

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2016/0616/FULL
Location: 2 De Havilland Close, Hatfield, AL10 0DR
Proposal: Conversion of existing single dwellinghouse into two dwellinghouses
Officer: Mr M Peacock

Recommendation: Granted

6/2016/0616/FULL

Context	
Site and Application description	<p>The application site is located on the west side of De Havilland Close and consists of a two storey end of terrace property with a garden to the rear and forecourt parking to the front. De Havilland Close is a cul de sac which is residential in character.</p> <p>The application is for the conversion of a single dwellinghouse into two dwellinghouses. It is noted that the current dwelling is in use as a house in multiple occupation (use class C4) and will remain so in the proposal.</p>
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) WARD - HATFIELD CENTRAL</p>
Relevant planning history	<p>S6/2014/1197/LUE – Certificate of lawfulness for the use of the dwelling as a small HMO Class C4 – Withdrawn</p> <p>S6/2014/0232/FP – Change of use of part of ground floor from House in Multiple Occupation (class C4) to three self contained units (class C3) – Appeal dismissed</p> <p>S6/2013/0403/EA – The use of the building as self contained units – Appeal dismissed</p> <p>S6/2011/2593/FP – Retention of the change of use of existing house in multiple occupation (class C4) to large house in multiple occupation (sui generis 8 bedsits) following conversion of two rooms into bedsits with shared amenities (kitchen) – Withdrawn</p> <p>S6/2009/1405/FP – Erection of single storey front and rear extension and two storey side extension – Refused</p> <p>S6/2009/0772/FP – Erection of single storey front and rear extension and a two storey side extension – Granted</p>
Consultations	

Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 18 May 2016 Site Notice Expiry Date: 8 June 2016		
Summary of neighbour responses	<p>One objection was received which can be summarised as follows:</p> <ul style="list-style-type: none"> • Impact on the privacy to the rear of No.4 De Havilland Close • Noise, pollution and impact on security as a result of the proposed parking at the rear of the site 		
Town / Parish representations	No comments received at the time of writing this report.		
Consultees and responses	<p>Hertfordshire Transport Programmes & Strategy – No objection subject to suggested informatives</p> <p>Thames Water – No objection subject to suggested informatives</p> <p>WHBC Private Sector Housing Team – No objection to the proposed new dwelling. However, it is necessary to comment on the proposed layout of the First Floor in the ‘HMO’ property. The plan shows the staircase open to both a communal landing/relax area as well as to the main communal kitchen and lounge.</p> <p>In HMOs, the staircase must be protected with a minimum of 30 minutes fire resistance from all risk rooms (e.g. kitchens, living rooms & bedrooms) in order that it can provide a safe means of escape. Therefore, the current arrangement would not be acceptable.</p> <p>Also, it is unclear where the exact location of the kitchen will be and I note that there is a communal shower room opening into the kitchen/lounge area. Shower rooms and toilets opening directly onto kitchens do not promote good food hygiene practices. Ideally, this shower room should be relocated or as a minimum located so that it opens into the lounge area of the room.</p>		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 Others: SD1, R1, R19, H2, D8 Supplementary Design Guidance, February 2005 (SDG) Supplementary Planning Guidance, Parking Standards, January 2004 (SPG) Interim Policy for Car Parking Standards and Garage Sizes, August 2014			
Main Issues			
Is the development within a conservation area?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Would the significance of the designated heritage asset be conserved or enhanced?			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A			
Comment (if applicable):			
Would the development reflect the character of the area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Comment (if applicable): In the 2009 planning permission was granted for the erection of single storey front and rear extension and a two storey side extension. The current proposal is to			

subdivide the extension from the original dwelling to create a new self contained 2 bedroom dwelling. No increase in the size of the building is proposed and external alternations would be limited to changes in fenestration, access, parking and landscaping. It is noted that the current dwelling is in use as a house in multiple occupation (use class C4) and will remain so in the proposal.

Local Plan Policy D8 requires landscaping to form an integral part of the overall design. There are no existing trees within the application site which require protection. New landscaping can, in some respects, protect and enhance the existing visual character of the area and reduce the visual and environmental impacts of a development. It is important that an appropriate balance between hard and soft landscaping is maintained and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles. Only limited landscaping details have been provided, therefore, it would be reasonable to attach a planning condition requiring a detailed landscaping scheme to be submitted and approved by the Local Planning Authority in order to reduce the visual and environmental impacts of the development. A landscaping scheme would include:

- means of enclosure and boundary treatments;
- hard surfacing and other hard landscape features and materials;
- planting plans including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Inappropriate storage of bins on the highway can also disrupt pedestrian and the traffic movements. In this case the new dwelling would benefit from a side access to the rear garden which would allow for refuse and recycling to be stored either to the side of the dwelling or within the rear garden without having to be brought through the dwelling for collection. It is therefore not necessary for a planning condition requiring details of a bin storage area to be approved by the Local Planning Authority.

