

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 29 MARCH 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE

6/2017/2659/FULL

33 BROOKSIDE CRESCENT, CUFFLEY, EN6 4QW

ERECTION OF A NEW BUILDING TO ACCOMMODATE CATS ON A SHORT
TERM BASIS INCLUDING CHANGE OF USE TO MIXED RESIDENTIAL AND
CATTERY

APPLICANT: Mr and Mrs Watkins

(Northaw and Cuffley)

1 Site Description

- 1.1 33 Brookside Crescent is a detached bungalow at the end of a cul-de-sac in the designated settlement of Cuffley. The surrounding bungalows are set on a curved building line around the head of the cul-de-sac, approximately 12m back from the footway and road. Properties have off street car parking and the road is characterised by soft landscaping and trees. The properties and their associated garages are set with gaps between them. The properties are designed in a traditional manner. There are no parking controls on the street.
- 1.2 The application dwelling faces north-east. It has four bedrooms and has been extended at the side with a single storey garage and at the rear with an extension to the kitchen. The garage and kitchen abutt the eastern boundary with No. 31 Brookside Crescent. There is off-road parking in the block-paved front garden. There is a gated side path along the northern side of the house that leads through to the rear patio and steps up to the lawn, which slopes up to the west side. The rear garden, measures approximately 22m long at its deepest and 19m in width. There is a flat area of lawn next to the eastern boundary with No. 31, which is marked by close-boarded fencing approximately 1.5m high and a mixed hedge in the garden of No. 31 to a height of 1.8m. The western and rear boundaries are marked with 2m high close-boarded fence with a narrow trellis above on the west boundary with No. 35 Brookside crescent and the rear (southern) boundary (with the rear gardens of Nos. 30, 32 and 34 Homewood Avenue).
- 1.3 The applicants currently have two of their own domestic cats.

2 The Proposal

2.1 Planning permission is sought for the erection of a conservatory style outbuilding in the rear garden to be used as a cat hotel as follows:

- Positioned on the eastern boundary of the rear garden
- Upvc, glazed, flat roofed structure set on a concrete base
- Approximate dimensions – 9.4m wide x 4.3m deep x 2.5m high
- Six rooms, up to two cats in each (only cats from same household share), average stay of ten days (minimum three days)
- Each “room” has a sleeping area and a run area and opens off a foyer corridor - all the cat areas are enclosed and locked
- No additional staff other than the applicant who lives at the property
- The facility would be managed so that visits are by appointment between 9.00am and 5.30pm Mon to Sat (not on Sundays or Bank holidays)
- The existing small garden shed would remain
- The existing garage/utility room would be used for storage and washing

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because the Parish Council has objected to the application.

4 Relevant Planning History

4.1 Application Number: S6/2009/0372/FP

Decision: Granted

Decision Date: 21/04/2009

Proposal: Erection of single storey side extension and two storey rear extension, following demolition of existing detached garage and rear conservatory

4.5 Application Number: S6/2001/0258/FP

Decision: Granted

Decision Date: 02/04/2001

Proposal: Erection of a rear conservatory

4.6 Application Number: S6/1996/0387/LU

Decision: Granted

Decision Date: 09/07/1996

Proposal: Formation of room in roof to include two side dormer windows.

4.7 Application Number: S6/1978/0732

Decision: Granted

Decision Date: 19/01/1979

Proposal: Detached garage

5. Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Welwyn Hatfield Draft Local Plan Proposed Submission 2016 (emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

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

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters.
- 7.2 The Local Planning Authority have received one neighbour representation objecting to the following matters:
 - Disproportionately large building
 - Neighbouring occupant suffers from severe allergies
 - Young child has asthma
 - A cattery could lead to hospitalisation
 - Concern about noise from a cattery

8 Consultations Received

- 8.1 **Public Health and Protection** – No objection subject to conditions over noise from plant and machinery, noise and dust control during construction and complying with planning statement over odour control (as operated at other franchises in the Borough).
- 8.2 **Hertfordshire County Council Transport Programmes and Strategy** – No objection. No works or amendments to the public highway or internal access. Scale of use would not severely increase site trip generation or affect highway capacity or impact on highway safety.

