

J & L PLANNING SERVICES

TOWN AND COUNTRY PLANNING ACTS

Appeal under **ground (a)** against the service of an Enforcement Notice by Welwyn Hatfield Borough Council in respect of the use of a summerhouse as a self contained residential unit at 30 Astwick Avenue, Hatfield, Herts.

Local Planning Authority Reference: ENF/2017/0161

Appellants Reference: CP519

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1. INTRODUCTION

- 1.1 This statement has been prepared in support of a ground (a) appeal against the service of an Enforcement Notice by Welwyn Hatfield Borough Council.

2. THE APPEAL

- 2.1 The appeal concerns the service of an Enforcement Notice in respect of the use of a summerhouse as a self contained residential unit. The reasons for issuing the notice as they apply to ground (a) are as follows:

2. The development fails to provide adequate living conditions for the occupants and future occupants of the dwelling in terms of internal space standards. The development thereby, constitutes poor quality design contrary to the Policy D1 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; Policy SP1, SAM1, SP9 and SADM11 of the Emerging Draft Local Plan 2016 and the National Planning Policy Framework 2018.

3. The development results in a cramped and uncharacteristic intrusion into the garden area of No. 30 Astwick Avenue which is markedly different from surrounding dwellings in terms of size, architectural style and materials. A dwelling in this location would be harmful to the character and appearance of the area and would not be environmentally sustainable. The development is therefore contrary to Policies H2, D1 and D2 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Design Guidance; Policy SADM1, SP9 and SADM11 of the Emerging Draft Local Plan and Section 12 (Achieving well-designed places) of the National Planning Policy Framework 2018.

4. By reason of overlooking and the physical constraints of the site, the dwelling fails to provide a functional and suitable private outdoor amenity space for the occupants and future occupants of the proposed

dwelling. In addition, the development fails to protect the residential amenity and living conditions of neighbouring occupiers by reason of overlooking, noise disturbance. The development is therefore contrary Policies H2, D1 and D2 of the Council's Local Plan; Policy SP1, SADM1, SP9 and SADM11 of the Council's emerging Local Plan and the National Planning Policy Framework 2018.

5. Insufficient information has been submitted to assess whether adequate car parking, cycle storage, bin storage and amenity for future occupants and neighbours would be provided for the site. As such, the development fails to comply with Policies D1, D2 and M14 of Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Supplementary Planning Guidance 2004; Interim Policy on Car Parking and Garage Sizes 2014; Policies SP1, SP4, SP9, SADM1, SADM2, SADM11 and SADM12 of the Emerging Draft Local Plan 2016 and the National Planning Policy Framework 2018.

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises an end of terrace dwelling located on the north side of Astwick Avenue. The surrounding area is predominantly residential in terms of both built form and land use.

4. PLANNING CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2018, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "there are 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.

1. **an economic role** - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, and by identifying and coordinating development requirements, including the provisions of infrastructure.
2. **a social role** - supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well being; and
3. **an environmental role** - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should plan an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people's quality of life, including (but not limited to):

1. making it easier for jobs to be created in cities, towns and villages;
2. moving from a net loss of biodiversity to achieving net gains for nature;
3. replacing poor design with better design;
4. improving the conditions in which people live, work, travel and take leisure; and
5. widening the choice of high quality homes.

4.4 The National Planning Policy Framework advocates that the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up to date plan in place.

4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All of these policies should apply unless that adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 The Borough Council have provided four reasons (as applicable to ground (a)), which in turn raises four primary issues:
- (i) standard of accommodation;
 - (ii) character of the locality;
 - (iii) residential amenity; and
 - (iv) car parking.
- 4.9 In support of these concerns, the Council have referred to provisions the District Plan 2005, the Emerging Draft Local Plan and Supplementary Design Guidance 2005. Within this context, the merits of the appeal proposal will be assessed.

Standard of accommodation

D1 - District Plan

- 4.10 This policy relates to the achievement of a high quality of design. The layout and floorspace of the accommodation is able to meet accommodate household furniture and appliances to meet the needs of occupiers

SP1 - Emerging Draft Local Plan

- 4.11 The appeal proposal involves the conversion and use of an existing building. The conversion and use provides a high standard of accommodation, thereby, adhering to the principles of sustainable development.

