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# Appeal Decision

Site visit made on 18 March 2016

**by Christa Masters MA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 March 2016**

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**Appeal Ref: APP/C1950/W/15/3135912**

**9 Freemans Acre, Hatfield, Hertfordshire AL10 9JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Azeem Chatharoo against the decision of Welwyn Hatfield Borough Council.
  - The application Ref S6/2014/2378/FP, dated 28 October 2014, was refused by notice dated 3 September 2015.
  - The development proposed is described as application for planning permission required to obtain HMO.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The appellant included an updated plan reference A102 and a site location plan with their appeal statement. I do not consider that the scheme would be so changed by these plans such that any interests would be prejudiced by having regard to these drawings as part of this appeal. I have proceeded to determine the appeal on this basis.

## Main Issues

3. From the information presented and from what I saw on the site visit, I consider this appeal has 3 main issues. Firstly, the effect of the proposal on the housing mix in the area. Secondly, whether the proposal provides adequate on site facilities for car and cycle parking. Finally, whether the proposal would provide acceptable living conditions for future occupiers.

## Reasons

*The effect of the proposal on the housing mix in the area*

4. The appeal property comprises a 3 storey dwelling. It is located within an established residential area of Hatfield. My attention has been drawn to the Council's Supplementary Planning Document (SPD) regarding Houses in Multiple Occupancy, 2012. Criterion HM01 of this document advises that applications for changes of use to HMO will not be permitted where the proportion of HMO's would exceed 20% of the total number of dwellings within a 50m radius of the application property. The Council have provided evidence

that the proportion of HMO's within 50m is currently at 65% and as such, the above criterion is already exceeded by some margin.

5. I acknowledge that there may well be demand for student accommodation of the type proposed within this area. However, paragraph 50 of the Framework is also clear that local authorities should deliver a wide choice of high quality homes, and create sustainable, inclusive and mixed communities.
6. I therefore conclude in relation to the first main issue, the proposal would have an adverse effect on the housing mix in the area. It would, as a result, be in direct conflict with the SPD outlined above. For the same reasons, it would also fail to accord with the Framework as outlined above.

*Whether the proposal provides adequate on site facilities for car and cycle parking*

7. Criterion 2 of the SPD identifies the Council's car parking requirements for HMO's. The document notes that a 6 bedroomed HMO would require 3 designated car parking spaces. In addition to this, the cycle parking requirement would be 6 stands, of which half should be covered. The SPD goes on to note that all cycle storage must be adequately lit, easily accessible from the road and secure and screened from view at the side and rear of the property, wherever possible.
8. The application form which accompanied the appeal indicates that there is currently 1 on site car parking space at the property. From what I saw on the site visit, I would concur with this view. The appellant states within their grounds of appeal that the property has 3 parking permits issued. It is not clear to me from the information presented if the appellant is referring to on street parking or on site parking. I note that the appellant states that students who would occupy the property generally do not drive. I have no evidence to support this statement, or any information regarding bus routes and frequency of services within the vicinity of the appeal site. This therefore limits the weight I can attach to this statement.
9. Turning to consider cycle parking, the appellant has indicated within their appeal statement that storage for cycle parking would be possible within the garage. The plan indicates cycle stands to the rear of the property although no information has been provided regarding how many spaces are to be provided. The application form contradicts this information by indicating that no cycle parking facilities would be provided. I have no information before me to enable me to conclude that the cycle parking requirements set out above can be met on site.
10. I therefore conclude in relation to the second main issue, the proposal would fail to provide adequate parking for both cars and cycles on site. It would, as a result fail to accord with the SPD in relation to HMO's outlined above.
11. The Council have also referred me to policy M14 of the Welwyn and Hatfield District Plan (DP) 2005. This policy advises, amongst other things, the Council will require parking provision for new development to be made in accordance with the standards identified by the SPD on Parking. I have not been provided with a copy of this SPD. Nevertheless, the Council have advised that this policy is not consistent with the Framework. Accordingly, this limits the weight I can attach to this policy.

*Whether the proposal would provide acceptable living conditions for future occupiers*

12. Criterion HMO5 identifies minimum space standards for HMOs. The minimum bedroom size identified is 8m<sup>2</sup>. The Council contend 2 of the bedrooms on the second floor would fall short of this minimum space requirement. In response, the appellant has identified that these two rooms would be used for storage purposes only. However, I am not convinced that a condition restricting the use of these rooms could be adequately controlled by the planning department if the appeal was allowed. Furthermore, the SPD also advises that the location of a communal room should be indicated on the plans and if one is not provided, an explanation should be provided as to why this is not possible. I have no such information in relation to this appeal.
13. I therefore conclude the proposal would fail to provide an acceptable standard of accommodation for future occupiers. This would be contrary to the SPD outlined above. It would also conflict with the Framework and in particular, paragraph 17 which advises, amongst other things, proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. For the same reasons, the proposal would also conflict with policy D1 of the DP which advises, amongst other things, development should incorporate the design principles and policies in the Plan.

*Other Matters*

14. I understand the concerns expressed by interested parties in relation to noise and disturbance, waste and recycling storage and effect of the proposal on the character and appearance of the area. However, such concerns are not supported with detailed evidence to substantiate their case in respect of these matters, nor have I seen any formal responses of the relevant statutory or other consultees. On this basis I am able to afford such concerns only very limited weight in the determination of this case.

**Conclusion**

15. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Christa Masters*

INSPECTOR