

**WELWYN HATFIELD BOROUGH COUNCIL  
ASSISTANT DIRECTOR (PLANNING)**

**DELEGATED APPLICATION**

**Application No:** 6/2022/2788/FULL  
**Location:** 64 Walker Grove Hatfield AL10 9PL  
**Proposal:** Change of use from Dwelling house (Class C3) to Children's home (Class C2)  
**Officer:** Ms Ashley Ransome

**Recommendation:** Refused

6/2022/2788/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located within Walker Grove Osbourne Road and consists of a two-storey detached dwelling.</p> <p>The proposal involves the change of use from dwellinghouse (Class C3) to children's home (Class C2). The property will become a long-term home for up to 4 vulnerable children aged between 8 to 16 years old who will have learning difficulties. Depending on their learning disability, each child may have a carer attending to them during the day, therefore it is estimated that a maximum of five staff and two part-time staff will be employed at the home. None of the staff will reside at the property, but one staff member will stay overnight, each night as a waking night.</p> <p>It should be noted that a recent Certificate of Lawfulness for the change of use from Use Class C3(a) (dwellinghouse) to Use Class C3(b) (up to six people living together as a single household and receiving care) was refused for the following reason:</p> <ol style="list-style-type: none"> <li>1. Insufficient information has been submitted to clearly demonstrate that the proposed development would be lawful and accordingly, the certificate is hereby refused.</li> </ol>
<b>Constraints (as defined within WHDP 2005)</b>	<p>SAG - 0 - Distance: 0            LCA - Landscape Character Area (De Havilland Plain) - Distance: 0            PAR - PARISH (HATFIELD) - Distance: 0            Wards - Hatfield Villages - Distance: 0            A4HD - Article 4 HMO Direction - Distance: 0            A4DAS - Hatfield Additional Storeys Article 4 Direction - Distance: 0            HAT - Hatfield Aerodrome - 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 Business Park) - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2022/1136/LAWP            Decision: Refused            Decision Date: 12 July 2022            Proposal: Change of use from Use Class C3(a) (dwellinghouse) to Use Class</p>

	C3(b) (up to six people living together as a single household and receiving care)		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 13	Other: 0
<b>Publicity</b>	Neighbour Letters		
<b>Summary of neighbour responses</b>	<p>13 neighbour representations have been received, all objecting to the proposal. Below is a summary of the representations raised:</p> <ul style="list-style-type: none"> <li>• The reasons for the refusal of the planning application made in July 2022 still exist. The fact that they have changed the request from a Care Home to a Children's Home, does not change the fact that it will be a house in multiple (HMO) occupation, and therefore unsuitable for that location.</li> <li>• Although this is not being applied for under the HMO umbrella, in effect, it still is one. We have fought for years to maintain the level of HMO's to a minimum and in line with your guidelines of keeping them under 20%, within 50 meters. This change of use will increase the level of dwellings not in use as residential units to way above your set target.</li> <li>• The applicants making this application are purely doing this for monetary purposes and have no experience in this area of work. They see this and other properties they own in Walker Grove as purely income generators. They have tried various schemes to let out this and other properties in all sorts of ways, with no account taken of the impact on existing residents.</li> <li>• Re-housing vulnerable and severely affected children will have a detrimental impact on the local area and would result in anti-social behaviour. The area already has been badly affected by an over saturation of HMO properties catering to the student population.</li> <li>• Not appropriate to bring people with potential substance and alcohol issues into a residential area where children play- May not be safe for existing children</li> <li>• The Walker Grove and surrounding areas already have a high number of University Students who at the best of times can be extremely very Loud / Noisy (Late Night Parties etc..) and very messy.</li> <li>• We all work very hard during the day (working from Home (Hybrid basis) also) and piece and quietness needs to remain PARAMOUNT at all times for our Mental Health / Well Being.</li> <li>• This will severely impact the value of all properties in the local area.</li> <li>• The number of staff needed to supervise the children would lead to an increase in the parking level that already exist on the street. The parking levels that they have stated in their application are unrealistic. They state that they have 6 spaces available for use, and this is not true. There are only two spaces allocated to the property. Street parking is not allowed as new restrictions have been put in place since the last application. The extra spaces they have stated they have at 52 Walker Grove are non-existent as they currently use this as an Air B&amp;B property and office, with numerous</li> </ul>		

