

Appeal Decision

Site visit made on 15 March 2016

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2016

Appeal Ref: APP/B1930/W/16/3142613

63 Oakwood Road, Bricket Wood, St Albans, Hertfordshire, AL2 3QB

- 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 Mr A Patel against the decision of St Albans City & District Council.
 - The application Ref 5/14/1708, dated 14 June 2014, was refused by notice dated 22 July 2015.
 - The development proposed is the change of use from residential premises to medical centre.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A Patel against St Albans City & District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are :
 - the effect of the proposed development on the housing stock in the Borough;
 - the effect of the proposed development on highway safety.

Reasons

Housing stock

4. The appeal property forms a detached bungalow located in a predominantly residential area. The neighbouring property at No. 65 Oakwood Road has been converted from a dwelling to a dentists surgery and on the other side of the appeal property No. 61 Oakwood Road forms a residential bungalow. A small local shopping centre lies to the east of the appeal site at Nos 95-127 Oakwood Road.
 5. Saved Policy 10 of the St Albans Local Plan Review 1994 (LPR) states that the loss of a residential dwelling through a change of use of a building will normally be resisted. Exceptions to the policy may be made in certain circumstances, including, as stated in part (iv) of the policy, for medical, educational, religious or other uses serving the local community where they are compatible with the
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- environment of the area and where suitable non residential properties or sites for new buildings are not available.
6. The appeal proposes a private medical facility with two doctors consulting rooms and a nurse clinic. The Council has argued that the appeal proposal would not meet local needs. Evidence is provided from NHS England that there are an adequate number of GP contracts running GP practices in the Bricket Wood area and that there is no intention to offer any new GP contracts at the current time or in the foreseeable future.
 7. Whilst I acknowledge the position of NHS England, the appeal proposal is for a private medical centre. The intentions of NHS England are therefore not relevant. Saved LPR Policy 10 (iv) does not distinguish between NHS or private medical facilities and does not require the need for a facility to be demonstrated. The policy refers to the facility serving the local area. I have been provided with limited detailed evidence of how the proposed medical centre would serve the local area, the potential patient base and the services that would be provided. However, from the evidence available to me, I am satisfied that the facility would serve the local area. I consider that in this regard the proposal would meet this requirement of the policy. I have noted the petition in support of the facility. Whilst this could be used as an indicator of potential demand for the facility, I consider only moderate weight can be attached to this having regard to the petition against the proposal.
 8. A further requirement of saved LPR Policy 10(iv) is that a facility should be compatible with the environment of the area. It is not unusual for a medical facility to be located within a residential area. Saved LPR Policy 9 recognises that non residential uses can be compatible in a residential area providing they are environmentally acceptable in terms of visual impact, noise, smell, safety, health and traffic generation. In this case, the appeal proposal would result in two non residential uses next to each other. The Council has argued that the comings and goings and resultant activity would, cumulatively, have an adverse affect on the character and amenity of the locality. However the appeal site would be located close to a local centre which itself generates a certain amount of vehicle and pedestrian activity in the locality. The proposed opening hours of the medical facility from Monday to Friday would not be dissimilar to the opening hours of many shops in the local centre. I do not therefore consider that the level of additional activity resulting from the appeal proposal would cause material harm to the character and amenity of the locality.
 9. In terms of visual impact, on my site visit I observed the level of on site car parking at the neighbouring dentists practice, 8 vehicles were parked at that time, leaving 2 vacant spaces. I have also been provided with photographs showing similar parking levels at other times. The appeal proposal includes the provision of 6 car parking spaces to the property frontage. The prevailing character of this area is one of residential properties with landscaped front gardens, low boundary walls with low levels of vehicle parking, up to 2-3 cars. I consider that cumulatively, the on site car parking at the two neighbouring properties, potentially up to 16 vehicles, would have an adverse visual impact on the character and environment of this predominantly residential area.
 10. The third requirement of saved LPR Policy 10 relates to the lack of suitable alternative non residential premises. I consider that from the evidence before

me there are no other suitable premises available and therefore the appeal proposal would meet this element of the Policy.

11. The appellant has questioned the weight to be attached to policies within the Local Plan Review document as it was adopted in 1994, pre dating the National Planning Policy Framework (the Framework) and is therefore out of date. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. In respect to saved LPR Policy 10, the objective is to maintain the supply of housing to meet the needs of the borough whilst also making provision amongst other things, for community uses such as health, education or religious uses. This objective I consider to be broadly consistent with the Framework, in particular paragraph 17 which considers the delivery of community facilities such as those to meet health needs and paragraph 50 which aims to deliver a wide choice of homes and make effective use of existing housing stock. I therefore attach significant weight to this policy.
12. The Council has stated that they do not currently have a 5 year supply of housing land in the Borough and therefore in these circumstances, the loss of a residential property without compelling justification should be resisted. The appellant has put forward the view that housing supply is not relevant to this case and immaterial to the key planning issues. I consider that housing supply forms a material planning consideration in this case which has to be balanced against the provision of a medical facility to serve the local community. I attach significant weight to this consideration.
13. I have had regard to the fact the appeal relates to a single dwelling, the loss of which would make limited material impact on the overall housing land supply position, which the Council estimates to be 3.73 years. Whilst it has been established that NHS England consider that there is no need for additional GP services currently or in the foreseeable future, a private medical facility would serve the needs of many in the community and provide choice.
14. However, notwithstanding the above, I have found that the appeal proposal would not satisfy all the requirements of saved LPR Policy 10 in particular that it would not form a use compatible with the environment. There would therefore be no compelling reason to justify the health facility as an exception to this policy. I therefore in this case, in the context of a lack of a five year housing land supply, give greater weight to the objective of maintaining the supply of housing than to the provision of a health facility.
15. In conclusion, I consider that whilst the appeal proposal would serve the local area and I am satisfied that there are no alternative non-residential sites available, the appeal proposal would not be compatible with the environment of the area. The development would result in the loss of a residential property which has not been adequately justified as an exception to saved LPR Policy 10.