9 Parish Council Representations

- 9.1 Northaw and Cuffley Parish Council objected to the application as follows:

“There are a number of issues which require further examination including:- there are no storage areas shown. It is not clear where solid waste will be stored or how it will be collected/disposed of. It is not clear

how foul water (from cleaning etc) will be dealt with. Car access to premises and impact on street parking.”

10 Analysis

- 9.1 The main planning issues to be considered in the determination of this application are:
1. **Principle of the proposed use (EMP8 & NPPF)**
 2. **Quality of design and impact on character and appearance of the area (D1, D2, SP9, SDG & NPPF)**
 3. **Impact on living conditions and the residential amenity of neighbouring occupiers (D1, D2, SP9, SADM11, SDG & NPPF)**
 4. **Living conditions for future occupants/occupiers (D1, D2, SP9, SADM11, SDG & NPPF)**
 5. **Other Considerations**
 - (i) **Access, car parking and highway considerations (M14, D1, SP4, SADM2, SADM12, SPG & Interim Parking Policy & NPPF)**
 - (ii) **Refuse and recycling**

1. Principle of the proposed use

- 9.2 The NPPF advocates securing economic growth in order to create jobs and prosperity and is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 19 states that: *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”*
- 9.3 Policies of the Welwyn Hatfield District Plan 2005 EMP8 (Employment Uses Outside of Employment Areas) recognises the provision of valuable local services located outside Employment Areas. These sites provide employment and services for local residents, reducing the need to travel and contributing to the aims of sustainable development. However, careful control needs to be exercised over the extent of such activities in order to safeguard environmental interests such as residential amenities and traffic generation.
- 9.4 There is no objection in principle to supporting and encouraging small businesses in the home provided that the residential use of the dwellinghouse remains predominant. It is considered that the use of the outbuilding as a six room cattery would not involve the loss of residential accommodation. The principle of the proposed use is, therefore, considered acceptable in regards to the provisions of the above planning policies. The impact of the proposal in terms of the scale of activity, the general character of the residential area, the amenities of neighbouring occupiers and traffic and parking are considered below.

2. Quality of design and impact on character and appearance of the area

- 9.5 The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and should contribute positively to making places better for people. New developments are expected to take the opportunity to improve the character and quality of an area and the way it functions.
- 9.6 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. Policy GBSP2 requires proposals to be compatible with the maintenance and enhancement of the character of the area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.
- 9.7 The SDG advises that extensions should harmonize with the scale and architectural style of the original building, and the character of the area. Outbuildings in the rear gardens are an existing feature of residential properties in this section of Brookside Crescent. The application site has a reasonably deep rear garden of approximately 22m, tapering to a point at the end. The proposed outbuilding is to be sited to one side, next to the eastern boundary with the garden of No. 31, set 1.5m from the rear boundary, and 6m from the rear of the house. The proposal would leave a garden area of approximately 275sqm, which is considered to be ample for a family home. The proposal is considered to be of a size, scale and design that is appropriate and proportionate with the size of the rear garden. In addition, visibility of the outbuilding from neighbouring gardens is obscured to some extent by soft landscaping sited to the rear and side boundaries to the rear aspect of the property.
- 9.8 In respect of this application, the proposed use of the outbuilding is for the accommodation of cats. It would contain six rooms, each of which could be shared by a maximum of two cats from each household, thereby accommodating up to a maximum of 12 cats. The cats would be cared for while their owners are away and would be kept inside the cattery building at all times and not allowed out into the garden or to roam. They would be fed and maintained by the owners of the application property, involving no additional staff.
- 9.9 The only visitors to this facility would be the cat owners dropping off and picking up their cats and they would use the side passage to access the rear outbuilding. There would be no deliveries or commercial vehicles visiting the premises on a regular basis as supplies would be brought in by the occupants of the house. It is considered that the proposed use of the outbuilding as a cattery is of a scale and type of activity that would not result in any detrimental harm to the surrounding residential area as to give cause for concern.