	<p>residents coming and going with cars, causing parking issues in front of my home.</p> <ul style="list-style-type: none"> <li>We understand that there may be a need for children with complex needs be housed in suitable care accommodation, in the right location, in the right environment and with the appropriate care team. This application does not meet any of these criteria.</li> </ul>
<p><b>Consultees and responses</b></p>	<p>WHBC Public Health and Protection – Planning permission can be permitted, subject to conditions.</p> <p>Hatfield Town Council – No objections in principle to this development. However we note the comments made by the Hertfordshire Constabulary and concerns raised by neighbours. Having reviewed the plans, it would seem that care has been taken with the design and layout. But for this development to be successful it is essential that ongoing security and monitoring elements must be incorporated into the conditions should planning permission be granted. This can help ensure the impact of the development on the area is not disproportionate.</p> <p>Hertfordshire Constabulary – The fact that the house is already in existence rather reduces the opportunity to build in any security features thought desirable. The room to be used as an office must have a secure lockable door fitted (rather than the normal flimsy internal type), to ensure any sensitive documents are kept private. I am assuming no drugs will be kept on premises or brought there by staff. External CCTV will be useful to ensure undesirable people are not encouraged to congregate outside the property. Ultimately, the success or failure of this proposed establishment will largely hinge on the choice of its occupants and how they are managed by the staff. A well run small children’s home can blend in well in this type of location, but if its occupants are not managed well, then confrontation with the local population will occur.</p> <p>WHBC Client Services – No impact on the existing ARRC service. We would provide our largest 360l refuse bin for the property if there is not already one there.</p> <p>Children’s Services, Hertfordshire County Council – No response received.</p>
<p><b>Relevant Policies</b></p>	
<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>Others: R19, D9, H3, H4, H9</p> <p><u>The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan):</u>  SP1 Delivering Sustainable Development  SP7 Type and Mix of Housing  SADM9 Loss of Residential  SP9 Place Making and High Quality Design  SADM11 Amenity and Layout  SADM12 Parking, Servicing and Refuse</p>	

<b>Main Issues</b>	
<b>Principle of Development</b>	<p><u>Loss of Residential:</u></p> <p>As outlined, the application will involve the change of use of a family residential unit (C3) to a children’s home (C2), which to some degree would trigger the loss of a dwelling. Policy H3 of the Welwyn Hatfield District Plan 2005 is therefore partly relevant.</p> <p>Policy H3 outlines that “Planning permission will not be granted for the redevelopment or change of use of premises which would result in a net reduction in the number of dwellings in the district”. Policy SADM9 of the Council’s Emerging Local Plan 2016 is similar.</p> <p>Notwithstanding the loss of a C3 unit, the proposed development will provide a children’s home which would still be a form of residential use. Therefore whilst there is a conflict with the wording of the policy, there would not be a loss of residential accommodation and, as such, this conflict would not amount to reasonable grounds to withhold planning permission.</p> <p><u>Special Needs Housing:</u></p> <p>Regard should also be had to Policy H9 of the Welwyn Hatfield District Plan 2005 for Special Needs Housing.</p> <p>Policy H9 sets out that “The Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Incorporation of special needs housing schemes in residential development in central areas will be encouraged”. In particular, Policy H9 refers to young people at risk. Similarly, within the Council’s Emerging Local Plan 2016, Policy SP7 sets out the type and mix of housing to be delivered, which includes specialist housing. Specialist housing comprises a mix of people who require to live in an environment providing care, including vulnerable people.</p> <p>As such, it is considered that the proposal of a children’s home would provide young people at risk/ vulnerable people a safe place to reside, which is considered to meet with Policy H9 of the Welwyn Hatfield District Plan 2005 and Policy SP7 of the Council’s Emerging Local Plan 2016.</p>
<b>Design and appearance</b>	<p>No external changes are proposed. The character and appearance of the existing property would therefore not be altered and thus no assessment is required in this regard.</p>
<b>Future occupants living standards</b>	<p>All proposals for residential use should meet, as a minimum, the National Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. As such, in considering the quality of accommodation provided for future occupants, the National Technical Housing Standard, is a material consideration.</p> <p>From observing and measuring the submitted floor plans, it is considered that all bedrooms that are proposed (four upstairs and one downstairs) within the property meet the National Technical Housing Standard, and as such, future occupants will have sufficient internal living space.</p> <p>Policies H4 and D1 of the District Plan and the Supplementary Design</p>