Highway safety

16. The appeal proposal includes the provision of six car parking spaces to the frontage of the property. Three spaces are identified for staff members and a further three, including one disabled space for patients.
17. I have had regard to saved Policies 39, 48 and 50 of the LPR and the Revised Parking Policies and Standards Document 2002 which set down maximum

parking requirements for developments and provides a zonal approach that provides for a reduction in car parking in areas where good access to non car modes of transport are available. Applying this guidance, the Council has determined that the appeal proposal should provide 7 car parking spaces and an additional disabled parking space. I acknowledge that these standards are out of step with current guidance as the Government abolished maximum parking standards in 2011. However the Council's approach in assessing the parking levels required, taking account of accessibility, type of development, public transport availability and car ownership levels is generally consistent with the Framework in particular paragraph 39 which outlines the factors that should be considered in setting local parking standards.

18. The appellant has argued that the proposed 6 car parking spaces are adequate having regard to the sustainability of the site, the proximity of public transport and the availability of on street parking. He also draws my attention to the fact that the Highway Authority have found the proposed 6 car parking spaces to be acceptable, having no adverse impact on the free flow of traffic or public safety. It is unclear from the submitted evidence, whether local parking conditions, public transport availability or any other factors have been considered by the Highway Authority in formulating their response. Clearly the Council's view is at odds with that of the Highway Authority. However, the Council, as decision maker, whilst having regard to this advice, may take a different view having considered other pertinent material considerations.
19. The appeal site is located approximately 110 metres and 400m respectively from local bus routes and approximately 400 metres from Bricket Wood Rail Station. I note however that Bus Route 361 forms an hourly service and Route 622 is less frequent. Whilst the appeal site has a level of sustainability, I consider this to be limited, which would result in patients and staff, unless they are able to walk or cycle, having a greater reliance on the private car. The high levels of car ownership in St Albans and in the locality of the appeal site reinforce this conclusion.
20. The Council have made reference to a study of a GP practice in Stevenage to give an indication of the modal split for patients and staff travelling to the proposed medical centre. Whilst this study gives an indication of mode of travel, I have been provided with no evidence of how this facility is comparable to the appeal site in terms of location, public transport provision, on street parking etc. I am therefore unable to give this study more than limited weight and therefore I will consider the appeal proposal on its planning merits.
21. I noted on my site visit that there are parking restrictions on Oakwood Road opposite the local centre and that there are also restrictions around the junction of Woodside Road very close to the appeal site. I also observed a significant level of on street car parking between the appeal site and the local centre. Clearly this is only a snap shot in time, though I have also noted the evidence of the Council and local residents that this level of on street car parking is a common occurrence. Together with the high car ownership levels in the area and having regard to the limited level of public transport to the appeal site, I consider it necessary that adequate on site car parking provision, meeting the Councils parking standards, should be provided.
22. The Council has raised concern that two of the proposed parking spaces would be arranged in tandem and would be substandard, having insufficient length

and manoeuvring space. Tandem spaces would be for staff vehicles and the management of these would be a matter for the medical centre. I note the appellant's comments that there would be sufficient space on the site to ensure that the dimensions of parking spaces and manoeuvring space meet the required standards. I consider that this could be ensured by the imposition of a suitably worded condition if the appeal were to be allowed.

23. Notwithstanding the above, I consider that the submitted parking scheme fails to provide an adequate level of parking. The scheme would therefore be likely to increase the demand for off site car parking in the vicinity of the site which would be detrimental to highway safety. The appeal proposal would conflict with LPR saved Policies 38, 48 and 50 and the Revised Parking Policies and Standards Document 2002 which seek to ensure adequate parking provision.

Other Matters

24. The appellant has argued that the Council has been inconsistent in its decision making. With regard No.65 Oakwood Road, the dentist practice neighbouring the appeal site, planning permission was granted in 2005. This was considered against the same development plan policies as the appeal proposal, in particular saved LPR Policy 10 and consideration given to the exceptions test of this policy. The planning context at that time would have been different and it is not therefore surprising that the Council reached a different conclusion in this case. In particular I am informed that there was a perceived need for a dentist practice to serve the local area and the Boroughs housing supply position was not an issue to weigh in the planning balance.
25. Additionally, the appellant has made reference to a more recent proposal for a change of use of a single dwelling to a medical practice, in this case a dentist surgery, on a site approximately a mile from the appeal site in Chiswell Green. This was considered favourably by the Council on 7 March 2016¹. This raised similar parking issues and the development was approved with on site parking provision significantly less than the Council's car parking standards. Considering the evidence before me it appears that whilst this case clearly raised similarities with the appeal case there were also a number of differences. The site was in a sustainable location with a bus stop opposite the premises serving a number of bus routes and on street car parking appears to have been available locally. I therefore do not consider that the Chiswell Green scheme to be completely comparable to the appeal proposal.

Conclusion

26. I conclude that the appeal proposal, as a result of the lack of compatibility with the local environment and in the context of the lack of a five year housing land supply, would result in the unjustified loss of a unit of residential accommodation. I have also found that the appeal proposal would cause harm to highway safety through the insufficient provision of on-site car parking.
27. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR

¹ Planning application 5/2015/1838/COU