

**4/04042/15/FUL - CHANGE OF USE FROM C3 (RESIDENTIAL) TO MIXED USE C3 (RESIDENTIAL) AND D1 (CHIROPRACTIC CLINIC)..
KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ.
APPLICANT: MS LISA GREIG.**

[Case Officer - Thomas Gabriel]

Summary

The application is recommended for approval. The change of use to mixed C3 (residential) and D1 (chiropractic clinic) use of the dwelling has not had a materially greater impact on the Green Belt than the previous full residential use of the property by virtue of the limited extent and nature of the chiropractic clinic use. The use has similarly not had an adverse impact upon the character of the building, the amenities of the neighbouring properties or highway safety.

Site Description

Kintail House is a large detached dwelling in a substantial plot on the southern side of Box Lane, 80m to the west of the junction of Box Lane and Bury Rise. The dwelling is set back within the plot by around 15m and is set above the level of the lane by several metres. The dwelling is largely screened from view from the road by a 2m high hedge set back from the lane by around 4m. This space is occupied by a grass verge. The property has the benefit of a detached double garage and parking and turning space for several cars. The property is one of five in this part of Box Lane fronting the lane, though all set back by generous distances with well-screened frontages. The site is located within the Green Belt.

Proposal

The application is for the retention of the change of use of the property from C3 (Residential) to mixed use C3 (Residential) and D1 (Chiropractic Clinic). The annex at the eastern end of the building and the dining room of the dwelling are used for the treatment (with one chiropractic treatment bed in each) with a reception area between the two. The entrance for the clinic is separate from the main entrance to the dwelling house and leads directly into the reception area. Both the annex and the dining room are used by the residents of the dwelling for domestic purposes as well as for the clinic.

The applicant advises that no more than 12 - 15 clients are treated per day. Each appointment is 20 or 40 mins in length. The hours of opening are;

Monday	Closed
Tuesday	12.40 - 6.20
Wednesday	9.00 - 3.00
Thursday	1.00 - 7.00
Friday	9.00 - 4.00
Saturday	9.00 - 1.00

The clinic is run by the owner of the property. One other person works as part of the clinic, a few appointments a week (not full time).

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Stewart Riddick.

Planning History

4/0795/83 Detached double garage. Conditional permission -19/07/83.

The dwelling also has the benefit of a single storey side extension (used for the clinic).

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS5 - Green Belt
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS14 - Economic Development

Saved Policies of the Dacorum Borough Local Plan

51 - Development and Transport Impacts
57 - Provision and Management of Parking
Appendix 5

Summary of Representations

Trees and Woodlands

No comment as no vegetation will be affected by the planned works.

Response to Neighbour Notification / Site Notice (in summary)

I strongly object. All the houses on Box Lane are residential. It is not appropriate to change a house such as this to commercial premises. It could damage the character of the area and act as a precedent. This is Green Belt land and it must be preserved!

There are plenty of existing, empty commercial properties in this area that at suitable for such a clinic

There is insufficient parking at Kintail House, that results in visitors parking on the grass verge on the road, which is dangerous.

How has Miss Greig been permitted to use her residential property as a clinic up to date? She has done so since she purchased the property some years ago, without

permission for such commercial use.

Please note these comments are in confidence because Miss Greig is a neighbour and I have no objection to her living next to me as a 'residential' neighbour and I don't wish to cause any bad neighbour feeling. However, I do very strongly object to my home being next to a commercial property.

Considerations

Policy and Principle

The use of the site as a mixed C3 (residential) and D1 (chiropractic clinic) in the manner established would usually be considered as being outside planning control as the chiropractic use would be viewed as being ancillary to the primary use of the property as a residential dwelling house. However, as a planning application has been submitted for the mixed use of the property, it is appropriate to address the issues surrounding the case.

The application site is located in the Green Belt wherein, under policy CS5 of the Core Strategy, only limited forms of development are acceptable in principle.

The main issues in this case are the increase in the intensity of use of the site and the impact of this upon the Green Belt and the impact of the development upon the character of the building as a residential dwelling house, upon the amenities of the occupiers of the surrounding properties and highway safety.

Given that the chiropractic use of the property is very much ancillary to the residential use of the property, and has not had a material impact upon the character of the site or the area, the mixed use of the property has not had a material impact upon the openness of character of the Green Belt in this location. The amenities of the Green Belt have not been harmed by the mixed use.

