

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 2 FEBRUARY 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

6/2016/1917/HOUSE

171 CUNNINGHAM AVENUE, HATFIELD, AL10 9JZ

CONVERSION OF GARAGE TO HABITABLE ROOM, REPLACEMENT OF GARAGE DOOR WITH WINDOW, PROVISION OF CYCLE STORE AND BIN STORE AND LAYING OF HARD SURFACING TO FORM ADDITIONAL CAR PARKING SPACE

APPLICANT: Mr S Vora

(Hatfield Villages)

## **1 Background**

- 1.1 This committee report follows that heard and subsequently approved at Development Management Committee on the 5<sup>th</sup> January 2015. This decision however has not been issued by reason that an incorrect existing floor plan was presented alongside the application heard at Committee.
- 1.2 The existing floor plan presented alongside the application heard at last month's Committee illustrated and annotated 3 bedrooms. This is not the case. During the course of the application the Officer assigned to the application was informed by the applicant that the property, in actual fact, has been further sub-divided to serve 4 bedrooms. It is understood from the agent representing the applicant for this application that property has served 4 bedrooms since 2008. A revised existing floor plan was provided, however the case file was not updated accordingly.
- 1.3 The application is represented to Committee on the basis of an existing 4 bedroom property rather than an existing 3 bedroom property. For clarification, the ground floor has yet to be converted.
- 1.4 The content of the following report is the same to that previously presented to Committee with the exception of an additional condition, as resolved by the Committee at January's meeting, pertaining to a restriction on the number of bedrooms provided by the property. This is numbered as condition 4 under section 12 of this report.

## **2 Site Description**

- 2.1 The application site is located on the north side of Cunningham Avenue and comprises a two storey maisonette with single garage and private entrance hall at ground floor level and stairs leading to accommodation at first floor. The first floor accommodation extends over two adjoining garages (not within the applicant's ownership) and the access road to the parking court. The property currently serves 4 bedrooms, all contained at first floor level.

- 2.2 The application property currently benefits from 4 car parking spaces. These include: garage, car parking space to the front of the garage and two on-street permit based parking spaces.
- 2.3 The application property does not benefit from any external private amenity space but does include the grass verge frontage along Cunningham Avenue and a narrow strip of land between the west flank elevation of the application property and the adjacent garages.

### **3 The Proposal**

- 3.1 The proposal encompasses the conversion of the garage to a habitable room, replacement of garage door with window, provision of cycle store and bin store and laying of hard-surfacing to form additional car parking space.
- 3.2 Planning permission is required for the replacement of the garage door with a window and the laying of hard-surfacing as the application property is not a dwellinghouse. It therefore does not benefit from the permitted development rights afforded to dwellinghouses. Furthermore, planning permission is required for the conversion of the garage to habitable accommodation as condition 23 of outline permission: S6/1999/1064/OP highlights that car parking shall be retained and kept available for its purpose at all times.

### **4 Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee because Hatfield Town Council have objected to the proposal.

### **5 Relevant Planning History**

- 5.1 Application Number: S6/2011/2323/FP

Proposal: Retention of change of use of garage to habitable accommodation and provision of cycle storage and bin store

Decision: Refused

- 5.2 Application Number: S6/2009/2746/FP

Proposal: Change of use from garage to habitable accommodation and change of use from amenity land to cycle storage and car parking

Decision: Refused

- 5.3 Application Number: S6/2009/1065/FP

Proposal: Change of use from garage to habitable accommodation

Decision: Refused

- 5.4 Application Number: S6/2003/0957/DE

Proposal: Residential development of 322 dwellings and associated infrastructure. (Works pursuant to outline approval: S6/1999/1064)

Decision: Granted

5.5 Application number: S6/1999/1064/OP

Proposal: Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: As a business park comprising uses within use class B1, B2, B8 and sui generis use; housing; new university campus (use class D2 and D2) to include replacement De Havilland Sports and Social Club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion of enable recreation use of existing listed hanger; aviation heritage centre. Together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined.

