

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2013/2404/FP

SITE ADDRESS: 20 Kingswell Ride, Cuffley

DESCRIPTION OF DEVELOPMENT: Change of use of land to erect 7 portable cat pens

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. SITE AND APPLICATION DESCRIPTION:

The application site is located on the south side of Kingswell Ride and consists of a detached chalet bungalow with dormer window to the east and west. The street scene is residential in character containing predominantly bungalows that have been altered to a certain extent. The surrounding development is linear in form. The ground level slopes from north to south and therefore the dwelling is set at an elevated level above the rear garden. The application site is rectangular in shape and measures approximately 12m in width and 48m in depth. The dwelling is set back approximately 11m from the edge of the highway. The property is located towards the end of Kingswell Ride which continues no further than the properties at No. 24 and 27. The property is rendered and painted cream. The rear garden area is predominantly lawn and enclosed by hedging and a close boarded wooden fence along the western boundary reaching a maximum of approximately 2m, hedging along the southern boundary reaching approximately 1.2m and hedging partially along the eastern boundary reaching a maximum of 2m.

The application seeks full planning for a change of use of a section of the rear garden along the western boundary to provide a building to be used as a cattery. The building will have measurements of 4.3m in depth, 10.8m in length and 2.4m in height and will be a uPVC glazed structure with a safety mesh and polycarbonate roof. The building will be set on a concrete base. The maximum number of cats to be accommodated will be 14 with a minimum stay of 3 days. Visits to the site will be by appointment only and between the hours of 9am to 5.30pm Monday to Saturday and not on Sunday's or Bank Holidays. Expected drop off and pick up of cats will last approximately 10 minutes and is likely to be 1 car per day. There will be no additional staff other than the applicant who lives at the property. No specialist deliveries upon set up will be required as all supplies will be sourced by the applicant as a normal domestic shopping trip.

2. SITE DESIGNATION:

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

3. RELEVANT PLANNING HISTORY:

S6/2006/1451/FP - Erection of one and half storey rear extension including alterations from hip to gable and juliet balcony and side roof extension. Refused 28 December 2006.

S6/2007/0401/FP - Erection of one and half storey rear extension including alterations from hip to gable end and juliet balcony and two side dormers. Granted 4 May 2007.

S6/2008/0163/FP - Erection of one and half storey rear extension including alterations from hip to gable at front & rear, a juliet balcony and side roof extensions. Granted 14 March 2008.

S6/2009/0091/FP - Retention of single storey rear extension with juliet balcony, alterations to roof including; raising the ridge height and two side dormers and formation of pitched roof to garage. Granted 19 March 2009.

4. CONSULTATIONS:

The following representations have been made:

Hertfordshire County Council, Transportation, Planning and Policy – No objections

Welwyn Hatfield Borough's Environmental Health – No adverse comments, the applicant will need to apply for an animal boarding licence from the Licensing Section of the Council. Waste animal material (cat litter) should be disposed of appropriately.

5. NEIGHBOUR REPRESENTATIONS:

The application was advertised by neighbour notification letter and a site notice. The following representation was received:

Northaw and Cuffley Residents Association – object as this is inappropriate development in a residential road.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

Northaw and Cuffley Parish Council commented that the proposal is inappropriate development in a residential street.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

a) impact on the character and appearance of the existing property and the surrounding area (Policies GBSP2, D1, D2 of the Welwyn Hatfield District Plan 2005 and Sections 1 and 7 of the NPPF 2012)

b) impact on the residential amenity of nearby and neighbouring properties (Policy D1 and R19 of the Welwyn Hatfield District Plan 2005)

c) parking provision and highway safety (Policy M14 of the Welwyn Hatfield District Plan 2005 and the Parking Standards Supplementary Planning Guidance 2004)

8. ANALYSIS:

a) impact on the character and appearance of the existing property and the surrounding area

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes 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, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. They should also be visually attractive as a result of good architecture and appropriate landscaping.

Policy GBSP2 of the Welwyn Hatfield District Plan 2005 notes that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.

There would be no alterations to the existing house and the proposed development would not be visible from within the street scene by virtue of its siting to the rear of the dwelling. The proposed outbuilding would be sited in close proximity to the west boundary of the site adjacent to a large hedge reaching approximately 2m in height. The proposal would be located towards the end of the relatively long garden and whilst this is adjacent to the boundaries of the wider Green Belt, the height and form of the building will not appear visually prominent or unduly conspicuous within the context of the garden setting. The proposal would be sufficiently screened along the backdrop of the boundary hedge and with the addition of a wooden pergola with mixed planting along the frontage of the building it would help to alleviate views of the building within the rear garden. The flat roof design would be similar to other single storey outbuildings in the area and the material finish of uPVC would be similar to that of most conservatories within the area.