Paragraphs 19 and 20 of the National Planning Policy Framework state "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. 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. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". The sixth bullet point of paragraph 21 states Local Planning Authorities should "facilitate flexible working practices such as the integration of residential and commercial uses within the same unit". This is therefore in support of the use at Kintail House.

Only a small part of the dwelling is used for the chiropractic clinic - the single storey side projection and the dining room. While these rooms are laid out for the clinic (with a treatment bed in both), the rooms are both used for domestic purposes too - they are not purely used for business purposes.

The clinic is open for the equivalent of four days a week and while this results in a potentially large number of visits by clients each week (the number varies), it is officer opinion that given the scale and nature of the property, this does not have a material

effect on the character of the dwelling. The clients' cars are able to park within the curtilage of the dwelling where there is sufficient space for five or six cars to park and turn (the owner's and the part time staff's cars are parked in the garage on the site), and while their movement creates a little additional disturbance, this is not significant and does not have an adverse impact on neighbour amenity, given the well screened boundaries of the site and the low speeds at which the cars visiting the site would be travelling). Clients' parking on the grass verge to the front of the site is noted though as this is highway land, it is a highway issue and need not be controlled by planning. Visibility splays on exit from the site are adequate. The chiropractic use of the site is not one that creates any significant noise. The character of the dwelling is not affected by the use.

Paragraph 17 of the National Planning Policy Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The impact of the chiropractic use upon the amenities of the neighbouring properties is also insignificant. Both of the immediately neighbouring properties are sited a reasonable distance from Kintail House and are well screened from it by trees and hedges. The limited noise arising from the use of the building as a clinic over and above that as a residential dwelling house is limited and cannot be considered to materially impact upon the amenities of the neighbouring occupiers.

As the change of use has not resulted in any alterations to the building, its residential appearance has been retained.

Considering the limited impacts arising from the chiropractic use of the site, it is not felt that the use has a material impact upon the Green Belt.

Accordingly, it is considered that the limited use of the ground floor rooms of the dwelling as indicated on the plans submitted with the application does not have an adverse impact upon neighbour amenity or highway safety. The character of the dwelling has not altered as a consequence of the use. The intensity of use of the site has not materially altered as a consequence of the use and therefore the impact of the development upon the Green Belt is acceptable. The hours of operation of the business are considered acceptable and can be controlled by condition to ensure that the use does not increase to a level which may adversely impact upon neighbour amenity or highway safety.

There is no impact upon the appearance of the dwelling or the street scene and the trees on the site have not been impacted upon.

The comments of the occupiers of the neighbouring property are noted. However, the use of Kintail House for the running of a chiropractic clinic has not had a material effect on the character of this residential property. Box Lane has not been spoiled by the use. The grant of permission of the application would not open the door to all residents or developers changing a residential street into a commercial street as each application is dealt with on its own merits. While there may be empty commercial properties nearby, this does not prevent the consideration of this application in the appropriate manner and the grant of permission for it as appropriate. There is parking within the curtilage of the dwelling for up to five or six cars (in addition to the two garage spaces for the owner and the part-time member of staff).

The proposed change of use is therefore considered to be acceptable.

Conclusions

The change of use of the dwelling from C3 (Residential) to mixed use C3 (Residential) and D1 (Chiropractic Clinic) has not had an adverse impact upon the character of the building, the amenities of the neighbouring properties, highway safety or the openness and visual amenities of the Green Belt. The development is therefore considered to be acceptable.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to conditions below:

1 The hours of opening for the clinic shall be;

Tuesday	12.40pm - 6.20pm
Wednesday	9.00am - 3.00pm
Thursday	1.00pm - 7.00pm
Friday	9.00am - 4.00pm
Saturday	9.00am - 1.00pm

The clinic shall not operate on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and for the avoidance of doubt.

2 The permission hereby granted shall only refer to the rooms shaded pink on the ground floor plan of the dwelling submitted with the application.

Reason: For the avoidance of doubt and in the interests of the proper planning of the site.

3 The use hereby permitted shall be carried out only by Ms Lisa Greig as the owner of the property and the chiropractic clinic there and by no other named individual. In the event that Ms Lisa Greig is not the owner of the property, the part D1 business use of the site shall cease.

Reason: Permission would not normally be granted but regard has been paid to the particular circumstances of the applicant and the ancillary nature of the use.