

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

**DELEGATED APPLICATION**

**Application No:** 6/2023/1574/FULL  
**Location:** 2 Mulberry Mead Hatfield AL10 9EN  
**Proposal:** Formation of a drop kerb to the rear of the site, with the addition of 3 parking bays to provide additional parking for a C2 Childcare home  
**Officer:** Ms Ashley Ransome

**Recommendation:** Refused

6/2023/1574/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The site is located to the north of Mulberry Mead and is occupied by a two storey detached dwelling. Mulberry Mead is located with the Garden Village of Hatfield with the A1 motorway to the east.</p> <p>The proposal involves the formation of a drop kerb to the rear of the site, with the addition of three parking bays to provide additional parking for the use of the property as a C2 childcare home.</p> <p>This application follows a recent application under reference 6/2021/3402/FULL which was granted for the change of use of the property from a private residential dwelling (Use Class C3) to a Children's Home (Use Class C2).</p> <p>Within the previous application, it was detailed that the property would become a long-term home, providing 24-hour care, for up to four vulnerable children (ages 9-18) that have been taken into care permanently. The children would come to the home for several reasons, including a family breakdown or court ordered residential placement or removal. The children are not placed here due to faults in their own behaviour, but those of their environment. The staff will comprise six full time staff and four part time staff. Circa two staff would be present at any one time. None of the staff will reside at the property, but one staff member will stay over-night, each night.</p> <p>The site currently benefits from a single driveway and a single garage, accommodating two off street parking spaces. However, within the proposal set out above, it should be noted that it is likely that the intention of the applicant is to convert the existing single garage to habitable accommodation. This is due to the intent shown through the submission of planning application 6/2023/0413/VAR which was subsequently withdrawn prior to the submission of this application.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>SAG - 0 - Distance: 0            SCA - 93253466.3872 - Distance: 0            PAR - PARISH (HATFIELD) - Distance: 0            Wards - Hatfield Villages - Distance: 0            A4HD - Article 4 HMO Direction - Distance: 0            HAT - Hatfield Aerodrome - Distance: 0</p>

	<p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>HHAA - Hatfield Heritage Assessment Area (Hatfield Garden Village) - Distance: 0</p>		
<b>Relevant planning history</b>	<p>Application Number: S6/2008/0786/FP Decision: Withdrawn Decision Date: 01 November 2012 Proposal: Erection of side boundary fence</p> <p>Application Number: S6/2013/1654/FP Decision: Granted Decision Date: 25 September 2013 Proposal: Erection of two storey side extension</p> <p>Application Number: S6/2014/0086/FP Decision: Granted Decision Date: 13 March 2014 Proposal: Erection of two storey side extension (amendment to planning approval S6/2013/1654/FP)</p> <p>Application Number: 6/2021/3402/FULL Decision: Granted Decision Date: 29 July 2022 Proposal: Change of use of private residential dwelling (Use Class C3) to Children's Home (Use Class C2).</p> <p>Application Number: 6/2023/0413/VAR Decision: Withdrawn Decision Date: 01 June 2023 Proposal: Variation of condition 1 (approved drawings) on planning permission 6/2021/3402/FULL (Change of use of private residential dwelling (Use Class C3) to Children's Home (Use Class C2) to convert garage to habitable accommodation and provision of alternative off street parking</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour Letters		
<b>Summary of neighbour responses</b>	No neighbour representations received.		
<b>Consultees and responses</b>	<p>Welwyn Hatfield Borough Council Councillor James Broach - I am concerned that the loss of a substantial portion of the rear garden area is detrimental to the amenity space for the residents of this children's home, and would ask that officers carefully consider this when making their decision.</p> <p>Hertfordshire County Council Transport Programmes &amp; Strategy - Recommends that permission be refused.</p> <p>Hatfield Town Council - No response received.</p>		

## Relevant Policies

NPPF  
 D1    D2    GBSP1    GBSP2    M14  
 Supplementary Design Guidance    Supplementary Parking Guidance    Interim Policy for car parking and garage sizes  
Others: D8, D9, H4, H9

### The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan):

SP1 Delivering Sustainable Development  
SP9 Place Making and High Quality Design  
SADM2 Highway Network and Safety  
SADM11 Amenity and Layout  
SADM12 Parking, Servicing and Refuse

Policies 1 and 5 of the Hertfordshire Local Transport Plan (LTP4).

