

E/09/0124/B – Unauthorised conversion of a dwellinghouse into three residential units (flats) at 7 Purkiss Road, Hertford, SG13 8JA

Parish: HERTFORD

Ward: HERTFORD — CASTLE

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 and the restoration of the building to a three bedroom dwellinghouse with attached garage.

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The development is over intensive resulting in over development of the site, unsatisfactory plot sizes and inadequate amenity space for the existing and future occupants of the dwellings in comparison with nearby existing dwellings. It is thereby contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. The development fails to provide or enable good access to private outdoor space such as residential gardens, patios and balconies. It is therefore contrary to national planning guidance in PPS3 'Housing' at paragraph 16.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated in Purkiss Road, Hertford at its junction with Brickendon Lane.
- 1.2 In March 2009 a concern was expressed to the Council that the dwellinghouse had been internally sub-divided into three separate flats without the benefit of planning permission.
- 1.3 A planning history search revealed that planning permission was refused twice in 2008 for schemes to convert the dwellinghouse into a flatted development.

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- 1.4 The first (under application number 3/07/2489/FP) was for a proposed first floor extension and alterations to convert the existing house into 3 two bedroom units. This refusal was the subject of an appeal to the Planning Inspectorate which was subsequently dismissed. In her decision letter, the Inspector commented "I consider that the proposal would not result in satisfactory living conditions for future occupiers due to the limited size and arrangement of the shared amenity space".
- 1.5 The second (under application number 3/08/0812/FP) was for a proposed conversion of the existing ground floor kitchen/garage to form 1 one bedroom unit, including the addition of a new pitched roof.
- 1.6 Both these applications showed the existing property to be a 3 bedroom house, in both the 'existing' plans and in the application form which accompanied the applications.
- 1.7 The enforcement officer visited the site in March 2009 but there was no reply to repeated knocking. Accordingly he wrote to the owner requesting that he contact the enforcement officer. No reply was received to this letter.
- 1.8 Following a further letter, the owner's wife met the enforcement officer at site and showed him around the property in August 2009. The main house had been divided into two flats, upstairs and downstairs, with separate access doors in the hallway immediately inside the front door. Both flats have all the facilities necessary for independent living, with cooking, sleeping, bathing and living areas. These flats have been rented out to couples whose only connection appears to be that of neighbours. The owners do not live on site.
- 1.9 The single storey garage and kitchen extension on the side of the building is now entered from the rear garden of the property and it has been partially converted into another independent residential unit. This conversion is incomplete and the owner's wife informed me that they had decided not to complete the works. However this area is now separated from both flats and has a partially fitted out kitchen area.
- 1.10 Section 55(3)(a) of the principal Act states that "the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used." Accordingly such development is a matter that requires planning permission.
- 1.11 Photographs of the site will be available at the meeting.

2.0 Planning History

3/79/0606/FP	Singly storey side extension	Approved with conditions
3/91/1247/FP	Extension of bay window to living room, porch and toilet/cloakroom.	Approved with conditions
3/07/2489/FP	Proposed first floor extension and alterations to convert existing house into 3 two bedroom units.	Refused Appeal dismissed
3/08/0812/FP	Conversion of existing ground floor kitchen/garage to form 1 N ^o one bedroom unit, including addition of new pitched roof.	Refused

3.0 Policy

3.1 The relevant policies in this matter are:-

ENV1 – Design and environmental quality

HSG7 – Replacement dwellings and infill housing development

PPS3 – ‘Housing’ at paragraph 16.

4.0 Considerations

4.1 The main consideration in this matter is the limited amenity space and the irregular shape of the plot. This results in little usable private garden area as the majority of the space is directly in front of the windows in front of the windows serving the ground floor flat.

4.2 It is the view of officers, and the Inspector, that this results in unsatisfactory living conditions for both the current occupants and for any future occupants of the properties. Accordingly the conversion of the building represents over intensive development which is contrary to the above national and local policies.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use and the restoration of the building to a three bedroom dwellinghouse with attached garage.