

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2016/2123/FULL

13 DEERSWOOD AVENUE HATFIELD AL10 8RX

ERECTION OF PORCH, SINGLE STOREY REAR EXTENSION, CONVERSION OF
DWELLING HOUSE INTO 1 X 1BEDROOM FLAT AND 1 X 2 BEDROOM FLAT
INVOLVING DEMOLITION OF EXISITNG GARDEN SHED AND RELOCATION OF
SHARED GARDEN SHED

APPLICANT: Mr Breznica

AGENT: Mr VaidasVileikis

(Hatfield East)

1 Site Description

- 1.1 The application site is located on the eastern side of Deerswood Avenue and consists of a 3 bedroom two storey mid-terrace dwelling in a block of six houses with hardstanding areas to the front and a rear garden. The surrounding area and street scene are residential in character and the immediate surrounding contain dwellings similar in respect of both size and appearance while the southern side of the street contain mainly semi-detached houses. The property forms part of a planned residential area of Hatfield New Town dating from around the late 1960's. There is a set-back of approximately 9m between the highway and the front of the application dwelling.

2 The Proposal

- 2.1 Planning permission is sought for the erection of a single storey rear extension and conversion of the resultant building into two self-contained flats with 2bedroom flat at ground floor and 1bedroom flat at first floor level involving demolition of the existing garden shed. The rear extension would be L-shaped and would measure approximately 3m deep by 2.45m wide taken from the boundary with No. 11; it will then project outward approximately 1.2m. At this point, the extension would be approximately 2.9m wide and 4.2m long taken from the rear wall adjoining the shared access with No. 15. The proposed extension would have a flat roof with a parapet wall and would be approximately 3m high and would be set 850mm from its southern boundary with No. 15.

3 Reason for Committee Consideration

- 3.1 The application is presented to Development Management Committee because Hatfield Town Council has objected to the application.

4 Relevant Planning History

- 4.1 No relevant planning history for the application property. However, a similar scheme in the vicinity at 2 Hare Lane, Hatfield (reference 6/2015/2143/FULL) was granted planning permission in December 2015.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site lies within the specified settlement of Hatfield as designated in the Welwyn Hatfield District Plan 2005

7 Representations Received

- 7.1 Neighbouring occupiers were consulted by way of letter. No representations have been received.

8 Consultations Received

- 8.1 The following have responded advising that they have no principle objections to the proposal:
- 8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – The amended plan with drawing number 02_303 provides adequate assurance to the Highway Authority that 2 vehicles can be accommodated within the site without the back of the vehicle oversailing the abutting footway.
- 8.3 **Welwyn Hatfield Borough Council Client Services (WHBC)** – No issues with refuse and recycling remaining on the present refuse collection scheme in the area. The flats can be provided with their own separate bins if required, both will need to be stored within the boundary of the premises and presented on the day of collection then retrieved after emptying.

9 Town / Parish Council Representations

- 9.1 Hatfield Town Council have objected stating the following:

“Members consider this inappropriate conversion. It has significant impact on neighbours and has not increased parking provision.”

10 Analysis

- 10.1 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

1. **The principle of the development (Policies SD1, H1, H2, H4, R1, GBSP2 of the Welwyn Hatfield District Plan 2005)**
2. **Whether or not the scheme incorporates high quality design (H4, D1, D2 and Supplementary Design Guidance (SDG))**
3. **The impact of the proposal on the residential amenity of the adjoining properties (H4, D1 and Supplementary Design Guidance)**
4. **Quality of accommodation for future occupants (H4, D1 and Supplementary Design Guidance)**
5. **Highway and Parking (H4, M14 and SPG)**
6. **Other material planning considerations**

