

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

DELEGATED APPLICATION

Application No: 6/2022/2168/FULL
Location: 87 De Havilland Close Hatfield Hertfordshire AL10 0DP
Proposal: Provision of kitchen facility to facilitate the creation of a separate dwelling from existing HMO property
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/2168/FULL

Context			
Site and Application description	The application site is located to the north of De Havilland Close and west of Worcester Road. The application site is comprised of a two-storey, an end of terrace dwelling with a garage and driveway located to the rear of the site.		
Constraints (as defined within WHDP 2005)	PAR - PARISH (HATFIELD) - Distance: 0 ROW - FOOTPATH (HATFIELD 015) - Distance: 25.31 ROW - FOOTPATH (HATFIELD 014) - Distance: 0.42 Wards - Hatfield Central - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HHAA - Hatfield Heritage Assessment Area(Hatfield New Town) - Distance: 0		
Relevant planning history	Application Number: H/1990/5244 Decision: Granted Decision Date: 01 September 1990 Proposal: Erection of front porch Application Number: H/1999/5084/EM Decision: Granted Decision Date: 12 April 1999 Proposal: Changes to existing car port to form garage		
Consultations			
Neighbour representations	Support: 0	Object: 2	Other: 0
Publicity	Neighbour notification letter		
Summary of neighbour responses	Two neighbour objections have been received from residents on Worcester Road and are summarised below: <ul style="list-style-type: none"> • Details in appeal APOP/C1950/C/13/2191701 show the unit is only approximately 14sqm. The unit is too small to be habitable. • The refuse bins are unsightly outside of the property and are detrimental to the appearance of Worcester Road, being gradually moved onto the grass areas. 		

	<ul style="list-style-type: none"> • There is no parking provision at the site and, driveways have been blocked and parking posts knocked down previously. • Occupants of the dwelling have previously been anti-social.
Consultees and responses	<p>WHBC Public Health and Protection – Comment: <i>recommend planning application is permitted but with conditions</i></p> <p>Hatfield Town Council – Object: <i>The Town Council has concerns about whether the new proposals will meet relevant building regulations and therefore object to the proposals on the grounds of poor design.</i></p> <p>HCC Hertfordshire Transport Programmes & Strategy – Comment: <i>the Highway Authority does not wish to restrict the grant of permission.</i></p>
Relevant Policies	
<p><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</p> <p><i>Others</i></p> <p>SD1 Sustainable Development R1 Maximising the Use of Previously Developed Land R19 Noise and Vibration H2 Location of Windfall Housing Development H3 Loss of Residential Accommodation H4 Conversion of Residential Accommodation M6 Cycle Routes and Facilities</p> <p><i>Draft Local Plan Policies</i></p> <p>SP1 Delivering Sustainable Development SP9 Place Making and High-Quality Design SADM1 Windfall Development SADM3 Sustainable Travel for All SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse</p>	
Main Issues	
Principle of development	<p>District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan; Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character. These objectives are consistent with the National Planning Policy Framework (NPPF) which encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development.</p> <p>The site has not been allocated in the District Plan for additional housing supply and as such would come forward as a windfall residential site of which</p>

	<p>District Plan Policy H2 would apply. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:</p> <ul style="list-style-type: none"> i. The availability of previously-developed sites and/or buildings; ii. The location and accessibility of the site to services and facilities by transport modes other than the car; iii. The capacity of existing and potential infrastructure to absorb further development; iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; v. The physical and environmental constraints on development of land. <p>The provisions of Policy SADM1 of the Council's draft Local Plan are also relevant. This policy is similar to Policy H2 of the Local Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.</p> <p>The site has been previously developed and currently comprises a two storey dwelling. The dwelling has a ground floor side projection that incorporates a habitable space and a garage. The proposal is to create a separate unit from the current habitable space within the side projection. The site is accessible to services and facilities by transport modes other than private car, with a bus stop located approximately 0.2 miles away on Lemsford Road, and shops and services located approximately 0.4 miles away at the Galleria and Parkhouse Court. Hatfield Town Centre is located approximately 0.4 miles away and the train station is located approximately 1.4 miles away.</p> <p>The application site is located within an existing residential area and there is no evidence that existing infrastructure does not have the capacity to absorb the development. The proposed development has the potential to support and provide demand (albeit limited) for nearby services and facilities. In principle there is no objection to this site being used for residential purposes in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies.</p> <p>Policy H3 deals with loss of residential accommodation and states that planning permission will not be granted for redevelopment which would result in the net reduction in the number of dwellings within the district. The policy does not deal specifically with the loss of 'family homes'. In this case, the proposal would form a self-contained unit which would result in a net increase of one dwelling and therefore accords with Policy H3 of the Welwyn Hatfield District Plan.</p> <p>Policy H4 outlines that the Council will generally support applications for the conversion of large residential units to provide smaller self-contained units provided that it does not result in a development that is detrimental to the appearance of the application building and the visual amenity of the area; would not adversely affect the amenity of neighbouring residential properties; and would provide appropriate amenity space. These issues are discussed below.</p>
Design (form, size, scale, siting)	District Plan Policies D1 and D2 respectively require high quality design in all new development and for proposals to respect and relate to the character and