9.10 In summary, the proposed outbuilding is considered to be an acceptable design, size and siting and the use is considered appropriate and of a scale and activity that is in keeping with the character of the surrounding residential area. The proposal is therefore in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 the Supplementary Design Guidance 2005 and the NPPF.

3. Impact on living conditions and the residential amenity of neighbouring occupiers

9.11 Local Plan Policies D1, R18 and R19 and the SDG aim to preserve neighbour amenity. Policy SADM11 of the emerging Local Plan is generally in line with Policies D1, D2 and the SDG. In addition, paragraph 19 of the NPPF seeks *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. The impacts of neighbouring residential amenity are assessed in terms of overbearing impact, day and sun lighting, privacy/overlooking, noise and odour/air quality.

9.12 The properties most likely to be affected are Nos. 31 and 35 Brookside Crescent and 30, 32 and 34 Homewood Avenue. The rear elevation of the proposed outbuilding would run parallel to the eastern site boundary for 9.4m at a height of 2.3m.

9.13 With regard to overbearing impact and loss of light, the proposed building would be approximately 15m from the rear corner of the neighbouring dwelling at No. 31. This boundary is marked with a 1.8m high fence and trellis and is screened from within the garden of No. 31 by a hedge of mixed deciduous and evergreen shrubs. Given the distance from this elevation and the design of the building, the proposal would not result in an overbearing impact on or cause a loss of sun or daylight to the rear of No. 31.

9.14 The proposed outbuilding would be positioned 13m to the east of the garden boundary with No. 35 Brookside Crescent and is considered to not result in an overbearing impact or loss of day and sunlight to the neighbouring property. The boundary between No. 33 and No. 35 is marked with a 2m high close boarded fence with a narrow trellis above up to a height of approximately 2.3m.

9.15 The properties in Homewood Avenue are on land that is at a slightly higher level than the application site. The boundary with the gardens of Nos. 32 and 34 is marked with a 2m high fence with trellis above and the roof of the proposed outbuilding would be unlikely to be visible from those gardens.

9.16 The proposed outbuilding would be 7m away from the boundary with the garden of No. 30 and 20m from the rear elevation of that house. No. 30 is on higher level land than the application site. The boundary treatment is lower than at Nos. 32 and 34 (approximately 1.7m high) but there is an existing garden shed in the rear corner of the application site positioned between the proposed outbuilding and the boundary and this would remain. Given the distance, the change in land levels and the existing boundary treatment and

shed the proposal would not result in an overbearing impact on or cause a loss of sun or daylight to these properties.

- 9.17 Regarding privacy, the proposed outbuilding would be occupied by cats and would be single storey. The elevation drawings show no windows on the rear elevation on the boundary with No. 31. The windows in the front and sides of the building would be at ground floor level and, while allowing the cats views out over the application garden, would not give rise to overlooking of neighbouring gardens.
- 9.18 In terms of noise nuisance, Public Health and Protection raise no objection regarding noise from cats but requested a condition requiring information about any future plant or machinery (e.g. for ventilation). The applicant has submitted the following information which is considered to satisfy the issue of noise:
- The cat hotel at Longcroft in Welwyn Garden City opened in 2010 and has not experienced complaints from neighbours over noise (or smell or disruption from traffic).
 - No noise complaints have been received at any other of the 14 Longcroft franchise cat hotels.
 - An acoustic survey undertaken by AIRO at the Welwyn Garden City cat hotel showed that the noise level outside the cattery was higher than the noise level inside the cattery. The main source of noise was a vacuum cleaner. The cattery would be unlikely to exceed the 50dB guideline and noise levels would be reduced by boundary treatments
- 9.19 The side passage of No. 33 runs along the boundary with No. 35. The applicant proposes that the operation of collection and delivery of cats would be on an appointment-only basis between 9.00am and 5.30pm Mondays to Saturdays and no visitors on Sundays or Public/Bank Holidays. This would average out at one car per day stopping for a short time while clients check their pets in and out. There would be no specialist deliveries as supplies would be collected by the resident operator of the hotel. The anticipated level of activity would, therefore, be low and the boundary fence is of sufficient height to limit the impact so that it would not result in undue disturbance through noise and activity to the living standards of the residents of No. 35.
- 9.20 A neighbour objection was raised with regard to the presence of a cattery close to their home as the occupants suffer from allergies, including asthma. Their concern is over the potential transfer of allergens from the cat hotel into the gardens of houses on Homewood Avenue.
- 9.21 The applicants responded that:
- The hotel is designed so that there is almost no risk of cats being able to escape.
 - The play area of each room is separated from the outside by the safety corridor, which is kept closed and locked.
 - Cats are not allowed to roam free in the garden.

- 9.22 The applicants currently own two cats, which are allowed out for approximately one hour each evening. It is not known whether they go into the garden of No. 34 Homewood Avenue.
- 9.23 The proposed use does not propose allowing the guest cats out into the garden area. A metal mesh material would enclose the play areas and the safety corridor and, while it would not present a solid barrier, would contain the activity of the cats. In addition the distance of 13m between the proposed building and the neighbours' garden and the substantial height of the boundary fence would reduce the likelihood of significant transfer of allergens from the cat hotel to the gardens and houses in Homewood Avenue over and above the existing situation.
- 9.24 The issues of odour, cleaning and refuse aspects of the proposal are considered under Section 5(ii) Refuse and recycling below.
- 9.25 The proposed building and use are considered to be unlikely to result in a significant detrimental impact on the residential amenity of the adjoining occupiers and would be acceptable in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SADM 11 of Draft Local Plan Proposed Submission 2016, the Supplementary Design Guidance 2005 and the NPPF.

4. Living conditions for future occupants/occupiers

- 9.26 There would be no impact on the residential use of the house, which would remain as a single family dwelling. The cat hotel would be accessed via the side passage by clients and the storage and washing would be accommodated in the utility room in the converted garage. As such, the proposed development would maintain the living conditions for its current and future occupiers. Accordingly, the proposal would also be acceptable in this regard.

5. Other Considerations

(i) Access, car parking and highway considerations

- 9.27 The proposed development seeks to use the existing garage/utility room for storage and cleaning associated with the cat hotel. This garage space has been amended previously and is smaller than the Council's present minimum size for a garage space and cannot accommodate a car. However, the site frontage has been block paved and provides up to four car parking spaces, albeit only the two adjacent to the road are capable of independent use.
- 9.28 The current requirement for a four bedroom property is three car parking spaces. The proposal would require one or two spaces. There is space on site for one visitor and no parking restrictions in the street although spaces are naturally limited by the curve of the road at the end of the cul-de-sac.

There is storage space for bicycles remaining within the reduced garage space.

- 9.29 It is not considered reasonable to request additional car parking spaces or to refuse planning permission for this reason alone. The current car parking provision for the property is, on balance, considered acceptable to the provisions of Policies M14 and D1 of the Welwyn Hatfield District Plan 2005, Policies SP4, and SADM2 of the Draft Local Plan Proposed Submission 2016, Supplementary Planning Guidance Parking Standards 2004, the Council's Interim Policy for Car Parking and Garage Sizes 2014 and the NPPF.