1. The principle of the development

- 10.2 Policies R1 and GBSP2 of the Welwyn Hatfield District Plan 2005 encourages development to take place on previously used or developed land and directs new development towards existing towns and specified settlements. This is in line with the National Planning Policy Framework 2012 (NPPF) which encourages the provision of more housing within towns and settlements and encourages the reuse of land which has previously been developed.
- 10.3 The site has not been allocated as a housing site within the District Plan, and as such is considered to be a “windfall site”. Policy H2 directs assessment of suitability against the following criteria –
- i. The availability of previously-developed sites and/or buildings;*
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
 - iii. The capacity of existing and potential infrastructure to absorb further development;*
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;*
 - v. The physical and environmental constraints on development of land.*
- 10.4 The application site lies within the Town of Hatfield as designated within Policy GBSP2 of the Welwyn Hatfield District Plan. The site currently hosts a two storey three bedroom mid-terrace dwelling. There are several services and facilities within close proximity of the site whereby a car would not need be the primary mode of transport. Hatfield is a well-established Town with developed infrastructure capacity. There are no known physical or environmental constraints on the land to be developed. Based on the above, the proposal would comply with policies H2, GBSP2, SD1 and R1. Therefore, there is no objection to the principle of this development in accordance with the above and subject to the following assessments.

2 Whether or not the scheme incorporates high quality design

- 10.5 The only changes in regard to the physical building are exclusively to the rear of the two storey property. The proposed ground floor enlargement would host a flat roof and be limited in depth to approximately 3m deep by 2.45m wide taken from the boundary with No. 11; it will then project outward approximately 1.2m. At this point, the extension would be approximately 2.9m wide and 4.2m long taken from

the rear wall adjoining the shared access with No. 15. Whilst a flat roof design is not directly reflective of the host dwelling, by virtue of its location and limited scale, the enlargement of the building is not considered to impinge upon the character and context of the area. The ground floor single storey nature of the development would result in a subordinate addition which would preserve the architectural merits of the existing building. The other addition would be the installation of a 2m by 1.5m roof light in the roof of the proposed extension. The siting of the roof light within the roof would be unreflective of the rear fenestration detailing, however, by virtue of its indiscernible nature as it would be contained within the parapet wall, would not impact negatively on the architectural merits of the host building or the character and context of the area.

3 The impact of the proposal on the residential amenity of the adjoining properties

- 10.6 The proposed enlargement would be 3m deep along the boundary with No. 11. This depth is permissible under permitted development rights for this type of accommodation. However, this aspect of the rear extension would have a 4.2m depth. This aspect would be set approximately 2.45m from the boundary with No. 11 and 850mm from the boundary with No.15 and 1.3m from the main rear wall of No. 15 due to the shared (undercroft) access between both properties. It is considered that the proposed extension would not detrimentally impact upon the amenities of No.11 to the north as its depth, width and scale would ensure it would not be discernible behind the main house due to its setting of 2.45m away from the boundary with No.11. The same conclusion also applies to the 4.2m deep element set 1.3m from the rear wall of No. 15 and also 3.15m from its nearest ground floor habitable room window. There is currently a 2m high boundary fence along the application site boundary, and as such this aspect of the extension would not be unduly prominent nor overbearing from the garden of No. 15 due to its relative height of 3m.
- 10.7 In regards to the use, and the intensification of the use of the property as residential, the number of bedrooms within the building would remain the same. Whilst the use may intensify due to the separate units, this increase is not considered to be substantial and additional noise or disturbance as a result would not be sufficient to justify a refusal on this basis alone.
- 10.8 In addition, the extension would not have any influence on the daylight enjoyed by the residents of No.15 Deerswood Avenue, as the application property sits to the north of No.15 and since the sun path is from east to south and then to west, there is no time of day or year when the proposed extension would cause any kind of shadow onto the property at No.15. The rooflights would be oriented skywards avoiding the possibility of views into No. 11. There are no residential properties to the rear of the site as its rear boundary abuts a railway line.
- 10.9 Accordingly, given the design of the proposal, it is considered that the proposal would not be detrimental to the residential amenity of adjoining occupiers sufficient enough to warrant refusal. The proposal therefore accords with Policies D1 and D2 of Welwyn Hatfield District Plan 2005.

4 Quality of accommodation for future occupants

- 10.10 Policies H4 and D1 and the Supplementary Design Guidance do not give specific dimensions for provision of amenity space but require provision to be appropriate for the location and function. The proposed extension has been designed to

afford the first floor 1 bedroom flat the use of a communal garden area via the shared access to the rear of the property. The single-storey extension would be setback from the boundary by 850mm. The setback would serve as access to the communal amenity space for the two units. A significantly low rise 4m deep decking will separate the rear wall of the ground floor unit from the rest of the grassed communal garden space. This arrangement will minimise any direct overlooking of its habitable room by other users of the garden. A communal area for refuse bins and cycle storage is located within the garden area. It is considered that the proposal would afford a satisfactory living accommodation for the future occupants of the flats in accordance with stated policies.

