

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

Mr Stern  
Unit 9B  
Fountayne Road  
Tottenham Hale  
London  
N15 4BE

**Application No:** 6/2020/1660/FULL

**Date of Refusal:** 4 September 2020

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

**Development:** Erection of part four, part single storey rear extension and erection of a mansard roof extension to facilitate the creation of six new residential dwellings formed of 2 x studio and 4 x 2b4p units. Ground floor to be changed from a A3 restaurant to a A4 drink establishment, three vehicle parking spaces and cycle and refuse storage internally

**At Location:** 12 Harpsfield Broadway Hatfield AL10 9TF

**Applicant:** Mr Mak

**Application Date:** 10 July 2020

1. By virtue of the number of units proposed, the low quality external private amenity space, the unacceptably poor outlook and levels of privacy proposed for the kitchen/dinner of flat 2 and kitchen of the first floor HMO, the location of the bin storage area and that the residents would share this area with the bar, the unacceptable access to the flats via a road with no footpath and the lack of space to provide a policy compliant level of parking provision within the site, the development proposed would appear as an over intensive form of development that would appear contrived and cramped in its setting. Accordingly the proposed development would be of a poor standard of design, failing to take the opportunities to function well and add to the overall quality of the area, contrary to Policies D1 and D2 of the District Plan (2005), Policies SP9 and SADM11 of the Emerging Local Plan (2016), 'Supplementary Design Guidance' (2005) and the National Planning Policy Framework.
2. The proposed development would result in the concentration of Houses in Multiple Occupation exceeding 20% of the total number of dwellings within a 50 metre radius of the application site. The application therefore fails to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1 and D2 of the Welwyn Hatfield District Plan 2005; Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document 2012; and the National Planning Policy Framework.

3. The proposed development by virtue of the lack of dining/communal areas, poorly designed amenity space and three bedrooms which would fail to meet the minimum internal layout standards set out within Criterion HMO5 of the Welwyn Hatfield Borough Council Houses in Multiple Occupancy Supplementary Planning Document 2012 and as such, would result in poor quality design and unsatisfactory living conditions for the occupants of the property contrary to Policy D1 of the Welwyn Hatfield District Plan 2005; Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.
4. An inadequate level of car parking provision is provided for the proposed development which would further exacerbate the existing car parking pressures within the vicinity which would be harmful to the character of the area. In addition, the parking spaces which are proposed cannot lawfully be accessed because to do so would constitute a breach of the Highway Act. The proposal is therefore contrary to Policies M14, D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Planning Guidance Parking Standards 2004; Interim Policy for Car Parking Standards and Garage Sizes 2014; Criterion HMO2 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.
5. The proposed fenestration within the southern elevation of the building would result in an unacceptable loss of privacy for occupiers of No. 11a Harpsfield Broadway. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Design Guidance and the National Planning Policy Framework.

#### REFUSED DRAWING NUMBERS

6.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
EX-L001		Location Plan	10 July 2020
EX-S001		Existing Sections	10 July 2020
EX-E003		Existing Side Elevation 2	10 July 2020
EX-P002		Existing First Floor	10 July 2020
EX-E002		Existing Side Elevation 1	10 July 2020
EX-P001		Existing Ground Floor	10 July 2020
EX-P003		Existing Second Floor	10 July 2020
EX-E001		Existing Front Rear Elevations	10 July 2020
EX-P004		Existing Roof Plan	10 July 2020
PR-P005		Proposed Roof Plan	10 July 2020
PR-P002		Proposed First Floor	10 July 2020

PR-P003	Proposed Second Floor	10 July 2020
PR-E001	Proposed Front Rear Elevations	10 July 2020
PR-P001	Proposed Ground Floor	10 July 2020
PR-P005	Proposed Loft Plan	10 July 2020
PR-S001	Proposed Sections	10 July 2020
PR-E003	Proposed Side Elevation 2	10 July 2020
PR-E002	Proposed Side Elevation 1	10 July 2020
PR-L001	Proposed Location Site Plan	10 July 2020

## 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

### **Informative(s)**

1. It is important to note that the HMO units shown within the plans submitted as part of this application are unlawful and require planning permission.



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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.