Decision: Granted

## **6 Planning Policy**

6.1 National Planning Policy Framework 2012

6.2 Welwyn Hatfield District Plan 2005

6.3 Supplementary Design Guidance, February 2005 (SDG)

6.4 Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)

6.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

## **7 Site Designation**

7.1 The site is located within the settlement of Hatfield as defined in the Welwyn Hatfield District Plan 2005.

## **8 Representations Received**

8.1 The application has been advertised by neighbour notification. No responses were received.

## **9 Consultations Received**

9.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection

## **10 Town Council Representations**

10.1 Hatfield Town Council has objected with the following response:

*"The Committee objected to the application due to the loss of off street parking in an already congested area"*

## **11 Analysis**

11.1 The main planning issues to be considered are:

- 1. Quality of design and character and context (NPPF, GBSP2, D1 & D2)**
- 2. Impact on amenity of adjoining occupiers (D1)**

### **3. Highway and parking (NPPF, M14)**

#### **1. Quality of design and character and context**

- 11.2 Policies D1 and D2 of the District Plan require all new development to be of high quality and to respect the character and context of the area in which it is proposed . This is in compliance with the National Planning Policy Framework (NPPF). As well as this, the design principles of the Supplementary Design Guidance should be incorporated.
- 11.3 The proposed window would be located within a parking court to the rear of the application dwelling and would not be visible within the street scene. It is noted that retrospective planning permission was sought for the retention of the internal conversion of the garage. It is understood through dialogue with the applicant that the garage is not being used for habitable use. The proposed window would be in a style to match the existing windows at first floor and the adjacent entrance door.
- 11.4 The laying of hard-surfacing to form an additional car parking space would result in the loss of a small strip of grass forward of the rear entrance door measuring 13.5 square metres. The loss of this section of landscaping would not result in any harm to the visual amenities of the dwelling or surrounding area.
- 11.5 Taking account of the above, it is considered that the proposed replacement of the garage door with a window and hard-surfacing would respect the design and character of dwelling and surrounding area in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance Statement of Council Policy 2005 and relevant parts of the National Planning Policy Framework 2012.

#### **2. Impact on amenity of adjoining/adjacent occupiers**

- 11.6 The impact on the living conditions of existing and future occupiers of Policies D1 and the Supplementary Design Guidance 2005 (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity and living conditions in terms of overbearing impact, day and sun light, privacy/overlooking and noise.
- 11.7 The development would have no impact on the light or privacy that is afforded to neighbouring residents. The conversion of the garage to a habitable room would not result in additional noise generation beyond what would be expected as reasonable noise within a residential environment. In addition, sound insulation required under building control regulations will safeguard the amenity of occupiers of the adjoining property.
- 11.8 The proposal would have no significant impact on the occupiers of adjoining/adjacent occupiers of the adjacent dwellings and as such it accords with Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance Statement of Council Policy 2005.

#### **3. Highway and parking matters**

- 11.9 The Council's Hatfield Aerodrome Supplementary Planning Guidance – Parking Standards, applies to this property and requires a maximum parking provision of 3 spaces for 4 or more bed dwellings. Government guidance no longer requires

councils to set maximum car parking standards. Evidence indicates that such standards no longer meet current patterns and complexities of modern car ownership. The Council has therefore agreed to treat its existing car parking standards as guidelines rather than maximums.