SADM1

- 4.12 The requirements of this policy are satisfied for the following reasons:
- (i) the site was previously developed as it involves the conversion of an existing building;
 - (ii) the site is accessible to services and transport; and
 - (iii) given the modest nature of the development, the appeal proposal would not lead to increased pressure upon infrastructure.

SP9

- 4.13 This policy does not make specific reference to standards of accommodation.

SADM11

- 4.14 This policy relates to the physical layout of development rather than standards of internal accommodation and, therefore, is not applicable to this issue.

Character of the locality

District Plan

H2

- 4.15 The appeal proposal meets the requirements of this policy for the reasons stated within the context of policy SADM1, paragraph 4.12 above.

D1

- 4.16 As stated above, the structure housing the residential use is not the subject of the

enforcement notice. Its existence within the locality would have a nil impact upon the character of the locality. The outward appearance and garden setting has not been the subject of alteration. The means of access to the use is long established and would not physically change should the current use cease.

D2

- 4.17 The internal use of the summerhouse has not altered, the physical character and context of the area, thereby, complying within the requirements of the policy.

Emerging Draft Local Plan

SADM1

- 4.18 The requirements of this policy are satisfied for the reasons within paragraphs 4.15, 4.16 and 4.17 above.

SP9

- 4.19 As stated above, the external aspects of the proposal is not the subject of alteration.

SADM11

- 4.20 The physical layout of the appeal site, include access arrangements and boundary treatments, are not the subject of change.

Residential Amenity

District Plan

H2

- 4.21 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

D1

- 4.22 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

D2

- 4.23 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

Emerging Draft Local Plan

SP1

- 4.24 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

SADM1

- 4.25 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

SP9

- 4.26 This policy does not make specific reference to residential amenity and, therefore, is not applicable to this issue.

SADM11

- 4.27 This policy considers the issue of residential amenity. The Council's reason for

issuing the notice, identifies two aspects of amenity, these are:

- (i) overlooking; and
- (ii) noise disturbance.

4.28 In respect of overlooking, the following factors demonstrate no harm:

- (i) Due to the prevailing pattern of development and associated built forms, there exists a mutual sense of overlooking;
- (ii) The single storey nature of the built form, together with the height and alignment of the boundary treatment, ensures no overlooking;
- (iii) The separating distances between built forms, together with the angles of outlook ensure no overlooking; and
- (iv) The activities associated with the use (residential) would be no different to the activities associated with neighbouring land uses and, therefore, no noise disturbance would arise.

Car Parking

District Plan

D1 and D2

4.29 Both policies do not make specific reference to car parking and, therefore, is not applicable to this issue.

M14

4.30 The requirements of the policy refer to adopted parking standards. The following factors ensure that the aims and objectives of the standards are satisfied:

- (i) The frontage area allows for off street car parking;
- (ii) The modes scale of the proposal would not exacerbate on street car parking demand; and
- (iii) The lack of on street parking restrictions, together with the lack of any future proposals to restrict car parking demonstrates that the area does not experience parking stress.

Emerging Draft Local Plan

SP1

- 4.31 This policy, does not make specific reference to car parking and, therefore, is not applicable to this issue.

SP4

- 4.32 This policy does not deal with "Transport and Travel", however, no specific reference is made to car parking.

SP9, SDAM1, SADM2 and SADM11

- 4.33 The policies do not make specific reference to the issue of car parking and, therefore, are not applicable.

SADM12

- 4.34 The requirements of this policy are satisfied for the reasons stated within paragraph 4.28 above.

5. CONCLUSIONS

- 5.1 The appeal proposal represents an opportunity to make provision for additional much needed housing, as identified by the current development plan provisions. The additional housing would result in economic and social benefits, also matters identified by current development plan provisions.
- 5.2 The residential use meets the national described space standards, and by virtue of the reasons stated above, would not cause harm to residential amenity or highway safety.
- 5.3 In these circumstances, the appellant respectfully requests that the Inspector upholds the appeal.