	<p>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.</p> <p>The property benefits from a garden to the rear which is considered to be commensurate to the size of the dwelling.</p>
<p><b>Impact on neighbours</b></p>	<p>The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p> <p>Policies D1 and R19 of the District Plan, as well as Policy SADM11 of the Draft Local Plan, seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.</p> <p>As there are no external alterations proposed, it is considered that the proposed change of use to a children’s home would not give rise to material adverse impact on the occupiers of adjoining or surrounding properties by reason of loss of light, privacy, overshadowing, overlooking or overbearing impact.</p> <p>The impact of the proposed use is more nuanced. It is acknowledged that the number of occupants residing at the site would be no different to a large family and the use as a children’s home is still in residential use. However, the way a care home is used could potentially give rise to a greater level of disturbance compared to a C3(a) dwelling.</p> <p>The use is likely to generate significantly more activity compared to a family home and the occupants themselves may be more likely to generate noise, for example, through shouting.</p> <p>Depending on the care needs of the occupants, the proposed use will generate a significant increase in the number of visitors to the site (shift workers, various health visitors, family visitors, day care mini-buses, emergency vehicles, caterers, clinical waste collections, cleaners, building &amp; garden maintenance workers, etc.) which would likely result in significant adverse amenity impacts for neighbouring residents. The increase traffic, noise and potential disturbances associated with a care home would result in a significant departure from the established character and nature of the existing use of the property as a C3 dwellinghouse.</p> <p>Given the proximity of adjoining properties and the relative high density of the surrounding development, for the reason set out above, it is considered that the proposed use would result in significant detrimental impacts upon neighbouring amenity contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the NPPF.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>In terms of parking, paragraph 105 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles.</p>

Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. The Council have subsequently issued an Interim Policy for Car Parking Standards and Garage Sizes (2014) that car parking standards (in the Parking SPG) should be treated as 'guidelines' rather than maximums. It further outlines that planning applications will be determined on a case-by-case basis to achieve a sensible level of provision taking into account relevant circumstances of the property, its site context and its wider surroundings.

For a C2 use with care staff on premises at all times, the SPG guidelines suggest that one space per five residents' bed spaces is provided, plus one space per two staff. With four children to be cared for by six full-time equivalent staff, this would equate to four off-street parking spaces. It is notable that the applicant has identified seven parking spaces on the application form and within the Planning Statement which accompanied the application.

The site currently benefits from a two off street parking spaced and a single garage. The applicant has provided information with regards to additional off-street parking within close proximity to the site which it is proposed would be made available to mitigate the impact of the development. This is summarised below:

- One car parking space in next door garage at 62 Walker Grove. A long lease on the next door garage has been acquired by the applicant.
- Two car parking spaces and a garage are available at 52 Walker Grove for overflow car parking. The applicant also owns the property at 52 Walker Grove and advises that it is a HMO property let to students without cars.

In view of the above, the applicant considers that a total of seven off-street parking spaces are available for the proposed children's home. However, the Local Planning Authority has significant concerns with this approach.

Firstly, the garage does not realistically provide a useable parking space for most vehicles. This is based on the Interim Policy for Garage Sizes as set out within the Interim Policy for Car Parking Standards and Garage Sizes whereby it states that '... domestic garages have a genuine ability to be used for the intended purpose by being at least 6 metres long by 3 metres wide and sufficiently tall to accommodate modern cars'. The existing garage measures approximately 4.8 metres by 2.5 metres which is a significant shortfall.

The recent appeal decision at 8 Thistle Drive in Hatfield (APP/C1950/D/22/3305204) is a material consideration in relation to garage parking. This appeal allowed a retrospective garage conversion to habitable space. The Council had refused the planning application on the grounds of the unacceptable loss of a parking space and resultant impact on the safety and operation of the highway network. However, the Inspector concluded that the garage was redundant due to its impractical size since the dimensions of the garage were smaller than the dimensions set out within the Interim Policy for Car Parking Standards and Garage Sizes. The Inspector opined that the garage at No.8 Thistle Drive "made no, or at best a questionable, contribution to off-road parking".