The SDG considers that the design and layout of gardens in relation to the built environment should ensure that the garden is functional and useable in terms of its orientation, width, depth and shape. Whilst this may be relevant to new residential development it is useful to ensure that this consideration is maintained in existing properties. The building will have a floor area of 46sqm, however the rear garden has an area of approximately 360sqm and there are no other structures within the rear garden. Sufficient amenity space will still remain to accommodate the domestic needs of the dwelling.

The boarding of cats at the property will be a commercial activity but will remain ancillary to the main use of the dwelling and will be operated by the applicant who

lives at the dwelling enabling her to essentially work from home. The nature of the proposal is not considered to be an intensified commercial activity but a use that allows flexible working practices through the integration of residential and commercial uses. It therefore supports the aims of sustainable economic development as set out in Section 1 of the NPPF.

Overall, the structure and its use is not considered to cause any harmful impact to the character and context of the surrounding area and the existing property and therefore complies with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Sections 1 and 7 of the NPPF 2012

b) impact on the residential amenity of nearby and neighbouring properties

The main properties which may be affected by the proposal are the two neighbouring properties, numbers 18 and 22. These neighbours were consulted as part of the application process but have made no representation. However, the Northaw and Cuffley Residents Association and the Parish Council raised concern that the proposal would be inappropriate development within a residential area.

The proposal would be sited approximately 18 metres from the nearest residential dwelling. Whilst the building will be set alongside the boundary with No. 22, a well established hedge exists along this boundary which would provide some screening from the proposed development. Notwithstanding this, the proposed building would be visible from the first floor window of No. 22 however the building appears domestic in form and not overbearing in scale. From the perspective of No. 18, this property is single storey and again there is hedging partially along the boundary to the east of application site that will provide a level of screening. The building will incorporate some planting and hanging baskets to its frontage and will therefore appear as a more garden-like feature thereby maintaining the visual amenity of the garden. When considered with the siting, scale and design, it is considered that there would be no loss of light, and privacy would not be an issue given the use and design of the proposal. It is also considered the proposal would not have any impact on sunlight and daylight to the adjacent neighbouring properties or result in any level of overlooking that would warrant a refusal on these grounds alone.

Light pollution can be a concern in the countryside. There are no proposals for any external lighting associated with the structure and therefore no nuisance to neighbour amenity in that respect. However, it would be reasonable to draw to the applicants attention that this would normally require planning permission as part of an Informative.

The main considerations in terms of the use of the building are noise, odour and increased activity within the residential garden.

In terms of noise nuisance, the Environmental Health department raised no objection in regards to noise. The applicant has submitted the following additional information in regards to the proposed cattery that is felt to satisfy the issue of noise:

- Cats are generally quiet creatures and the materials used for the building are also very effective in noise reduction and exceeds guidelines set out by the Chartered Institute of Environmental Health for cat boarding establishments.

The proposed unit is of the highest quality and of the type also used by the RSPCA and Blue Cross rescue centres all over the UK.

- There have been no noise related issues from the Welwyn Cat Hotel at 23 Longcroft Lane in Welwyn Garden City.
- The number of pens proposed is small.

It is therefore, not considered that the change of use of part of the residential garden would result in any unacceptable noise nuisance upon the neighbouring properties.

In terms of odour, no objections have been raised from the Environment Health department in regard to smell or vermin infestation. The applicant has submitted the following details in regards to possible odour and waste management:

- The flooring of the building will be of impervious ceramic floor tiles for easy, hygienic cleaning; even the grout used is impervious to ensure no bacteria is harboured.
- Cat furniture is also made from impervious and antimicrobial materials to enable hygiene standards to be maintained.
- Cats are clean animals and due to the fact that this is a premium service, cleaning standards are meticulous. No surface water or need for additional drainage is required.
- The applicant uses a corn based cat litter which neutralises smells.
- Due to the small size of the operation, waste is negligible at approximately a carrier bag per week. All waste is double bagged and stored in a metal bin until collected by a commercial waste carrier or taken to a waste reception site by the Longcroft Partner.
- No waste from the cat accommodation is amalgamated with the general household waste.

With regards to the above details, the applicant has adequately considered the possible issue of odour in relation to the proposed development.

