

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

DELEGATED APPLICATION

Application No: 6/2024/0028/HOUSE
Location: 91 Campion Road Hatfield AL10 9FL
Proposal: Conversion of garage to habitable use including works to the fenestration
Officer: Mrs Kerrie Charles

Recommendation: Granted

6/2024/0028/HOUSE

Context	
Site and Application description	<p>No.91 Campions Road is a three storey mid-terraced dwelling, located off the main road, behind a soft landscaped verge.</p> <p>This planning application seeks planning permission for the conversion of existing garage to habitable use including works to the fenestration. Planning permission is required for the works as the permitted developments rights for this dwelling has been removed, which was established under planning reference 6/2023/2048/LAWP, refused 4th December 2023 for a "Certificate of lawfulness for the conversion of garage to habitable use".</p>
Constraints	<p>SAG - 0 - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 17.56 HAT - Hatfield Aerodrome - Distance: 0 HHAA - Hatfield Heritage Assessment Area(Hatfield Garden Village) - Distance: 0</p>
Relevant planning history	<p>Application number: S6/2001/1338/FP Decision date: 28 March 2002 Proposal: Residential development comprising of 200 dwellings, new road, cycle ways, footpaths, landscaping and public open space. (Revisions to planning permissions S6/1999/0884/FP and S6/2001/0577/FP)</p> <p>Condition 13 requires that garages are retained and Condition 15 removes permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority, granted on application.</p> <p>Application Number: S6/2001/0577/FP Decision: Approval Subject to s106 Decision Date: 24 July 2003 Proposal: Residential Development Comprising 370 Dwellings, New Roads, Cycleways, Footpaths, Landscaping and Public Open Space. (Revision To</p>

	<p>Planning Permission S6/1999/0884/FP)</p> <p>Condition 14 requires that garages are retained, and Condition 16 removes permitted development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority, granted on application.</p> <p>Application Number: S6/1999/1115/OP Decision: Approval Subject to s106 Decision Date: 30 April 2002 Proposal: Residential development (outline) including access to public highway</p> <p>Condition 13 requires that garages are retained: The details to be submitted in accordance with Condition 1 of this permission shall include the provision of car parking spaces or garages for all dwellings to accord with the standards in November 1999 Supplementary Planning Guidance for the site, unless the Local Planning Authority otherwise agrees in writing, and the parking spaces and garages provided shall be retained for that purpose thereafter.</p> <p>Application Number: 6/2023/2048/LAWP Decision: Refused Decision Date: 04 December 2023 Proposal: Certificate of lawfulness for the conversion of garage to habitable use</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour Notification		
Summary of neighbour responses	None received.		
Consultees and responses	Hertfordshire Transport Programmes & Strategy - No objection subject to informatives.		
Relevant Policies and Guidance			
<p>National Planning Policy Framework</p> <p>The Welwyn Hatfield Borough Council Local Plan 2016-2036:</p> <ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP3 Settlement Strategy and Green Belt Boundaries • SP9 Place Making and High Quality Design • SADM11 Amenity and Layout • SADM12 Parking, Servicing and Refuse <p>Planning Guidance:</p> <ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Supplementary Planning Guidance Parking Standards 2004 • Interim Policy for Car Parking Standards and Garage Sizes 2014 • Planning Practice Guidance 			

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): The proposed materials are to match the existing dwelling. As such, the proposed works would not result in an unduly prominent feature and would maintain the character of the area.
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):
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): No representations have been received. It is considered that the living conditions of the adjoining occupiers are maintained to an acceptable level in accordance Policy SADM11 of the Welwyn Hatfield Borough Local Plan and Supplementary Design Guidance 2005.
Would the development provide / retain sufficient parking?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Comment (if applicable): Paragraph 111 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 ultra-low emission vehicles.
The Councils 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 and Garage Sizes 2014 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.
The Interim Policy for Car Parking Standards and Garage Sizes 2014 also outlines that many existing domestic garages are too small for their intended purpose for parking/storing vehicles. The Council will seek to ensure that new garages have a genuine ability to be used for their intended purpose and will require them to be at least 6 metres long by 3 metres wide and sufficiently tall to accommodate modern cars.
The number of bedrooms would not increase, however proposed development would result in the loss of garage parking. As the dimensions of the garage fall below the size requirements for a modern car, the loss of the garage would be unlikely to result in the loss of a parking space.
The site falls within Parking Zone 4 where the guideline parking requirement for a three bedroom dwelling is 2 spaces. The site would be able to accommodate off-street parking for two vehicles and possibly create another space subject to planning and although the car parking provision would fall short of the Council's parking guidance, the site falls within a reasonably accessible location with access to services and facilities by means other than a private car.
There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers.

Therefore, even if some additional on-street parking was to occur, it is likely that it could be adequately absorbed along the street without any harmful congestion of the highway network. For these reasons, it would not be reasonable to withhold planning permission on the basis of the scheme's shortfall in parking provision.

Any other issues	N/A
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Conclusion

Subject to conditions, the proposed development would comply with relevant local and national planning policies.

Conditions:

1. The development must not be carried out other than in accordance with the details of external materials specified on the approved drawings. Details of any alternative materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to above ground development. 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 maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

2. 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
2724ex1		Existing Ground Floor Plan	11 January 2024
2724-1		Block Plan	11 January 2024
		Location Plan	11 January 2024
2724-3		Proposed Front Elevation	11 January 2024
2724-1		Proposed Floor Plan	11 January 2024
2724-ex2		Existing Front Elevation	11 January 2024

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. 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

5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf>

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047.

6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Determined By:

Mr Mark Peacock
7 March 2024