



Appeal Decision

Site visit made on 18 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/C1950/W/22/3312790

55 Cherry Way, Hatfield, Hertfordshire, AL10 8LF

- 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 Mrs Sruti Gudka against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/1113/FULL, dated 13 May 2022, was refused by notice dated 16 September 2022.
 - The development proposed is change of use from single dwelling (C3) to HMO (C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single dwelling (C3) to HMO (C4) at 55 Cherry Way, Hatfield, Hertfordshire AL10 8LF in accordance with the terms of the application, Ref 6/2022/1113/FULL, dated 13 May 2022 subject to the attached schedule of conditions.

Preliminary Matters

2. Section E of the appeal form indicates a different description of development to that used on the original planning application form. I have no indication that the amended description has been agreed by the Appellant. However, as it more succinctly describes the development, I have used this in my banner heading and decision above.
3. The Council has implemented an Article 4 Direction requiring planning permission for any change of use from buildings used as dwelling houses (Class C3) to buildings used as small houses in multiple occupation (Class C4).
4. The Council has referred to policies within the Welwyn Hatfield Borough Council Draft Local Plan: Proposed Submission 2016 (draft LP). I understand that this plan has not yet reached the adoption stage. Accordingly, at this stage these policies are afforded limited weight.

Main Issues

5. The main issues are:
 - i) the effect of the proposal upon the character and appearance of the area with regards to vehicle parking; and
 - ii) whether adequate bicycle parking would be provided.

Reasons

Character and appearance

6. The appeal property is a mid-terrace dwelling which fronts a small triangular area of grass, situated within a predominantly residential area.
7. The nearby roads accommodate parking, with no parking restrictions. Whilst I appreciate it is a snapshot of time, at the time of my visit I observed there to be a high degree of on-street parking, but that there was capacity to accommodate additional vehicles.
8. Whilst no off-street parking is proposed to serve the proposal, the existing use is also likely to have resulted in some on-street parking demand which would be displaced by the proposal. In the absence of clear evidence of a local parking issue, the likely parking demand associated with the proposed units would not be significant and could be accommodated on the nearby roads.
9. On-street parking is an accepted part of the character and appearance of the area. There is no reason to suggest that parking demand associated with the proposed development would be harmful to the character and appearance of the locality.
10. I therefore conclude that the proposed development would not be unacceptably harmful to the character and appearance of the area by reason of vehicular parking. As such the proposal accords with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (District Plan) and Policy SP9 of the Draft LP which require development proposals to respect and relate to the character and context of the area in which it is proposed. Nor would it conflict with the Supplementary Design Guidance 2005.

Cycle Provision

11. Criterion HMO3 of the Welwyn Hatfield Borough Council Houses in Multiple Occupation Supplementary Planning Document February 2012 (SPD) states that HMOs should provide a minimum of one long-term cycle space for each tenancy and that a minimum of half of these are covered. The SPD states that the location of the shed for the purpose of storing cycles, or the long-term cycle spaces provided must be located within the site boundary, and be adequately lit, easily accessible from the road, secure and screened from view wherever possible.
12. The proposal does not include any cycle storage facilities. However, from the evidence before me, and as observed at my visit, it is clear that there is sufficient space within the appeal site boundary to provide bicycle storage which would meet the standards the Council seek to achieve. On this basis, I consider the shortfall against the standard could be addressed through the imposition of a condition requiring details to be agreed and implemented.
13. For the above reasons, I conclude that adequate provision for bicycle parking would be provided. Accordingly, I find no conflict with Policy M14 of the District LP, the Welwyn Hatfield District Plan Review: Supplementary Planning Guidance Parking Standards 2004, Criterion HMO03 of the SPD and Policy SADM12 of the Draft LP. I also find no conflict with the National Planning Policy Framework where it seeks layouts that encourage cycling.

Other Matters

14. Third parties have raised concerns regarding the loss of a family-sized dwelling, however, there is no dispute between the parties as to the principle of development. The Council confirmed that the proposed development would not result in an over concentration of HMOs in the area, and accordingly did not include this as a reason for refusal. I recognise the role of HMOs in providing alternative accommodation. Based on the evidence before me I have no compelling evidence to reach a different view in this regard.
15. In the officer report the Council suggests that an increase in pressure for parking would be harmful to the convenience and safety of other road users and pedestrians, however, this concern was not reflected in the reason for refusal. No substantive evidence is before me to raise the issue of highway safety as part of this appeal.

Conditions

16. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose a condition specifying the relevant drawing as this provides certainty.
17. A condition requiring details of cycle storage provision is included to promote sustainable travel in accordance with the Council's policy.
18. The Council has suggested a condition for the approval of a bin storage area. Subject to some minor re-wording and modification I consider it reasonable and necessary to ensure sufficient refuse and recycling storage is provided to meet the needs of future occupiers.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, the proposal would comply with the Framework and the development plan as a whole. The appeal is therefore allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: RAJ/06/2022/HMO/ 01.
3. Within three months of the date of this permission, a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The bicycle parking shall be retained in that form thereafter.

4. Within three months of the date of this permission, details of the location, design and specification of the refuse bin and recycling materials storage bins shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling materials storage bins and areas shall be constructed and made available for use and retained in that form thereafter.

*****End of Schedule*****