

Appeal Decision

Site visit made on 29 September 2016

by J A B Gresty MA MRICS

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

Decision date: 26 October 2016

Appeal Ref: APP/N1920/W/16/3151157

113 Hillside Avenue, Borehamwood, Hertfordshire WD6 1HH

- 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 Juliet Benson against the decision of Hertsmere Borough Council.
 - The application Ref 16/0205/FUL, dated 10 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is retrospective application for a studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. Firstly is whether the development would provide adequate living conditions for the occupiers of the flat with respect to living accommodation, outlook and amenity space. Secondly is the effect of the development on car parking in the local area.

Reasons

Living Conditions

3. The appeal seeks permission to use a single-storey side extension of a two-storey detached house as an independent dwelling. The extension has a kitchen area, a shower room with wc and a living area/bedroom. However, the accommodation is very confined. The kitchen is narrow, about 2 metres wide at its widest and, whilst served by a glazed door at one end, it has limited natural light and at the time of my inspection, during the middle of a bright day, the room was dark and required artificial light. Also, although the size of the living area/bedroom is more than the minimum area of 8 square metres which Part D of the Hertsmere Planning and Design Guide (the Design Guide) requires for a single bedroom, as a consequence of its irregular shape and dual use as the only living area in the proposed dwelling, the living/bedroom area would provide cramped accommodation for an occupier.
 4. The Design Guide indicates that a single-storey, one person dwelling should have a minimum internal gross internal area of 37 square metres. The gross internal area of the extension is considerably less than this, providing a good indication that the internal space available would provide poor living conditions
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for an occupier of the extension as an independent dwelling. In this respect the appeal proposal would not accord with the general thrust of good design sought by Policy SADM31 of the Hertsmere Site Allocations and Development Management Policies Plan (DMPP), submission document dated July 2015. Whilst evidence has not been presented to indicate that the DMPP has been adopted, it has reached an advanced stage and I attach significant weight to it in considering this appeal.

5. The Council holds that the extension does not have immediate access to outdoor amenity space. At the time of my inspection there was a door in the extension which opened directly onto the paved back garden area of the host property. However, it has not been made clear what part of the back garden area would be made available to the proposed independent dwelling and, whilst the paved area is a good size, it is unclear whether there is sufficient space available to provide adequate independent private amenity areas for both the host property and the new dwelling. In this respect I am unable to conclude that the appeal development would provide adequate living conditions for the occupier of the dwelling.
6. The living area/bedroom has a glazed back door and window which looks out onto the back garden area of the host property. The immediate view from the window is of the roofs of a shed and a garage. Whilst the outlook from the room is not particularly attractive, it is not unduly restricted and I consider that the development would provide adequate outlook for an occupier of the dwelling and would accord with Policy H8 of the Hertsmere Local Plan (LP) in this respect.

Car Parking

7. There is an off-road car parking area at the front of the host property. The Hertsmere Borough Council Parking Standards Supplementary Planning Document (PSSPD) indicates that a one bedroom dwelling should be provided with 1.5 car parking spaces per unit and that a house the size of the host property, 2 spaces. Whilst the car parking area could be shared by the host dwelling and the proposed one bedroom unit, the Council indicates that there is not enough space to accommodate vehicles from two independent dwellings.
8. Hillside Avenue is a predominately residential road. Whilst on-street car parking is permitted in the local area, the amount of space available is limited, in part because of the large number of driveway entrances serving properties on this part of Hillside Avenue. There are also parking restrictions outside the nearby school and college. At the time of my inspection there was limited unused on-street car parking space available on this part of Hillside Avenue and evidence has not been presented to indicate what spare capacity, if any, there is in the local area.
9. Overall, the appeal proposal does not meet the requirements of the PSSPD with regard to provision of car parking space and it is unclear whether there is adequate on-street space available in the local area to accommodate vehicles associated with the proposed dwelling. In these respects the appeal proposal would not meet the requirements of DMPP Policy SADM41 or Policy CS25 of the Hertsmere Local Plan Development Plan Document Core Strategy. In view of the limited on-street parking space which appears to be available in the vicinity of the appeal property, further pressure would not contribute positively to the

character of the local area which would be contrary to the National Planning Policy Framework (the Framework) which seeks development which makes places better for people. This does not weigh in favour of the appeal proposal.

Conclusion

10. At the heart of the Framework, there is a presumption in favour of sustainable development and residential development should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development. In this case the extension would provide poor a standard of accommodation if occupied as an independent dwelling and it is unclear if adequate private outdoor amenity space could be provided. Further, the effect of a likely increase in demand for on-street car parking on the character of the local area is unclear. Although use of the extension as an independent dwelling would make use of previously developed land and contribute towards housing provision in the area, on balance I conclude that the proposed use of the extension as an independent dwelling would fail represent sustainable development as sought by the Framework and, for the above reasons, the appeal should be dismissed.

J A B Gresty

INSPECTOR