(ii) Refuse and recycling

- 9.30 With regard to the issues of odour and refuse the proposed cat hotel would be built of UPVc framed glass panels with a heat-reflective polycarbonate roof and ceramic tiled floor. These materials are chosen to enable easy cleaning and prevent cat odours from being absorbed into the fabric. The Supporting Planning Statement (Para 5.2) states that the existing facilities in other locations have not been subject to complaints about smell. The building would be vacuum cleaned and wiped by cloth; hoses and water sluicing are not used. The cat litter used by Longcroft neutralises smells. Waste is triple bagged and stored in a closed bin, separate from household waste, and collected by a trade waste carrier. Public Health and Protection had no objection to the proposal on this basis.

10 Conclusions

- 10.1 The proposed development is considered acceptable in regards to the principle of the small scale of use, design, visual appearance and residential amenity of current and neighbouring occupiers. The proposal would not significantly impact on car parking, access or have severe highway implications. For the reasons outlined above, it is considered that subject to conditions the proposal complies with relevant national and local planning policies.

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the conditions:

1. The cattery hereby approved shall be operated only by the occupiers of No. 33 Brookside Crescent, Cuffley and shall not be used or operated separately to that dwelling.

REASON: An unrestricted permission could result in the premises being used in a manner which would cause nuisance through undue noise and general disturbance to the neighbouring occupiers contrary to the aims of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. The materials to be used for the development shall be as detailed in the application hereby approved unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. Unless otherwise agreed in writing by the Local Planning Authority the delivery and collection of cats to and from the premises shall only take place between the hours of 9.00am and 5.30pm Mondays to Saturdays and not at any time on Sundays or Public or Bank Holidays.

REASON: To safeguard the amenities of occupiers of nearby properties in accordance with Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. No more than 12 cats shall be accommodated within the cattery at any one time.

REASON: To protect the residential amenity of the occupants of nearby properties in accordance with the National Planning Policy Framework and Policies R19 and D1 of the Welwyn Hatfield District Plan 2005.

5. No external lighting shall be installed within the rear garden of the site unless details of such lighting, including the intensity of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the approved details.

REASON: To protect the residential amenity of the occupants of nearby properties in accordance with the National Planning Policy Framework and Policies R20 and D1 of the Welwyn Hatfield District Plan 2005.

6. Prior to the commencement of the development the applicant shall submit to the Local Planning Authority for written approval a scheme for enclosure and/or attenuation of all plant, machinery and equipment. This shall include a noise assessment of any machines or ventilation equipment installed or operated in connection with the carrying out of this permission and demonstrate that the equipment does not, at any time, increase the ambient equivalent continuous noise level (LAeq) as measured in accordance with BS 4142:2014 at any adjoining or nearby residential property. The development shall be implemented in accordance with the approved details and retained thereafter in that condition.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST DEVELOPMENT

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
3B		Proposed Front Elevation	1 December 2017
3D		Proposed Left Side Elevation	1 December 2017
4A		Site Location Plan	1 December 2017
3A		Proposed Floor Plan Dimensions	1 December 2017
3C		Proposed Rear Elevation	1 December 2017
3E		Proposed Right Side Elevation	1 December 2017
4B		Block Plan	1 December 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).