## Main Issues

### **Design (form, size, scale, siting) and Character (appearance within the streetscene)**

District Plan Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. Policy GBSP2 requires that within specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character.

Emerging Policy SP9 deals specifically with place making and requires proposals to deliver high quality design that fosters a positive sense of place by responding to a set of principles which include a requirement for proposal to be informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness.

Together the above policies require that new development is of the highest possible standards of design and layout, and that it can take place without material detriment to the existing character of the area, are sympathetic to local character. This is consistent with the NPPF which states at paragraph 130 that decisions should ensure developments will function well and add to the overall quality of the area, are sympathetic to local character and maintain 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.

The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

District Plan Policy D8 requires landscaping to form an integral part of the overall design. Landscaping should aim to protect and enhance the existing visual character of the area and to reduce the visual and environmental

impacts of the development.

Within the Borough, particularly in the planned New Town of Hatfield, there is strong tradition of verges and areas of open amenity land. Along Campion Road, there are landscaped areas consisting of grass verges, hedgerows / shrubs and trees which contribute to softening the visual impact of built development and highway infrastructure.

The site currently benefits from a single driveway and a single garage which is accessed from the front of the property from Mulberry Mead and accommodates two off street parking spaces. The proposal seeks to create an additional access to the side/rear of the site from Campion Road, and space for three further off-street parking spaces, thus totalling five off-street parking spaces. This would involve a change of use from amenity to residential land to allow the formation of a new access and area of crossover, in connection with the proposed creation of a driveway over the existing grass verge.

The plans detail that the proposed crossover would measure approximately 7.2 metres in width, enough for three cars to park side by side perpendicular to the highway. The vehicle hardstanding is proposed to occupy a large area of the existing rear garden, which on the submitted plan is detailed to span approximately 36 metres squared. No details of fencing or other means of enclosure have been provided, however, some form of enclosure would be necessary to secure the rear garden from the adjacent public highway.

The existing grass verge along Campion Road presents a strong linear form, as does the existing mature boundary vegetation. Whilst it is acknowledged that crossovers do exist along Campion Road, they are few and far between, and generally serve as a shared access for a group of dwellings. In this regard, it is clear that the original planned layout sought to minimise the number of crossovers serving individual properties along Campion Road.

The proposal would introduce hardstanding into the open grass verge, harming its function and resulting in a more fragmented appearance. The proposal would also remove a large section of the boundary vegetation to be replaced with a wide area of car parking. The application proposal fails to demonstrate any consideration to the inclusion of soft landscaping to mitigate the impact of the development. While landscaping and boundary treatment can often be secured by condition, this is not considered appropriate in this case as there is only very limited space surrounding the proposed parking area. As such, it would be impractical to provide planting along the northern boundary with No.12 Campion Road, and any meaningful landscape screening to the south and west of the parking area would obstruct two windows serving the application property whilst also encroaching further into the garden which would already be significantly encroached upon.

Whilst the surrounding character does include the presence of hard landscaping, this is however mixed with various forms of soft landscaping. In the instance of this application, the extent of hard standing is not balanced with some form of soft landscaping to positively impact upon the character of the street. Furthermore, the likely need for fencing to be erected around the proposed parking area to enclose the altered garden area would further the impact upon the character, posing a cramped form of development.

