

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2020/1010/FULL
Location: 2 De Havilland Close Hatfield AL10 0DR
Proposal: Conversion of existing single dwelling into two dwellings
Officer: Ms Lucy Hale

Recommendation: Granted

6/2020/1010/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. The new dwelling will comprise a two bedroom dwellinghouse under use class C3.</p> <p>The application follows granted planning permission 6/2016/0616/FULL for an identical proposal. A fresh planning permission is required as the development has not been implemented and the permission has expired.</p>		
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) Wards - Hatfield Central A4HD - Article 4 HMO Direction FM00 - Flood Zone Surface Water 1000mm (70631)</p>		
Relevant planning history	<p>Application Number: 6/2016/0616/FULL Decision: Granted Decision Date: 28 November 2016 Proposal: Conversion of existing single dwellinghouse into two dwellinghouses</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 9 June 2020 Site Notice Expiry Date: 30 June 2020</p>		
Summary of neighbour responses	None		
Consultees and responses	<p>Hatfield Town Council – Comment: This is overdevelopment of the site. Hatfield needs family homes not more flats. There is not enough parking to sustain this development either on or off road.</p> <p>Welwyn Hatfield Borough Council Parking Services – Comment: Although this meet the council’s parking standards for HMOs, there significant parking</p>		

	congestion in this area, there are a number of flats with no parking facility. Highways England – No objection
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 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: SD1, R1, R19, H2, H3, H4, D8 Draft Local Plan Proposed Submission August 2016 (Key Policies): SP1, SP4, SP9, SADM1, SADM2, SADM11 and SADM12	
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 preserved 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):	
<p>Hatfield Town Council have raised an objection on the grounds of overdevelopment and the opposition to flats instead of a family home. There is no policy which refers to types of occupancy, or guidance in respect of the form or pattern of development, other than in terms of overall design and harmonisation. Furthermore, the existing dwelling is not a family home as it serves a HMO which occupiers are unrelated individuals. In addition, planning permission was approved under application 6/2016/0616/FULL for an identical scheme determined under the current local plan and the original NPPF 2012. There has been no change in policy which would justify a different decision in this case which is a material consideration and given significant weight.</p> <p>It is maintained that subject to planning conditions regarding materials and landscaping, 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 Policies GBSP2, D1, D2, D8 and the SDG.</p>	
Would the development reflect the character of the dwelling?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Comment (if applicable): See above.	
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Comment (if applicable):	
<p>No objections have been received. There would be 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 considered reasonable again to condition the relocated window at first floor to be to be obscure glazed and fixed below a height of 1.7m above the internal floor level.</p> <p>In addition, 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) in line with planning permission 6/2016/0616/FULL.</p>	

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):

Concerns have been raised by Hatfield Town Council and the Council's Parking Services team regarding the congestion and parking pressures in the road.

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. The Highway Authority previously commented on the proposal and considered 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.

In line with the previous application, it is not considered necessary to require details of cycle storage as there is a side access to the rear garden of the dwelling to be retained within which a shed (or similar) could be provided.

Conclusion

The application proposal was granted in 2016 and this application is for an identical scheme. The proposal has been assessed against all relevant local and national planning policy and is considered to comply subject to planning conditions.

Conditions:

1. No development above ground level in any phase of the 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No development above ground level in any phase of the 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:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials
- (c) 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

(d) 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 D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. 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 D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. The area set aside for car parking on drawing number 2016-064C shall be laid out surfaced and marked out before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the 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.

5. Any upper floor window located in a wall or roof slope forming a side elevation of the building hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. 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 A and 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.

7. The new dwelling 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; Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
2016-064C		Site and Parking Layouts	30 May 2020
2016-054B		Existing Layout	30 May 2020
2016-054C		Proposed Layout	30 May 2020
2		Location Plan	5 May 2020

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

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).

Informatives:

1. 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 or legal interest (easements or wayleaves) which may affect the land.
2. 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.
3. 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.

4. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
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. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Mark Peacock
7 July 2020