

**Notice of Decision**  
**Town and Country Planning Act 1990**  
**Town and Country Planning (Development**  
**Management Procedure) (England) Order 2015**  
**Refusal of Permission for Development**

70 Cowcross Street  
London  
EC1M 6EJ

**Application No:** 6/2017/2513/FULL

**Date of Refusal:** 24 April 2018

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:**

**Development:** Conversion of existing ground floor (Class A3) restaurant to form two (2xbed) flats (Class C3) including part demolition and extension at ground and first floor (rear) with associated external alterations.

**At Location:** 33-34 Salisbury Square Hatfield AL9 5AF

**Applicant:**

**Application Date:** 15 November 2017

**REFUSED DRAWING NUMBERS**

1.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
154-210		Front Elevation Context	31 October 2017
154-220	A	Existing Section C-C	15 November 2017
154-221	A	Proposed Section A-A	15 November 2017
154-222	A	Proposed Section B-B	15 November 2017
154-101	A	Existing Ground Floor Plan	15 November 2017
154-102	A	Existing First Floor Plan	15 November 2017
154-103	A	Proposed Ground Floor Plan	15 November 2017
154-104	A	Proposed First Floor Plan	15 November 2017
154-201		Existing Front Elevation	31 October 2017
154-202		Existing Rear Elevation	31 October 2017
154-203	A	Existing North Elevation	31 October 2017
154-204	A	Existing South Elevation	31 October 2017
154-110	A	Ground Floor Demolition Plan	15 November 2017
154-111	A	First Floor Demolition Plan	15 November 2017
154-205		Proposed Front Elevation	31 October 2017
154-206		Proposed Rear Elevation	31 October 2017
154-207	A	Proposed North Elevation	31 October 2017
154-100		Site Location Plan	10 November 2017
154-120	A	Site Plan	15 November 2017

1. The proposed change of use would reduce the vitality, especially of the evening economy, and erode the viability of the Large Neighbourhood Centre of Old Hatfield. For this reason it is considered contrary to Policy TCR24 of the Welwyn Hatfield District Plan 2005 and to criterion iii. of Policy SADM4 of the emerging Local Plan.
2. The proposed development would fail to provide adequate living conditions for the future occupants of the proposed flats in terms of privacy, amenity, noise, provision of refuse/recycling store and cycle store facilities. The proposal, thereby, constitutes overdevelopment and is poor quality design contrary to the National Planning Policy Framework, Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
3. The design of the proposed development fails to replicate the key features of the original building or of its setting. The proposal would introduce uncharacteristic massing of windows and doors in the front elevation and the rear extension would be of a height and design that would not replicate or enhance the appearance of the building and its setting. It would also appear cramped within its site. As such it would be out of keeping with the character of the host building and the Conservation Area and would be contrary to the National Planning Policy Framework, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidelines 2005.
4. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required non-financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to the National Planning Policy Framework, Policy M14, D5 and IM2 of the Welwyn Hatfield District Plan 2005, Parking Standard Supplementary Planning Guidance and the Interim Policy for Car Parking Standards and Garage Sizes.

5. POSITIVE AND PROACTIVE STATEMENT

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 Council's website or inspected at these offices).



Colin Haigh  
**Head of Planning**

## Town and Country Planning Act 1990

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse permission for
  - a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
  - For all other appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.