- 11.10 The application property currently benefits from 4 parking spaces (including the garage in question) which exceeds the Council's guideline parking standards for 4 bed dwellings. Furthermore, it is noted that the garage is not used for the parking or storage of a car as it is too small for its intended purpose. The Council's Interim Policy for Car Parking Standards and Garage Sizes 2014 (Statement of Council Policy) outlines that for garages to have a genuine ability to be used for their intended purpose, they should be at least 6 metres long by 3 metres wide and sufficiently tall to accommodate modern cars. The minimum dimensions set out in the Interim Policy supports the view expressed by the applicant that the application garage, due to its limited dimensions, cannot realistically be used for parking a modern car, even one of modest size. In this case the existing garage measures approximately 2.69 metres wide by 5.63 metres long, and therefore does not meet the minimum dimensions for the ability to be used for its intended purpose.
- 11.11 Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) have assessed the proposal and consider that it would not have an unreasonable impact on the safety and operation of adjoining highways, and therefore presents no objections.
- 11.12 This application proposes to provide an additional parking space forward of the front entrance to compensate for the loss of the garage, even though it has been established that the garage is too small for its intended purpose. It has also already been assessed that the laying of hard-surfacing to create this additional parking space is acceptable. As a result, there would be no net loss of parking spaces associated with the application property as a result of this proposal.
- 11.13 Hatfield Town Council has objected due to the loss of off-street parking that the proposal would cause in an already congested area.
- 11.14 The history of similar proposals for the conversion of a garage into habitable space, within this area, has outlined that there is no evidence to demonstrate that there is any significant pressure for car parking in the area. The majority of properties in the surrounding area benefit from private garages as well as off-street parking spaces and on-street parking is controlled by parking permits to ensure that it is available for use by residents.
- 11.15 Furthermore, it has also been established that the garage is too small for its intended purpose for the parking of a car and that the proposal would not result in a net loss of car parking by virtue of the creation of an additional car parking space within the courtyard of the application site.
- 11.16 With the above considerations in mind, it is not considered that the proposal would result in a loss of off-street parking as per the Town Council's contention. Accordingly, this proposal would accord with Policy M14 of the Welwyn Hatfield District Plan 2005, read in conjunction with the Council's SPG and Interim Policy for Car Parking Standards and Garage Sized 2014.

## **Conditions**

- 10.26 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 10.27 It is reasonable in this case that the replacement window and facing brick work to be constructed from materials that match the existing dwelling and that the bin/cycle store is constructed for use prior to occupation of the converted garage.

## **11 Conclusion**

- 11.1 The proposed development has been considered in terms of its impact on the design and character of the property, character and context of the area, amenity of adjoining/adjacent occupiers and highway and parking matters. For the reasons outlined above, it is considered that subject to conditions the proposal complies with relevant national and local planning policies.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be granted subject to the following conditions:
1. The development/works shall not be started and completed other than in accordance with the approved plans and details:  
  
3000/25-02/KG Revision A, received 23 September 2016; 3000/25-01/KG Revision A, 3000/25-03/KG Revision B, 3000/25-04/KG &, received 05 December 2016.  
  
REASON: To ensure that the development is carried out in accordance with the approved plans and details.
  2. The brickwork, bond, mortar, detailing, guttering, soffits and other external decorations of the approved alterations to the facade of the building must match the existing 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 National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
  3. Prior to occupation of the converted garage as a habitable room, the bin/cycle store must be completed in accordance with drawing numbers: 3000/25-03/KG Revision B and 3000/25-04/KG, and shall be retained and kept available for those purposes at all times hereafter.

REASON: To ensure that adequate bin storage and recycling facilities and a cycle store are available within the site in accordance with the Welwyn Hatfield District Plan Review 'Supplementary Planning Guidance – Parking Standards' 2004.

4. The building shall not be provided with more than 4 bedrooms in accordance with drawing number 3000/25-01/KG Revision A. Subsequently there shall be no alteration or sub-division of the internal layout approved to provide additional bedroom accommodation or occupation of any other room as a bedroom.

REASON: To ensure that the internal layout and minimum space standards are met in accordance with criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012, to prevent intensification of the use and to protect the residential amenity of the occupiers and character of the surrounding area and in accordance within Policies D1, D3 and D7 of the Welwyn Hatfield District Plan 2005.

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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).

David Elmore (Strategy and Development)

Date: 13.01.2016

Expiry date: 03.02.2017



Council Offices, The Campus  
Welwyn Garden City, Herts, AL8 6AE

Title:

171 Cunningham Avenue, Hatfield

Project:

DMC Meeting

Drawing Number:

6/2016/1917/HOUSE

Scale:

DNS

Date:

2017

Drawn:

Baras Mast-Ingle

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