



## Appeal Decision

Site visit made on 15 January 2019

**by R Norman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 February 2019**

---

**Appeal Ref: APP/C1950/W/18/3205963**

**33 - 34 Salisbury Square, Hatfield AL9 5AF**

- 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 M A Hussain-Hiam against the decision of Welwyn Hatfield Borough Council.
  - The application Ref 6/2017/2513/FULL, dated 30 October 2017, was refused by notice dated 24 April 2018.
  - The development proposed is the partial demolition of existing kitchen area, conversion of existing ground floor and extension at ground and first floor, together with change of use from Retail Class A3 (Restaurants and Cafes) to Class C3 (Private Flats).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The new National Planning Policy Framework (the Framework) was published in July 2018 and I have had regard to this in my consideration of the appeal.
3. The Council are preparing an Emerging Local Plan which was submitted for examination in 2017. The Council have identified draft policies SP5 and SADM4 as being relevant to the Appeal proposal and advise that no representations in relation to these particular policies were received during the consultation process. Paragraph 48 of the Framework gives weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to them and the degree of consistency with the Framework. I have therefore given the above emerging local plan policies moderate weight in my consideration of the appeal.

### Main Issues

4. The main issues are:
  - The effect of the development on the vitality of the Large Neighbourhood Centre;
  - Whether the development would provide suitable living conditions for future occupiers;
  - The effect of the development on the character and appearance of the area and whether it would preserve or enhance the Old Hatfield Conservation Area; and

- Whether the development would provide adequate vehicle and cycle parking for future occupiers.

## **Reasons**

### *Vitality*

5. The appeal site comprises a three storey building which is currently occupied by a restaurant on the ground floor and residential flats on the upper floors. The building is located in Salisbury Square, which is within the large neighbourhood centre of Old Hatfield. The surrounding properties comprise of a mix of uses, including the job centre, take-aways and other commercial premises and residential accommodation. This part of Salisbury Square has a central area of landscaping and pathways, with the buildings located around this area.
6. Policy TCR24 of the Welwyn Hatfield District Plan (2005) (District Plan) does not refer to the change of use of A class uses to residential development. However, the aims of the policy are to resist development within Old Hatfield that would result in the loss of retail functions. Criteria iii of Policy SADM4 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission (2016) (Draft LP) identifies that within Town Centre Frontages change of use will be supported where it does not result in the loss of an active frontage to a non-active frontage.
7. The proposed change of use would result in the loss of any retail function at the ground floor of the appeal building. I have had regard to the Appellant's difficulties in relation to the viability of the business in light of changes to people's habits regarding visiting restaurants and that it would be likely that the tenant would relinquish their lease in 5 years' time. Whilst I have sympathy with this situation, I have been presented with little evidence of the viability of the business to justify the loss of the unit in this instance.
8. I have had regard to the surrounding retail uses and saw some take away premises. However this appeared to be the only restaurant in the immediate area. The Appellant has noted that there are a number of vacant units overlooking Salisbury Square which are not thriving. I noted several units which appeared to be available to let, including the large building, York House. However the Council have highlighted the forthcoming refurbishment and redevelopment of Salisbury Square which they consider will increase the number of residents and is therefore likely to positively impact on the demand for the local businesses.
9. Accordingly the proposed development would result in an unjustified loss of a retail unit which has been identified as having a contribution to the vitality of the town centre. It would therefore fail to comply with Policies TCR24 of the District Plan and SADM4 of the Draft LP.

### *Character and Appearance and Conservation Area*

10. The appeal site is located within the north eastern part of the Old Hatfield Conservation Area. The Conservation Area presents an attractive character with a mix of commercial and residential properties set around a small area of landscaped public open space. The group of buildings that the appeal building forms part of is of a traditional quality which frames the area of open space and

contributes positively to the character of the Conservation Area. There is a mix of traditional window arrangements and shop fronts at ground floor level.

11. The proposed development would involve external alterations to include the removal of the shop front and its reconstruction. Three large, arched windows and a door are proposed long the frontage in order to replicate the surrounding character. However, whilst the general style of windows would be similar to the adjoining building, the spacing between the windows and their height and width would be different to the existing examples and the development would appear at odds with the existing character in this regard. The building is prominent and highly visible within the Conservation Area and I therefore find that the proposed changes to the front elevation would fail to enhance the building, the group of buildings to which it relates or the Conservation Area.
12. The proposed rear extension would add a significant amount of building to the rear of the property which would leave only a small area of patio to the rear corner. The flat roofed nature and its overall scale would appear bulky and dominant and would be out of keeping with the overall appearance of the existing rear elevations of the group of buildings.
13. I therefore conclude that the proposed external alterations would be out of keeping with the surroundings and would fail to preserve or enhance the Old Hatfield Conservation Area. I find that although the harm to the Conservation Area is less than substantial, there have been no public benefits resulting from the development identified that would outweigh the harm in this instance.
14. The proposal therefore fails to comply with Policies D1 and D2 of the District Plan, the Supplementary Design Guidance (2005) (SDG) and Section 16 of the Framework. These seek to ensure that new development is of a high quality and respects and, where possible, enhances the character and context of the area.

#### *Living Conditions*

15. The proposed development would provide two additional residential units located to the ground floor. The Council has raised concerns over the living conditions of future residents with regards to each of: private outdoor space, noise, privacy and bin storage. The Appellant has provided no justification to address the concerns on any of these matters and so I have little evidence before me that would lead me to conclude differently to the Council.
16. As such, on each of these matters I find that the proposed development would not provide suitable living conditions for the future occupiers. It would therefore be contrary to the requirements of Policies D1, D2 and R19 of the District Plan and the SDG which seek to achieve high quality design and protect the living conditions of occupiers, amongst other things.

#### *Parking Provision*

17. The proposed development would provide two additional units of accommodation. The Council states that this would require the provision of two car parking spaces.
18. The appeal site is in proximity to Hatfield Station. Furthermore, there are a number of parking facilities located to the rear on Batterdale. However these appear to be restricted to short stay and resident parking. The Appellant has

identified via photographs that parking spaces could be provided. However, these appear to result in a tandem arrangement which would be unlikely to provide a practical solution for future occupiers. The Interim Policy for Car Parking Standards and Garage Sizes identifies that planning applications will be determined on a case by case basis to achieve a sensible level of car parking provision.

19. The Council have identified that there is a residents' parking zone in operation which requires parking permits. The insufficient arrangements for off road parking would result in the potential for additional on street parking.
20. However, I have had regard to the location of the site close to other public transport options, its proximity to services and facilities and the level of additional parking spaces required. I find that the lack of parking spaces would not be unduly harmful to the parking provision in the locality or future occupiers of the development.
21. The proposed development does not make any provision for secure cycle parking. The rear courtyard space is very limited in size and if this area were used for cycle parking this would further reduce the provision of outdoor space for future occupiers.
22. Accordingly the proposed development would fail to provide adequate cycle parking which would not comply with Policies M14 and D5 of the District Plan which require development to make provision for various transport facilities amongst other things.

#### *Other Matters*

23. I have had regard to the development of 11 apartments referred to by the Appellant. However I have been provided with limited details of the specific considerations of this development. As such I am unable to conclude that it is sufficiently comparable to the appeal proposal and I have therefore given this limited weight only.

#### **Conclusion**

24. For the reasons given above, and having had regard to all matters raised including the letter from the tenant of the restaurant and the letters from the OHRA, I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR