

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

DELEGATED APPLICATION

Application No: 6/2023/0005/HOUSE
Location: 391 St Albans Road West Hatfield AL10 9RU
Proposal: Erection of a single storey side and rear extension, loft conversion incorporating front rooflights and a rear dormer, garage conversion and fenestration alterations, following the demolition of the existing first floor rear element
Officer: Ms Ashley Ransome

Recommendation: Granted

6/2023/0005/HOUSE

Context	
Site and Application description	<p>The application site is located to the southern side of St Albans Road West and consists of a two-storey semi-detached dwelling.</p> <p>This application seeks planning permission for the erection of a single storey side and rear extension, a loft conversion incorporating front rooflights and a rear dormer, a garage conversion and fenestration alterations, following the demolition of the existing first floor rear element.</p> <p>Upon visiting the site, it was apparent that the plans submitted within this application were not fully representative of what was visible on site. This has since been rectified through the submission of amended plans, which also involved a reduction in the size of the proposed rear dormer. All consultees and neighbours were fully reconsulted on the amended plans.</p>
Constraints	<p>SAG - 0 - Distance: 0 SCA - 93253466.3872 - Distance: 0 LCA - Landscape Character Area (De Havilland Plain) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 WCCF - Watling Chase Community Forest - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 A4DAS - Hatfield Additional Storeys Article 4 Direction - Distance: 0 HHAA - Hatfield Heritage Assessment Area (Wilkin's Green) - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1988/0363/FP Decision: Granted Decision Date: 01 July 1988 Proposal: Two storey side and single storey rear extensions</p> <p>Application Number: S6/2014/1365/FP Decision: Granted Decision Date: 06 August 2014 Proposal: Erection of first floor extension and new window to side elevation</p> <p>Application Number: S6/2014/1366/FP</p>

	<p>Decision: Granted Decision Date: 07 August 2014 Proposal: Roof alterations and rear dormer</p> <p>Application Number: S6/2014/2413/LUP Decision: Granted Decision Date: 10 December 2014 Proposal: Certificate of lawfulness for an outbuilding for use as a games room</p> <p>Application Number: 6/2022/2029/FULL Decision: Withdrawn Decision Date: 22 December 2022 Proposal: Garage conversion and single storey side and rear extension to the main house and extension and conversion of a storage shed into 2 dwelling units</p>		
Consultations			
Neighbour representations	Support: 0	Object: 10	Other: 0
Publicity	Neighbour Letters		
Summary of neighbour responses	<p>10 neighbour representations have been received from six properties, all in objection, with a summary of the concerns raised listed below:</p> <ul style="list-style-type: none"> • The plans and elevations on the portal illustrating the existing building are extremely inaccurate and do not reflect the existing building in any way. We feel that it is not possible for you to make a fair and accurate decision until the correct information is submitted. • There already exists a large outbuilding (>50sqm) at the immediate rear of the main residence. This building was granted a certificate of lawfulness (S6/2014/2413/LUP) but is unlawful as it is circa twice the size of the approved plans, built over a public sewer and is fitted and used as habitable accommodation in direct contravention of the planning conditions. We have a major concern that this building will be permanently incorporated into the main residence during the proposed works as a stealth means of 'legitimising' the size and use- this building is now subject to an enforcement investigation. • The application seeks to double the number of bedrooms to six, if the continued unlawful use of the existing outbuilding continues then that will constitute eight bedrooms- overdevelopment of the property and supports the suspicion that the property may be being operated as an unlicensed HMO. • With an increased number of bedrooms, we are concerned about the noise level as well as the parking situation, which currently caters for 3 cars. • The owner of 391 is already the owner of HMO in Hatfield. This house has always been overcrowded with her staff. She is intending to build the extra garden rooms for HMO purposes. 		
Consultees and responses	Hatfield Town Council – This would seem to be a well designed garage conversion, on a plot large enough to sustain it. In keeping with similar conversions in the area.		
Relevant Policies and Guidance			

National Planning Policy Framework

The Welwyn Hatfield Borough Council Local Plan 2016-2036:

- SP1 Delivering Sustainable Development
- SP9 Place Making and High Quality Design
- SADM11 Amenity and Layout
- SADM12 Parking, Servicing and Refuse

Planning Guidance:

- Supplementary Design Guidance 2005
- Supplementary Planning Guidance Parking Standards 2004
- Interim Policy for Car Parking Standards and Garage Sizes 2014

Main Issues

Is the development within a conservation area?

Yes No

Would the significance of the designated heritage asset be preserved or enhanced?

Yes No N/A

Comment (if applicable):

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable):

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. Paragraph 130 of 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 "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."

The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.

With the correct plans now being submitted, and the proposed rear dormer being reduced in size, it is considered that the size, scale and design of the proposed development would adequately respect and relate to the existing dwelling and the character of the area. The existing garage is to be converted into an art studio, with the garage door replaced with a window. The proposed plans detail that this area of the property would only be accessed via an internal door from the hallway and an external door to the rear. Notwithstanding, to ensure that the art studio remains incidental to main use of the property as a C3 dwellinghouse, a condition should be imposed upon any grant of permission to restrict the use.

It is therefore considered that the proposal is in accordance with Policies SP1 and SP9 of the

Welwyn Hatfield Borough Local Plan, the Supplementary Design Guidance and the National Planning Policy Framework.

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

Yes No N/A

Comment (if applicable):

The neighbour representations received are acknowledged.

It is considered that the size, scale, siting and design of the proposed development would have minimal impact on the residential amenity of the surrounding neighbouring properties and is considered acceptable. The proposal is therefore in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance and the National Planning Policy Framework.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

The proposal would increase the number of bedrooms, with the dwelling proposed to accommodate six bedrooms. The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three spaces per dwelling. Whilst the existing garage is to be converted, the site would still benefit from a large driveway. It is therefore considered that sufficient parking is provided at this site and is in accordance with Policy SADM12 of the Welwyn Hatfield Borough Local Plan and the Welwyn Hatfield Supplementary Parking Guidance 2005.

Any other considerations

Outbuilding

The concerns raised by neighbouring occupants regarding the outbuilding that exists at the site with respect to it being unlawful are acknowledged. This formed an enforcement case which has now been closed, with no further action required. The agent has also advised that as part of this application, the outbuilding would be removed to make way for the proposed single storey extension. This does however not form part of the application description so there is no obligation for its removal.

HMO

Whilst the concern raised with respect to the property potentially being used as a HMO is acknowledged, it is noted that the submitted application form details that the property is in C3 use. The information provided within the submitted application form is to be taken as true and accurate as declared by the agent. Moreover, the Council have not been presented with any substantive evidence to the contrary to demonstrate that the site is not in C3 use. The Council therefore must determine the application on the basis of the information as submitted. The Council introduced an Article 4 Direction covering Hatfield removing the Class L permitted development rights to move from a use falling within Class C3 (dwellinghouse) to a use falling within Class C4 (Houses in Multiple Occupation). Due to the Article 4 Direction, planning permission would be required under a full planning application. An informative will be included to advise the applicant.

Conclusion

Having regard to the above, subject to conditions, the proposed development is considered to be in accordance with the aims and objectives of the policies set out within the Welwyn Hatfield Borough Local Plan, the adopted Supplementary Design Guidance and the National Planning Policy Framework. It is therefore recommended that planning permission is granted.

Conditions:

1. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. The extension hereby approved shall solely be used for purposes either incidental or ancillary to the enjoyment of the dwellinghouse and shall not be used for any other use or purpose, including a use that may form a business. Such other uses would require planning permission.

REASON: To enable the Local Planning Authority to fully consider the effects of development in the interest of protecting the residential amenity of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

3. 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
2011-CKD-ZZ-XX-DR-A-1200 P1	P3	Existing elevations	12 October 2023
2011-CKD-ZZ-XX-DR-A-0150	P3	Existing floor plans	12 October 2023
2011-CKD-ZZ-XX-DR-A-0150 P1	P3	Existing shed floor plans	12 October 2023
2011-CKD-ZZ-XX-DR-0410	P3	Existing shed plan	12 October 2023
2011-CKD-ZZ-XX-DR-A-0110 P1	P3	Existing site plan	12 October 2023
2011-CKD-ZZ-XX-DR-A-1201 P1	P3	Proposed elevations	12 October 2023
2011-CKD-ZZ-XX-DR-A-1150 P1	3	Proposed floor plans	12 October 2023
2011-CKD-	3	Proposed site plan	12 October 2023

ZZ-XX-DR-A-
1110 P1

2011-CKD- 3
ZZ-XX-DR-A-
0100 P1

Site location plan

12 October 2023

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 Council introduced an Article 4 Direction covering Hatfield removing the Class L permitted development rights to move from a use falling within Class C3 (dwellinghouse) to a use falling within Class C4 (Houses in Multiple Occupation). Due to the Article 4 Direction, planning permission would be required under a full planning application.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. 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.
5. 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
15 November 2023