

E/08/0364/B – Unauthorised change of use from single family dwelling house to a 9 bedroom dwelling in multiple occupation at 35 Clements Street, Ware, Herts, SG12 7AG

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the property.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The change of use of the dwelling has resulted in unsatisfactory living conditions for the intended occupiers, by reason of the small size of bedrooms and kitchen facilities contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The development has resulted in an adverse impact upon the amenities of neighbouring properties, by virtue of increased activity and noise disturbance from the comings and goings of occupiers and has created an adverse visual amenity impact from inadequate facilities for the storage and disposal of refuse. The development is therefore contrary to Policies ENV1 and HSG9 of the East Herts Local Plan Second Review April 2007.
3. The development, by reason of inadequate parking provision within the site, results in pressures for additional on street parking, which creates an adverse highway safety impact by restricting access of vehicles associated with refuse collection, deliveries and emergency services which is contrary to Policy TR7 of the East Herts Local Plan Second Review 2007.

(036408B.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It lies within the built up area of Ware, within a residential street consisting of semi-detached and terraced 2 storey properties. All appear to be in use as single dwellings and many have off street parking to the front gardens.

E/08/0364/B

- 1.2 On 23 July 2008, concern was raised with the Enforcement team regarding the use of the dwelling as one in multiple occupation with up to 9 bedrooms being let.
- 1.3 On the 8th August 2008 and the 2nd September 2008, letters were sent to the owner of the property requesting further information and a site visit.
- 1.4 On the 4th September 2008 a site visit was carried out at the property with the owner where it was discovered that there were 9 bedrooms over 3 floors which, at the time of the visit, were occupied by 11 people. The owner was advised that a planning application would be required for a change of use of the property to a house in multiple occupation.
- 1.5 An application was subsequently received on the 6th October 2008, under reference 3/08/1755/FP, and after due consideration, was refused on the 25th November 2008 for the following reasons:-
 1. The proposal results in an unsatisfactory level of living conditions for the intended occupiers, by reason of the small size of bedrooms and kitchen facilities, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
 2. The proposal results in an adverse impact upon the amenities of neighbouring properties, by virtue of increased activity and noise disturbance from the comings and goings of occupiers and would create an adverse visual amenity impact from inadequate facilities for the storage and disposal of refuse. The proposal is therefore contrary to Policies ENV1 and HSG9 of the East Herts Local Plan Second Review April 2007.
 3. The proposal by reason of inadequate parking provision within the application site results in pressures for additional on street parking, which creates an adverse highway safety impact by restricting access of vehicles associated with refuse collection, deliveries and emergency services.

E/08/0364/B

2.0 Planning History

2.1 The recent relevant planning history is as follows: -

3/08/1755/FP	Change of use to 9 bedroom dwelling with multiple occupation – (retrospective)	Refused
3/88/1293/FP	Two storey side and single storey front extension.	Approved with conditions

3.0 Policy

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:-

- ENV1 - Design and Environmental Quality.
- HSG9 - Houses in Multiple Occupation.
- TR7 - Car Parking - Standards

4.0 Considerations.

4.1 The site lies within the built up area of Ware, wherein there is no objection in principle to development subject to other policies of the Local Plan.

4.2 Policy ENV1 expects any development to respect the amenity of occupiers of neighbouring buildings and those of future occupants. The house currently being used for multiple occupation is considered by Officers to have a damaging impact on the residential surroundings, by reason of the increased activity of comings and goings and general noise over and above that which might be expected from a normal dwellinghouse and as such is contrary to this policy.

4.3 Policy HSG9 states that permission will only be granted for the use of a building as a house in multiple occupation provided that the conversion provides a satisfactory level of living environment for the intended occupiers of the building, by way of daylight, privacy and levels of outdoor amenity space as well as adequate facilities for the storage and disposal of refuse. In this case, however, the living accommodation provided is considered to be cramped and inadequate, with no additional communal living space. It does not meet the criteria contained in the Council's own

E/08/0364/B

document “*Amenity Standards for Houses in Multiple Occupation and other Houses*”. Furthermore, there is currently no refuse storage space for the occupants, and refuse is merely contained within the front garden. The accommodation provided is therefore considered to be contrary to Policy HSG9.

- 4.4 In respect of parking provision, there are only 2 independently accessible car spaces within the site and Clements Street is only 0.5m wide and already suffers from considerable on-street parking. The unauthorised development has the potential to increase demand for the already limited space available and is thereby detrimental to highway safety and amenity in the surrounding area. The development is therefore also contrary to policy TR7 of the East Herts Local Plan Second review April 2007.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the dwellinghouse as one in multiple occupation.