<p>and Character (appearance within the streetscene)</p>	<p>context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character. These policies are consistent with the design policies contained in the draft Local Plan (SP1 and SP9) and the NPPF.</p> <p>Paragraph 126 of the NPPF clearly advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. At paragraph 130, the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that <i>“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”</i></p> <p>There would no external alterations as a result of the development and consequently the character and appearance of the dwelling and wider area would be maintained.</p>
<p>Living conditions for future occupiers</p>	<p>District Plan Policy D1, in conjunction with the SDG, outlines that development will be required to provide a good standard of amenity for buildings and external open spaces. Paragraph 130 of the NPPF outlines that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. draft Policy SADM11 requires, as a minimum for proposed dwellings, to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements floor space and storage for new dwellings.</p> <p>The NDSS advises a 1 bedroom, 1 storey dwelling should have a minimum gross internal floor area of 37m² with a shower room, or 39m² with a bathroom. The proposed self-contained unit would have an internal floor area of approximately 15.5m². The self-contained unit would therefore be inadequately sized and would result in the future occupiers to experience a poor standard of living space.</p> <p>In terms of private amenity space, Policies H4 and D1 of the District Plan, SADM11 of the draft Local Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. The Council will look at the size of the unit proposed in relation to the size of the garden.</p> <p>The submitted drawings do not clearly demonstrate any amenity space for the self-contained unit. Drawing DHC 102-10 shows that there is space at the front of the self-contained unit, however from a recent site visit, this space is mostly tarmacked with the entranceway to the garage and bin storage for the site.</p>

	<p>Future occupiers of the of the self-contained unit would not have access to on-site outdoor recreation. This would prevent the occupiers of the dwelling from experiencing appropriate living conditions. In particular, this arrangement would diminish the ability of future residents from undertaking outdoors recreation, including play. In addition, the lack of garden space would also reduce opportunities for future occupiers from matters such as the storing of household waste or undertaking domestic tasks such as the drying of washing.</p> <p>The development would be positioned in close proximity to amenity area to the rear of the site. The amenity area is encircled by dwellings with established trees running throughout. Whilst the amenity area could be used for some recreation, it would not be of a suitable size to undertake a variety of activities. In addition, the amenity area would not have the same level of privacy or functionality as a garden. In consequence, the presence of this space does not outweigh the lack of private on-site outside amenity space.</p> <p>The development would therefore be in conflict with District Plan Polices D1 and H4; the Supplementary Design Guidance; and the National Planning Policy Framework.</p>
<p>Impact on neighbours</p>	<p>Two objections have been received for this development. The objections regard the size of the unit, bin storage, parking and antisocial behaviour.</p> <p>Concerns regarding the size of the unit, bin storage and parking have been addressed elsewhere.</p> <p>Matters regarding anti-social behaviour are not material planning considerations but informatives can be included in the event of an approval to advise the applicant.</p> <p>The resulting increased density of the site is not considered to be substantial and the potential for additional noise or disturbance as a result would not be sufficient to justify a refusal on this basis alone. In this respect, no objections are raised with regard to Policy H4, D1 and R19.</p> <p>The development would not result in an alteration to the size, scale, positioning or fenestration of the site. The development would therefore not result in adjoining neighbours to experience a detrimental loss of privacy or sunlight, nor would the development appear overbearing or unduly dominant towards adjoining occupiers.</p>
<p>Access, car parking and highway considerations</p>	<p>In terms of parking paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.</p> <p>District Plan Policy M14 and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p>