5 Highway and Parking

- 10.11 Paragraph 39 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, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework 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.
- 10.12 Council Car Parking Standards recommends 1.5 off street spaces for a two bedroom flat and 1.25 space for a one bedroom flat in this area. As such, on-site parking spaces would be required for the proposed conversion.
- 10.13 The current situation is that the front garden can accommodate two cars however, the rear of parked vehicles overhang the public walkway which is prejudicial to pedestrian flow and safety. As the proposal is for the creation of additional residential unit from a single household to two households, the parking spaces in the front garden must be independently accessed. In order to achieve this, the existing vehicular crossover would have to be widened. Hertfordshire Highways Authority have agreed to this. The widening of the road would not require planning permission as it is not a Classified Road.
- 10.14 The original front garden arrangement included refuse and cycle storage areas and new front porch. The front porch has now been reduced in size while the refuse and cycle areas have been relocated to the communal garden area. This revised layout would allow two cars to adequately park without any overhanging onto the walkway occurring. The Highways Authority has removed its initial objection to the proposal subject to condition and informatives. The proposal is therefore considered to comply with Council Parking Standards and Policy M14 of Welwyn Hatfield District Plan.

6 Other material planning considerations

- 10.15 House in Multiple Occupation: Since 12th January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.

- 10.16 As a result of the Direction, it is considered appropriate and reasonable to a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that conditions are attached.

Conditions

- 10.17 The National Planning Policy Guidance 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.

11 Conclusion

- 11.1 The proposed development represents an appropriate form of development which is of sufficient design, would provide and satisfactory level of accommodation for its future occupants, would not negatively impact upon the character and context of the area, respects the amenity of the occupiers of adjoining premises and provides sufficient parking while promoting sustainable methods of transportation. Accordingly, the proposal complies with policies SD1, H2, H4, R1, GBSP2, D1, D2, D8 and M14 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.

12 Recommendation

- 12.1 It is recommended that planning permission be granted subject to the following conditions:
1. The development hereby permitted shall be used for Class C3 dwellinghouse[s] only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: The Article 4 Direction covering Hatfield removes the Class I permitted development rights to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and

Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

2. Prior to the first occupation of the development hereby permitted the access improvements on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety to comply with Policy M14 of the Welwyn Hatfield District Plan 2005.

3. The brickwork, roof tile, bond, mortar, 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 National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. The refuse bin and recycling materials storage bins and areas to serve the residential units located in the rear garden as shown in the approved plan number 01_301 Rev. C shall be constructed, equipped and made available for use prior to first occupation and shall be retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

5. 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
01_301	c	Proposed Site Plan	14 March 2017
02_101		Ground Floor	26 October 2016
02_102		First Floor	26 October 2016
02_103		Existing Front Drive	26 October 2016
02_301	B	Proposed Ground Floor	14 March 2017
02_302	b	Proposed First Floor	14 March 2017
03_101		Existing Section AA	26 October 2016
03_301	B	Proposed Section AA	14 March 2017
04_101		Existing Front Elevation	26 October 2016
04_102		Existing Rear Elevation	26 October 2016
04_104		Existing Garden Elevation	26 October 2016
04_301		Proposed Front Elevation	26 October 2016

04_302	A	Proposed Rear Elevation	20 February 2017
04_304	B	Proposed Garden Elevation	14 March 2017
04_310		Proposed Shed	26 October 2016
Appendix A		Public Amenity Space	5 January 2017
Appendix B		Existing & Proposed Areas	5 January 2017
01_100		Location Plan	5 January 2017
01_101		Existing Site Plan	5 January 2017
02_303	B	Proposed Front Drive	17 March 2017

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 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).