In terms of increased activity within the site, it is appreciated that customers bringing or collecting their cats would generate activity in the rear garden and to the site. However, this would generally only be sporadic and relatively brief for each customer due to the size of the proposed cattery. The applicant has submitted the following additional information in regards to customers bringing their cats to the site:

- The shortest stay period offered is 3 days and the average stay is 10 days.
- The operation of collection and delivery of cats is on an appointment only basis between 9am – 5.30pm. There are no visitors permitted on a Sunday or on Bank Holidays.
- It is expected that there would be an average of 1 car per day stopping for 10 minutes at a time whilst clients checked their pets in and out.
- There is no need for specialist deliveries of supplies.

Overall, the residential amenities of the neighbouring properties are not considered to be altered or negatively harmed as a result of this application in accordance with Local Plan Policies D1 and R19. However, with consideration of the concerns raised

by the residents association and the Parish Council it is appropriate to test the impact by way of a temporary condition allowing the development for an initial 2 year time limit. In that time, if no complaints are made to the Borough Council or Hertfordshire County Council (Highways Authority) that are considered a nuisance to the neighbouring properties then this can be addressed within a further application to extend the permission.

c) parking provision and highway safety

Policy M14 of the Local Plan requires parking provision to be made in accordance with the standards set out in the Council's supplementary planning guidance on parking.

The proposal would not alter the accommodation in the host dwelling and therefore there is no need for any additional parking provision in that respect, the parking standards do not set out any specific requirement for a cattery as the activity does not fit neatly into the Use Classes Order. However, the number of visitors to the site would be sporadic and with a short stay. The additional information submitted with the application suggests that the level of visitation would be no different from normal domestic use. Furthermore, there is no need for specialist deliveries and there is no additional staff required. The Highway Authority has been consulted and raised no objection to the proposal given that the road is unclassified and not a through route. There are no parking restrictions in force in the area and therefore there is parking available both on and off-site.

For these reasons, the proposal is considered to be acceptable in terms of Local Plan Policy M14 and the Parking Standards SPG.

9. CONCLUSION:

This proposal for seven cattery units is relatively small scale, and it is considered would operate in an acceptable manner. In order to ascertain the impact on the neighbouring residents in this residential area it is considered prudent to impose a two year time limit. The scale, siting and design are considered to maintain the amenity values and character of the surrounding area. There are no concerns regarding the impact on the highway network or parking provision. Overall, subject to conditions, the proposal is considered acceptable and complies with the National Planning Policy Framework, Policies D1, D2, R19 and M14 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance 2005 and the Parking Standards Supplementary Planning Guidance 2004.

10. CONDITIONS:

1. This permission shall endure for a period of two years from the date on which it is granted. The building hereby permitted shall be discontinued and the land restored to its former condition on or before the end of that period unless an application has been submitted to the Council to extend the time during which the building shall remain on the site.

REASON: To enable the Council to fully consider the effects of the development in the interests of residential and visual amenity in accordance with Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

2. The cattery hereby approved shall be operated only by the occupiers of No. 20 Kingswell Ride, Cuffley and shall not be used or operated separately to that dwelling.

REASON: An unrestricted permission could result in the premises being used in a manner which would cause nuisance through undue noise and general disturbance to the neighbouring occupiers contrary to the aims of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

3. C.13.1 Development in accordance with approved plans/details: Site Location Plan (1:1250), Block Plan (1:500), Plans 1, 2, 3, 4 and 5 received and dated 9 January 2014.
4. The materials to be used for the development shall be as detailed in the application hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. This permission is to enable its use as a seven-pen cattery as described in the application documents, and does not grant or imply permission for its rebuilding or replacement wholly or in part, for any extensions or alterations to the exterior of the building, or for any change of use of any surrounding land, except as specifically authorised by this permission.

REASON: To safeguard the amenities of occupiers of nearby properties in accordance with Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

6. Unless otherwise agreed in writing by the council, the deliveries and collection of cats to and from the premises shall only take place between the hours of 9 am and 5.30 pm Mondays to Saturdays nor at any time on Sundays, Public or Bank Holidays.

REASON: To safeguard the amenities of occupiers of nearby properties from undue noise and general disturbance at unsociable hours in order to meet the requirements of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has 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 viewed on the Councils website or inspected at these offices).

INFORMATIVES:

1. The provision of external lighting is not covered by this planning approval and is normally subject to Planning Permission. It may therefore be necessary to apply for planning permission for certain types of external lighting.
2. The applicant should be aware that they will need to apply for an animal boarding license from the Licensing Section of Welwyn Hatfield Borough Council.
3. Any waste animal material (including cat litter etc) produced as part of the business activity will be classified as industrial waste under The Controlled Waste (England and Wales) Regulations 2012. Suitable and sufficient provision must be made for the correct disposal of such material which cannot be within the domestic waste collection. Any person used by the applicant to transfer the waste to, must be registered with the Environment Agency as a waste carrier.

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