While the garage at the application site might be suitable to park a small car, it would be too short and narrow to accommodate most modern cars given the space needed for a person to enter and exit the vehicle. A car parked on the driveway in front of the garage would also prevent the use of the garage for parking. As a result, drivers of most vehicles would choose to park on the road near to the application site.

Turning to the additional parking, whilst no plans have been provided in respect to the internal sizing of the garages at Nos.52 and 62, these garages were built around the same time as the garage within the application site and so are also likely to be substandard in size. In any event, the garages and additional parking at Nos.52 and 62 are located outside of the application site. The applicant has not provided any legally binding mechanism to secure the use of these parking spaces in perpetuity, in connection of the proposed use of No.64 as a children's home, therefore, they cannot be considered to contribute to meeting the parking demand resulting from the proposal.

Furthermore, if the additional parking spaces obtained from other sites were to be used in connection with the use of No.64, the parking provision at both No.52 and No.62 would therefore be lost. As a result, this would shift the resultant lack of off-street parking provision for both No.52 and No.62 to on-street parking. While some of the current occupiers of the HMO at No.52 may not be car users, the nature of occupancy may change in future, with the potential for increased demand for on-street parking.

During a recent site visit, Officers witnessed a considerable number of vehicles parking on the street. Representations from neighbours also refer to the difficulties arising from the pressure for on-street parking in the local area, which the development would worsen.

Walker Grove and the surrounding area is built to a relatively high density and sees driveways, garages, narrowing of roads and a tight highway geometry, and these features, together with parking controls, limit the ability to conveniently or safely park on the highway. The proposal would add to parking pressures within the vicinity, and this would be harmful to the convenience and safety of other road users.

The proposed parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the application property. In addition, any displaced parking and increase in parked vehicles along the narrow street road would add to the cluttered nature of the environment and as such would cause some, albeit limited harm to the character and appearance of the area.

It is acknowledged that the application site is close to local shops and facilities and to bus routes and so public and other non-car means of transport are viable travel options. However, given the particular circumstances of the proposed use discussed above, it is concluded that the development does not provide adequate off-street parking to the detriment of highway safety and character and appearance of the area. As such, the proposal conflicts with Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council's Supplementary Planning Guidance Parking Standards 2004 and the Interim Policy for Car Parking Standards and Garage Sizes. Together, these policies and guidance aim to ensure that development achieves a sensible level of parking taking into account existing standards, national policy, and local circumstances.

<b>Any other considerations</b>	<p><u>Refuse and Recycling:</u></p> <p>With the site remaining in residential use, there would be no change to the existing waste storage and collection from that of the existing C3 residential use.</p>
<b>Conclusion</b>	
<p>For the reasons set out above, the proposed use would result in significant detrimental impacts upon neighbouring amenity contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the National Planning Policy Framework.</p> <p>In addition, the proposed change of use would result in increased vehicular traffic, as staff, visitors, and service providers will need access to the property. The proposed development fails to provide adequate off-street parking and displaced on-street parking would be detrimental to highway safety and cause harm to character and appearance of the area, contrary to Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council's Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; and the National Planning Policy Framework in this regard. It is therefore recommended that planning permission is refused.</p>	

**Reasons for Refusal:**

1. The proposed change of use from a dwellinghouse (Use Class C3) to a children's care home (Use Class C2) for up to four children with learning difficulties would likely result in significant disturbance and harm to the residential amenity of neighbouring occupiers in terms of noise and activity levels, contrary to Policies D1 and R19 of the District Plan; Policy SADM11 of the Draft Local Plan; and the National Planning Policy Framework.
2. The proposed development fails to provide adequate on-site parking and displaced on-street parking would likely have an unacceptable impact on highway safety and cause harm to character and appearance of the area, contrary to Policy M14 and D2 of the Welwyn Hatfield District Plan 2005; the guidance in the Council's Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; and the National Planning Policy Framework.

**REFUSED DRAWING NUMBERS**

Plan Number	Revision Number	Details	Received Date
		Location Plan	8 December 2022
		Location plan	25 January 2023
PD01		Ground floor plan	25 January 2023
PD02		First Floor Plan	25 January 2023
PD03		Proposed front rear elevations	25 January 2023
PD04		Side elevations	25 January 2023



PD05		Sections	25 January 2023
PD06	A	Site plan	31 January 2023

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  
7 July 2023