matter and so it not considered to carry sufficient weight to justify withholding planning permission.

## **CONCLUSION:**

There are concerns by third parties that the high concentration of HMO's in this existing part of Hatfield is already having a harmful impact on the living conditions of other residents through issues such as noise refuse and parking. These issues are recognised by the Council and this was one of the reasons why an Article 4 Direction was used to prevent further HMO's in areas where concentration levels were already too high.

This application is not for a new HMO however, but to increase the number of residents from 6 to 7. This application therefore has to be assessed on whether the impact of one further resident would be acceptable.

In determining this application there are a number of further controls which can be imposed through the use of planning conditions, and if these conditions can be used sufficiently to mitigate any harm then planning permission should be granted.

In this case it is important to control the increase of residents to one, as any further increase would create additional pressure for parking and would result in a greater intensification of use of this site to a point which would then potentially harm the residential amenity of adjoining residents.

Subject to planning conditions, the addition of one further resident, on balance, would have no material impact on the character and residential amenity of the area and adjoining residents and so planning permission should be granted.

### **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: CT SL01 & CT ALO1a & CT AL02 & CT AL03 & SK/3 received and dated 22 April 2013.

#### **POST DEVELOPMENT**

3. The alterations hereby approved shall not provide more than 7 bedrooms in accordance with the approved floor plan drawing and these shall be limited to single occupancy. Subsequently there shall be no alteration or sub-division of the internal layout hereby approved to provide additional bedroom accommodation or occupation of any other room as a bedroom.

REASON: To ensure that sufficient on-site parking provision is provided and that the internal layout and minimum space standards are met in accordance with criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012, and in addition to prevent further intensification of the use of the site which would likely impact on residential amenity of the occupiers and character of the surrounding area and in accordance within Policies M14, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Houses in Multiple Occupation Supplementary Planning Document 2012.

4. The existing four parking spaces (2 garage spaces and 2 spaces in front of the garage) as shown on the approved shall be retained permanently thereafter for the accommodation of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure that sufficient parking spaces are provided for the approved number of residents and in the interests of highway safety in accordance and to protect the visual amenity of the streetscene in accordance with Policies M14, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Houses in Multiple Occupation Supplementary Planning Document 2012.

**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, M6, M14, D1, D2, D7, D8 & D9 of the Welwyn Hatfield District Plan 2005 and Houses in Multiple Occupancy Supplementary Planning Document, February 2012, 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:** None

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