	<p>The application site is within Zone 3 where bedsits/1 bedroom dwellings should provide 1.25 car parking spaces. The plans submitted with this application do not show any car parking arrangements.</p> <p>The closest roads to the application site would be Worcester Road to the east of the site and De Havilland Close to the south of the site. These areas have had issues with car parking as evidenced by a permit holder scheme in both Worcester Road and De Havilland Close. An under provision of on-site car parking is therefore not acceptable in this location.</p> <p>The proposal would result in an unacceptable under provision of on-site car parking spaces. The proposal therefore fails to comply with Policies D1 and M14 of the Welwyn Hatfield District Plan; the Supplementary Design Guidance; the Supplementary Planning Guidance on Parking Standards; and the National Planning Policy Framework.</p>
Cycle storage	<p>The site is located approximately 0.4 miles from the Galleria, Parkhouse Court and Hatfield Town Centre. The Hatfield train station is located approximately 1.4 miles away. Reducing reliance on private car and supporting low or no carbon transport would be favour of this application. However, the submitted plans do not demonstrate any cycle storage for the proposed dwelling.</p> <p>Paragraph 92 of the NPPF explains decisions should encourage cycling. This is echoed by Hertfordshire County Council's Local Transport Plan, District Plan Policies M6 and M14 and emerging Polices SADM3 and SADM12 which, as a minimum, require development to include secure cycle storage.</p>
Refuse and recycling	<p>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 traffic movements contrary to the NPPF.</p> <p>The National Design Guide (H3) points out that <i>“Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”</i></p> <p>No details of bin storage have been submitted with this application. From a recent site visit, the bins were located directly outside of the entranceway to the proposed self-contained unit, cluttering the appearance of the application site and appearing visually intrusive within the street scene.</p> <p>The proposed development does not establish suitable bin storage, resulting in harm to the character and appearance of the area. The development therefore represents a poor standard of design which conflicts with Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SADM11 and SP9 of the draft Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</p>

Planning balance

Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF 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; as well as an environmental role which includes protecting and enhancing the environment.

The NPPF 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.

The proposed development would deliver one additional dwelling in a Borough where a shortfall in housing has been identified. Short term economic benefits would also arise from the construction of the development. Social and environmental benefits arising from the development would include the provision of a new home within walking distance to shops and services.

The Council's current position in respect of housing land supply is acknowledged: *"The Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284. This equates to 63% because supply has fallen below 75%, the Council needs to apply the presumption in favour of sustainable development when determining planning applications, which means granting planning permission unless there are clear reasons for refusal."*

Paragraph 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:

(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason of refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In this case, although the tilted balance is engaged, only very limited weight could be attributed to the net increase of one additional dwelling. It is considered that the identified harm caused by the development would significantly and demonstrably outweigh these benefits when assessed against the policies of the NPPF as a whole and as such provides a clear reason for refusing the scheme.

Conclusion

The proposed creation of a self-contained unit, by virtue of size of the unit and absence of external private amenity space, would represent development that would result in unsatisfactory living accommodation for the future occupants. Furthermore, the proposed development does not establish suitable bin storage, resulting in harm to the character and appearance of the area. The proposal would result in an unacceptable under provision of on-site car parking spaces and does not include any cycle storage. Accordingly, the development would be of a poor standard of design and would fail to promote sustainable modes of transport. In favour of the proposal is the provision of one addition residential unit, however, this does not outweigh the identified harm and policy conflict. For these reasons, the application fails to comply with Hertfordshire's Local Transport Plan 2018; the Welwyn Hatfield District Plan 2005; the Supplementary Planning Guidance on Parking Standards; the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

Reasons for Refusal:

1. The proposed creation of a self-contained unit, by virtue of size of the unit and absence of external private amenity space, would represent development that would result in unsatisfactory living accommodation for the future occupants. Accordingly, the 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 H4 of the District Plan; Policies SP9 and SADM11 of the draft Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.
2. The proposed development does not include suitable bin storage, resulting in harm to the character and appearance of the area. The development therefore represents a poor standard of design which conflicts with Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SADM11 and SP9 of the draft Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.
3. The proposed development would result in an unacceptable under provision of on-site car parking spaces, and consequently fails to comply with Policies D1 and M14 of the Welwyn Hatfield District Plan; the Supplementary Design Guidance; the Supplementary Planning Guidance on Parking Standards; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
4. The proposed development does not include any cycle storage, contrary to Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M6 & M14 of the Welwyn Hatfield District Plan 2005; the Supplementary Planning Guidance on Parking Standards; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
DHC 101-OS		location plan	20 September 2022
DHC 102-		Proposed block plan	20 September 2022

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DHC 102-1	A	Proposed plans and elevations	27 September 2022
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DHC 101-1	A	Existing plans and elevations	27 September 2022
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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).

Determined By:

Mr Mark Peacock
16 November 2022