



Appeal Decision

Site visit made on 19 August 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/C1950/W/19/3230504

Maynard House, 1 The Common, Hatfield AL10 0NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by James Taylor Homes Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/2552/FULL, dated 27 September 2018, was refused by notice dated 21 May 2019.
 - The development proposed is for the part demolition of the existing building, rear and second floor extension to provide 8 no two bedroom apartments (6 no net dwellings), car parking, refuse and recycling store and retention of office on part of ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for the part demolition of the existing building, rear and second floor extension to provide 8 no two bedroom apartments (6 no net dwellings), car parking, refuse and recycling store and retention of office on part of ground floor at Maynard House, 1 The Common, Hatfield AL10 0NF in accordance with the terms of the application, Ref 6/2018/2552/FULL, dated 27 September 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by James Taylor Homes Ltd against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site occupies a corner plot at the junction of The Common and Wellfield Road. It is a two-storey building with a single-storey extension to the front, set back from The Common behind a pavement. It is brick built with vertical hanging tiles, somewhat dated in its appearance and of no particular architectural merit.
5. The surrounding area is mixed use including residential flats, commercial, community and retail facilities. There is no prevailing style of architecture or distinct pattern of development. Buildings are generally large, detached and

between two and four storeys and incorporating a range of roof styles including flat and pitched roofs.

6. The proposed development is to extend the building at second floor level with a flat-roofed extension and to convert it into eight flats with the single-storey office to the front of the building being retained. The vertical hanging tiles would be removed and the building would be finished in matching brickwork and render.
7. The flat roof design of the extension would be consistent with the design and appearance of other buildings within the locality and would not therefore appear out of keeping. While the extended building would be a relatively simple design, the addition of a render finish to each elevation would give it a more vertical emphasis and provide a more modern appearance. Furthermore, additional landscaping would be provided within the site which would provide both a more attractive but softer appearance to the appeal site. It would therefore enhance the appearance of the building and provide greater visual interest to this corner plot.
8. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (the District Plan) which together seek good design that respects local character and context. It would also accord with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

9. The appeal building forms part of the Welwyn Hatfield Conservative Association which had a social club attached to it. I have had regard to the objections to the loss of the community facility provided by the club. I have been made aware that the club has now permanently closed due to longstanding financial difficulties and low patronage. Given the Club has now closed and there is no evidence of sufficient demand for this use, the loss of the community facility in these circumstances would not be considered contrary to local policy for the protection of these facilities.

Conditions

10. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 55 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
11. A condition specifying the approved plans is necessary as this provides certainty. A condition requiring site investigations to be carried out prior to construction works but not prior to demolition works commencing is necessary to ensure site stability and its suitability for the development. I have imposed a condition requiring the provision of a tree protection plan, to ensure the protection of any trees to be retained as well as those overhanging the site. This condition is required prior to any works commencing on site, including works of demolition, to ensure that any retained trees are not harmed during development.
12. In the interests of character and appearance, I have imposed conditions specifying materials to be approved and retained; details of hard landscaping;

and for the implementation and management of soft landscaping in accordance with submitted details, which I have also included to ensure the proper establishment and maintenance of the scheme of planting. In the interests of design, I have imposed a condition requiring the details of the covered seating area to be provided.

13. I have imposed conditions requiring details of the design of cycle storage and bin storage, to ensure an appropriate appearance and adequate functioning of these facilities. I have imposed a condition seeking implementation and retention of car parking provision, in the interests of highway safety.
14. In the interests of the living conditions of future occupants, I have imposed conditions requiring noise mitigation to be provided against traffic noise; and in the event that any plant or equipment is installed, against noise arising from this. I have also imposed a condition requiring the provision and retention of outdoor garden space. A condition requiring the details of external lighting is necessary to ensure it does not harm the living conditions of neighbouring and future occupants.
15. I have imposed a condition to control the use of the building so that it can only be used as a Class C3 residential use, in the interests of maintaining a mixed and balanced community.
16. I have omitted the Council's suggested condition requiring the dwellings to be built as adaptable and accessible homes as I have not found Policies D1 and H10 of the District Plan to be specific enough for the inclusion of this requirement and emerging Policy SP7 has not been adopted yet and does not carry sufficient weight on which to require this provision.

Conclusion

17. For the reasons set out above, I conclude the appeal should be allowed.

Rachael Pipkin

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: 399-SK-01 Rev Q, 399-SK-03 Rev B, 399-SK-04(07) Rev F, 399-SK-05, 399-SK-06, L8752/G1 and L8752/F1.
- 3) No development other than works of demolition and clearance shall take place until a structural design certificate, completed and signed by a Chartered Engineer, and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the local planning authority. The Certificate shall certify that appropriate site investigations have been carried out at the site. The scheme shall include an investigation and assessment to identify those precautions or measures deemed to be required in the design and construction of the proposed development in order to minimise any danger which might arise as a result of ground conditions.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of any retained trees including those trees on adjacent land that overhang the site (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) No construction of the external walls of the development shall commence until samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved samples.
- 6) No dwelling shall be occupied until all hard landscaping (including hard surfaces, boundary treatment and means of enclosure) has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The hard landscaping shall be retained thereafter.
- 7) No dwelling shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of soft landscaping. The scheme shall include indications of all existing trees on the land, identifying those to be retained and details of new planting.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) No dwelling shall be occupied until details of the proposed bin stores and access arrangements have been submitted to and approved in writing by the Local Planning Authority. The bin stores must be constructed in accordance with the approved details, made available for use and retained in that form permanently thereafter.
- 10) No dwelling shall be occupied until details of the proposed cycle stores have been submitted to and approved in writing by the Local Planning Authority. The cycle stores must be constructed in accordance with the approved details, made available for use and retained in that form permanently thereafter.
- 11) No dwelling shall be occupied until the area set aside for car parking has been laid out, surfaced and marked out in accordance with drawing No 399-SK-01 Rev Q. The car parking shall be retained permanently thereafter for the parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.
- 12) No dwelling shall be occupied until the shared outdoor amenity space has been provided in accordance with approved drawing No 399-SK-01 Rev Q. The shared amenity space must be retained permanently for the occupiers of the development hereby approved and must not be used for any other purpose.
- 13) No dwelling shall be occupied until details of the proposed covered seating area have been submitted to and approved in writing by the local planning authority. The seating area must be constructed in accordance with the approved details, made available for use and retained in that form permanently thereafter.
- 14) No dwelling shall be occupied, until a scheme to protect the proposed development from traffic noise in accordance with the recommendations set out in the submitted Acoustic Report (Ref 180711-R001, dated August 2018) has been implemented and retained in that form permanently thereafter.
- 15) Before any plant or equipment is used on the premises, it shall be enclosed with sound-insulating material and installed in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. Any noise emissions from the plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties. The measures implemented as approved shall be retained thereafter.
- 16) No external lighting shall be installed until details of the proposed external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Any external lighting must be implemented in accordance with the approved details and retained in that form permanently thereafter.

- 17) Notwithstanding the provision of Article 3 of the Town and Country Planning use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) the residential development hereby approved shall only be used for Class C3 dwellinghouses and for no other use or purpose.

End of Schedule of Conditions