Overall, subject to planning conditions regarding materials and landscaping, it considered that the scheme would be adequately compatible with the maintenance of the character and context of the area. In this respect, no objections are raised with regard to Local Plan Polices GBSP2, D1, D2, D8 and the SDG.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable):

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable): The current proposal is to subdivide the extension from the original dwelling to create a new self contained 2 bedroom dwelling. No increase in the size of the building is proposed, consequently, there would be no impact on neighbours in terms light or outlook.

In terms of privacy, it is noted that the 2009 permission for the extension included a first floor window within the side elevation, which was shown to serve a bathroom on the approved drawings and was subject to a condition requiring fixed and obscure glazing. The current application proposes to relocate the bathroom window within the side elevation. Whilst it is likely that a bathroom window would be obscure glazed, for the avoidance of doubt and to prevent overlooking from an open window, it is reasonable to condition the relocated window to be to be obscure glazed and fixed below a height of 1.7m above the internal floor level.

The new dwellinghouse would benefit from permitted development rights. It is therefore appropriate

to assess what impact further extensions or outbuildings could have on the residential amenity of neighbouring occupiers. Given the relatively small plot and the close proximity to neighbouring buildings, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact. Therefore, to protect the amenity of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwelling (Class A) and the enlargement of consisting of an addition or alteration to its roof (Class B).

Given that the relatively small scale of development proposed, it is not considered necessary or reasonable in this instance to apply a condition restricting hours of operation during construction. It is also noted that noise disturbance and anti-social behaviour are covered by other legislation and therefore carry only limited weight in the consideration of this planning application. Noise disturbances, where relevant, should be reported to the Council's Environmental Health Department or the Police. It is considered that the increased density of development would not result in additional noise generation beyond what would be expected as reasonable noise within a residential environment. The proposed new dwelling is unlikely to cause significant noise disturbance to any adjoining occupiers.

In terms of the comments made in respect of pollution and security, these relate to the parking space at the rear of the site as originally submitted. The amended proposal, whereby the parking space is provided at the front of the site, is considered to overcome these concerns. It is noted that no further objections/comments were received from residents following re-consultation in respect of the amended scheme.

Overall it is considered that the living conditions of the adjoining occupiers would be maintained to an acceptable level in accordance with Policy D1 and the SDG.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): One additional off-street car parking spaces is proposed to the front of new dwelling which is acceptable for a two bedroom property in this location. The parking arrangements for the existing property are unaffected by the proposal.

Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy have been consulted and consider that visibility from the proposed access would be acceptable and that the proposal is unlikely to have a material impact on the local and wider road network.

Whilst cycle storage has not been shown on the submitted drawings, it is noted that a side access to the rear garden of the dwelling would be retained within which a shed (or similar) could be provided. It is therefore not necessary for a planning condition requiring details of cycle storage to be approved by the Local Planning Authority.

Subject to relevant informatives, the proposal would be acceptable in terms of parking provision and highway safety in accordance with Local Plan Policy M14, the SPG and the Interim Policy 2014.

Any other issues

Houses in Multiple Occupation:

Since 12th January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.

As a result of the Direction, it is considered appropriate and reasonable to include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control.

Land Ownership:

Matters relating land ownership are not protected by planning legislation and therefore carry little weight in determining planning applications. An informative is suggested so that the applicant is aware that planning permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts.

Conclusion

At the heart of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. The Framework outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment; as well as a an environmental role which includes the protecting and enhancing the built environment.

The Framework does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas. In this instance, the location of the development would be highly accessible for local amenities and public transport, and would provide additional accommodation in the area to support local shops and services, all in line with Paragraphs 30, 37, 58 and 70 of the Framework. In addition, the development would have the potential to offer a greater range of accommodation which would have some social benefit and encourage diversification of community, as required by Paragraph 50 of the Framework.

The proposal would have an economic benefit during the construction phase and a limited social benefit through the provision of a windfall residential unit making a small but valuable contribution to local housing supply; this is a clear benefit as it reduces pressure on housing land take elsewhere, albeit to a very limited degree. Subject to planning conditions it is considered that the design of the new dwelling would adequately respect and relate to the character of the area. Giving consideration to the scale of the proposal and its setting, it is considered that the living conditions of the adjoining occupiers would be maintained to an acceptable level. Adequate off street parking, cycle storage and refuse storage areas would be provided for the proposed dwelling. Consequently, it is considered that the proposal affords benefits in all areas of sustainability as defined by the Framework. The proposal therefore accords with the National Planning Policy Framework and the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

Conditions:

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Site Location Plan received 28 November 2016 & 2016-054B received 13 April 2016 & 2016-054C received 21 July 2016 & 2016-064C received 23 November 2016

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

3. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

(b) means of enclosure and boundary treatments

(e) hard surfacing, other hard landscape features and materials

(f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction

(g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

5. The side of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

6. The area set aside for car parking shall be laid out surfaced and marked out, in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class B of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

8. The development hereby permitted shall be used for Class C3 dwellinghouse only, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification).

REASON: The Article 4 Direction covering Hatfield removes permitted development right to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

1. 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).

Informatives:

1. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

5. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047
7. Any damage to the grass verges caused by the development/works hereby

approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

8. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

Determined By:

Mr A Mangham
28 November 2016