Accordingly, the proposed development would have a harmful impact upon the

	<p>appearance of the street scene and the character of the area.</p> <p>Moreover, whilst the two accesses may not be read in conjunction with one another, it is however considered that an access in this location would not be in keeping with the character of the area. This is due to its siting to the side/rear of the property, whilst the characteristic location for an access and driveway is to the front of the property. The fact that the site would also have two access points and parking areas would result in a car dominated form of development which would also cause harm to the character of the area.</p> <p>The proposal is considered to be contrary to the function and the purpose of the amenity land which is to soften the appearance of the built form and to create a spacious and verdant streetscene. The development therefore conflicts with the NPPF which requires developments to function well, be visually attractive, sympathetic to local character and establish a strong sense of place.</p> <p>In summary, the proposed development would result in unacceptable harm to the character and appearance of the area in conflict with Policies GBSP2, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 Adopted April 2005 which together seek high design and require developments to enhance and respect the character of their area. The scheme would also conflict with Policy SP9 of the Emerging Local Plan and the NPPF in this respect.</p>
<p><b>Future occupants living standards</b></p>	<p>Policies H4 and D1 of the District 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.</p> <p>The property benefits from a garden to the rear. The proposal would reduce the size of the garden by under half of its current size. Not only would the proposal make the garden smaller (proposed garden size would be approximately 5m by 9m), but there would likely be a form of fencing erected around the perimeter of the proposed parking area, thus impacting upon the outlook of the residents when using the garden. Given the size of the dwelling, the number of occupants and the nature of the occupants (children's home with potential special needs), it is considered that the proposal would significantly reduce the outdoor amenity space, with the proposed fencing creating a further sense of enclosure. The proposal would therefore be contrary to policies H4, H9 and D1 of the Welwyn Hatfield District Plan, along with Policies SP9 and SADM11 of the Emerging Local Plan and the NPPF.</p>
<p><b>Impact on neighbours</b></p>	<p>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 D1 of the Welwyn Hatfield District Plan, Policy SADM11 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p><b><u>Parking</u></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</p>

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.

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. 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. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.

As set out above, the site currently benefits from a single driveway and a single garage, accommodating two off street parking spaces. The proposal would create an additional access to the rear and space for three further off-street parking spaces, thus totalling five off-street parking spaces.

Whilst it is unclear from visiting the site whether the planning permission granted under application number 6/2021/3402/FULL for the change of use from a private C3 dwelling to a C2 children's home has been implemented, significant weight is given to the extant permission for C2 use.

Regard is had to the committee report for application reference 6/2021/3402/FULL, whereby, in relation to parking requirement and provision, it sets out that:

*"The Council's parking guidance SPG recommends that for a C2 use with care staff on premises at all times one space per five residents' bed spaces are provided, plus one space per two staff.*

*With reference to the above it is therefore considered that with the four children to be cared for by two carers at any one time, the two off-street parking spaces provided within the site are therefore considered suitable. A condition will be imposed upon any grant of permission for the garage to remain to house motor vehicles, in order to retain sufficient off-street parking.*

*With respect to the concern regarding visitors parking, as with any residential use, there would be the potential for visitors to visit a property. Concerns were also raised with regards to the increased number of visitors associated with the proposed use, however this is not known, and it could be that there would be the same or less number of visitors than a C3 dwelling use.*

*Notwithstanding the above, it is considered that the parking arrangements for the residents and staff, along with any visitors, would be acceptable.*

*The site is located in walking distance (10 minutes) to the Hatfield Garden Village Stores and other amenities sited off of Green Lanes.*

*There are numerous bus stops located on roads surrounding Mulberry Mead, with the closest being along Champion Road which opposite the rear of the site and thus is an approximate 1 minute walk away. This provides access to amenities that are further afield such as Hatfield Town Centre which is*