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 which may affect the land.
2. 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.
3. 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.
4. 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 website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Noise control
 1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay
12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
13. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum.
2. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

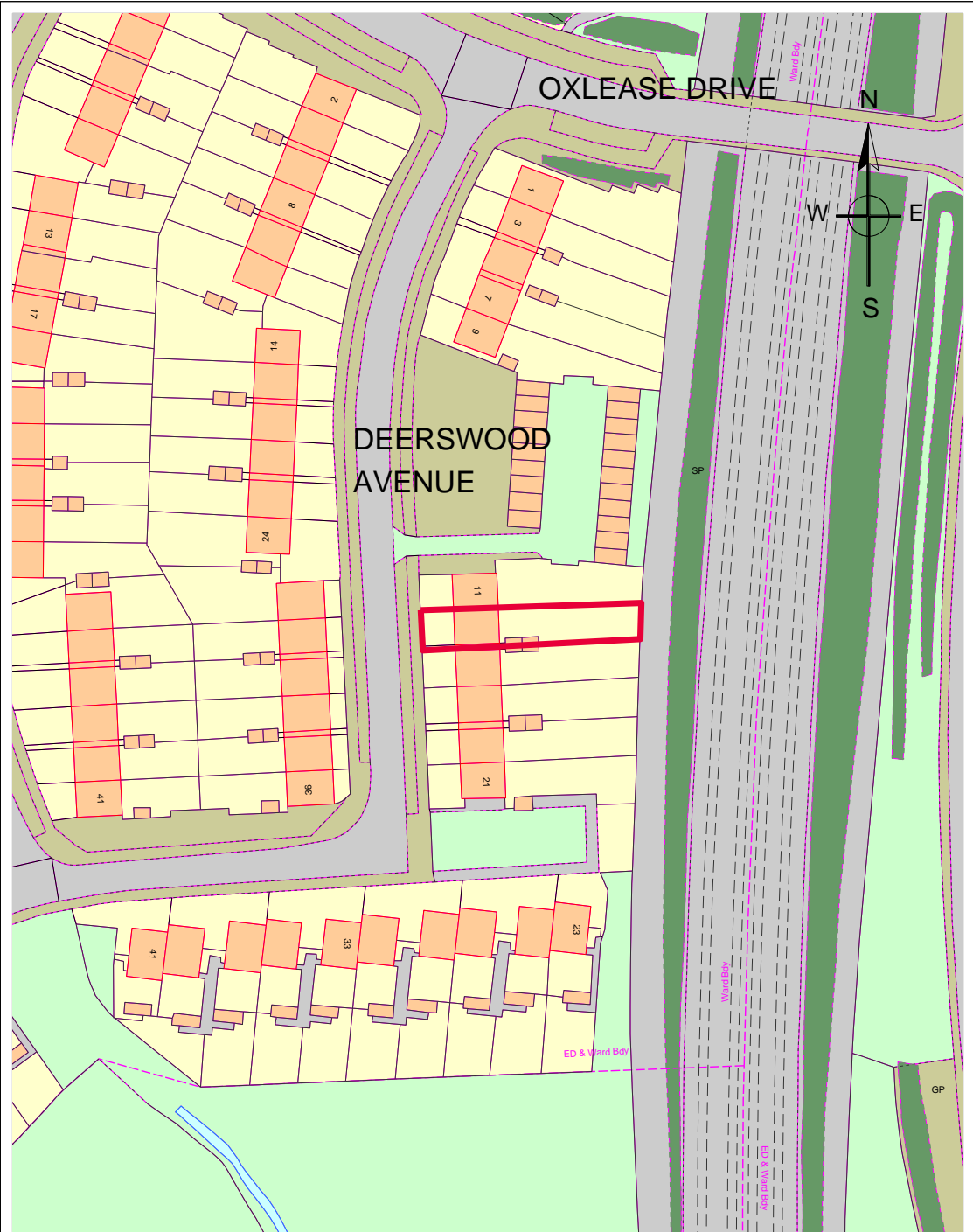
6. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk


- 7 The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

Raphael Adenegan, (Public Protection, Planning and Governance)

Date: 17/03/2017

Application Expiry Date: 21/12/2016



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: 13 Deerswood Avenue, Hatfield		Scale: DNS
	Project: DMC Meeting		Date: 2017
	Drawing Number: 6/2016/2123/FULL		Drawn: Andrew Windscheffel
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