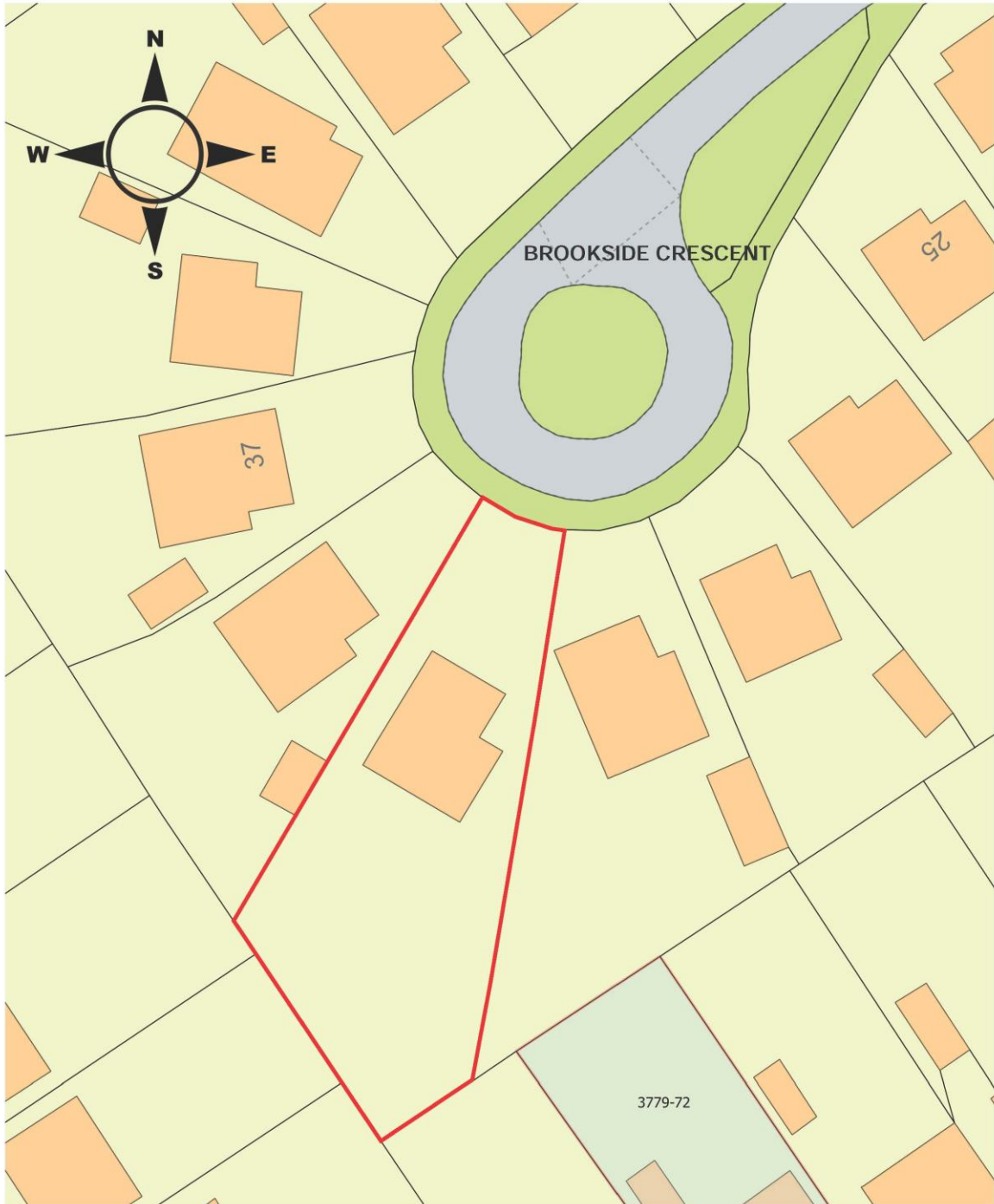
Informatives:


1. Any waste animal material (including cat litter etc) produced as part of the business activity will be classified as commercial waste under The Controlled Waste (England and Wales) Regulations 2012. Suitable and sufficient provision must be made for the correct disposal of such material which cannot be within the domestic waste collection. Any person used by the applicant to transfer the waste to, must be registered with the Environment Agency as a waste carrier.
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. 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 Licensing Acts, 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.

June Pagdin (Senior Development Management Officer)

Date: 19/2/2018

Date of Expiry: 26/1/2018



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 33 Brookside Crescent Cuffley Potters Bar EN6 4QW		Scale: DNS
			Date: 2018
	Project: DMC Committee	Drawing Number: 6/2017/2659/FULL	Drawn: Ida Moesner
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