	<p><i>approximately a 15 minute bus ride away.</i></p> <p><i>In summary, the proposal would provide an acceptable level of on-site car parking and the site is in a sustainable location in walking distance to local amenities and sited in close proximity to bus stops, therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF."</i></p> <p>In light of the above, it is considered that the site already benefits from sufficient off-street parking for the C2 use. Without evidence to demonstrate the specific need for three additional parking spaces, the proposal is considered to result in an oversupply of parking. Moreover, through the addition of further off-street parking, it is considered that the proposal would result in the site being unduly dominated by car parking, which in turn would encourage unsustainable modes of transport. The proposal is therefore contrary to Policies D1 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP1, SP9, SADM2 and SADM12 of the Emerging Local Plan, and the NPPF.</p> <p><b><u>Access</u></b></p> <p>The Highway Authority have objected to the application:</p> <p><i>"although not clearly shown on the proposed plans, there is already a dropped kerb at the site which serves the existing garage. In accordance with the Residential Dropped Kerbs Policy, secondary accesses are not acceptable as they are an additional area of conflict between highway users, giving priority to vehicles crossing the footway and interrupting the highway user hierarchy outlined in Policy 1 of LTP4. Additionally, the proposed dropped kerb would be considered oversized for use by a single house; a 7.2m dropped kerb would only be suitable when serving multiple dwellings as outlined in Roads in Hertfordshire. Drawing number UK2201-TD-A-102 shows the depth of the parking area to be 4.8m, whilst within the new Residential Dropped Kerbs Policy, the depth of a hardstanding must be a minimum of 5m to allow for a modern vehicle to park and not overhang the footway."</i></p> <p>It is therefore considered that the proposed access arrangements are not in accordance with Hertfordshire County Council specifications as documented in Roads in Hertfordshire; Highway Design Guide and Manual for Street, thus having the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to Policy M14 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; Policies SP1, SADM2 and SADM12 of the Emerging Local Plan; Policies 1 and 5 of the Hertfordshire Local Transport Plan (LTP4) and the NPPF.</p>
<p><b>Any other considerations</b></p>	<p>In addition to the above, the application indicates that the proposal would remove the existing side boundary fence to make way for the proposed parking area. However, no details of how the site would be secured, following the addition of the parking area, have been provided. From the plans, it appears that there would be no boundary fence to enclose the site, and as such, this would represent a safety concern to the occupants of the C2 children's home.</p>

## Conclusion

For the reasons set out above, the proposed development does not accord with the relevant policies, thus is not acceptable in terms of design and character, outdoor amenity space and access, car parking and highway considerations. It is therefore recommended that planning permission is refused.

## Reasons for Refusal:

1. The proposed development would fail to respect the function and purpose of the public amenity area and would result in an erosion of the soft landscaped area which contributes to the character and appearance of the streetscene. The proposal would fail to respect and relate to the character and appearance of the area and the resultant harm to the visual amenity of this streetscene constitutes poor quality design, contrary to Policies GBSP2, D1, D2, D8 and R17 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; Policy SP9 of the Emerging Local Plan and the National Planning Policy Framework
2. The proposal would significantly reduce the size and useable area of the outdoor amenity space of the rear garden, to the detriment of the future occupants. The proposal would therefore be contrary to policies H4, H9 and D1 of the Welwyn Hatfield District Plan, along with Policies SP9 and SADM11 of the Emerging Local Plan and the NPPF.
3. The proposed development fails to provide safe and suitable access for all users to the detriment of highway safety, contrary to Policy M14 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; Policies SP1, SP9, SADM2 and SADM12 of the Emerging Local Plan; Policies 1 and 5 of the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework.

## REFUSED DRAWING NUMBERS

4.	Plan Number	Revision Number	Details	Received Date
	UK2201-TD-A-001		OS Plan	31 July 2023
	UK2201-TD-A-002		Block Plan	31 July 2023
	UK2201-TD-A-101		Existing Plans	31 July 2023
	UK2201-TD-A-102		Proposed Plans	31 July 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  
25 September 2023