

Appeal Decision

Site visit made on 30 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/P0240/W/16/3162998

3 Chapel Court, Sun Street, Potton, Bedfordshire SG19 2LR

- 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 Keith Bradford against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02459/FULL, dated 26 May 2016, was refused by notice dated 5 August 2016.
 - The development proposed is conversion of a studio to provide a one bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a studio to provide a one bedroom flat at 3 Chapel Court, Sun Street, Potton, Bedfordshire SG19 2LR in accordance with the terms of the application, Ref CB/16/02459/FULL, dated 26 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: location and block plan drawing no FP15634/10.

Main Issues

2. The main issues in this case are the effect of this proposal on a) the living conditions of the occupiers of 8a Sun Street, with regard to available outside living space and b) the safety and convenience of other users of the site access and the adjacent public highway.

Reasons

Living conditions of the occupiers of 8a Sun Street

3. The appeal relates to part of a former chapel located to the rear of properties fronting onto Sun Street, reached by a narrow access between Nos 8a and 10. It is situated within the centre of Potton and is a part of the older core of development in this small town.
 4. The original chapel is located to the rear part of the site and, having previously been a sports facility, has been converted into 10 flats. This proposal relates to one of three two-storey units situated in the upper floors of a modern annexe extending at the front of the old chapel. This annexe is built over an open area
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forming part of a wider forecourt which provides 10 marked-out parking spaces for the approved flats.

5. The Council had placed a limit of ten flats in approving the development. This related to the parking space available which, whilst below minimum standards, took account of the previous sports centre use. From the Council's statement it would appear that the three units within the annexe part, including that subject of the appeal, were originally permitted as flats in 2010. The old chapel building was to provide 7 flats and 3 work studios but has since been converted as 10 flats. Consequently, despite having been approved as one of the original flats, the current use of the appeal unit is considered a work studio.
6. The parking for this additional flat is indicated as an area of hard surfaced land at the rear of 8 and 8a Sun Street. The Council's first reason for refusal is that this parking space has been provided on land that formed the rear garden of No 8a. This deprives No 8a the minimum outdoor amenity space required under the Council's design guide standards. However, this area has already been provided and the Council would have had the option to take enforcement action over this matter, which appears to me an issue separate from the appeal proposal.
7. I also note that both No 8 and 8a are in the appellant's control and if this space was considered parking allocated for No 8a then it might have comprised permitted development. In any event, I find little justification for the Council's reason for refusal based on this proposal resulting in harm to the living conditions of the occupiers of 8a, due to the loss of outside living space. Therefore, there would be insufficient grounds for this proposal to be considered contrary to Policy DM3 of the Core Strategy and Development Management Policies¹ (CSDMP), the Central Bedfordshire Design Guide 2014 or the National Planning Policy Framework (the Framework).

Safety and convenience of other users of the site access and the adjacent public highway

8. The site is served by a narrow access and the frontage development, hard up to the footway on Sun Street, restricts visibility at its junction onto the public highway. However, this is not an uncommon situation in the older parts of town centres where existing development pre-dates current highway standards.
9. There is no space to create any more parking on this site, other than the 10 spaces already provided and the additional area at the rear of No 8a. Any increase in vehicular use of this access would be mainly a factor of any additional parking provided, rather than any increase in the number of flats. The site is in a town centre location where residents would not depend on a car to access services and facilities. There would also be alternative car parking in the vicinity for residents who could not be provided a space in this site.
10. The additional car parking offers inadequate inter-visibility between users and other pedestrians and vehicles accessing the site. However, the nature of this narrow access, and its general poor visibility and restricted space, would tend to encourage users to exercise due care. I do not find that the additional flat would lead to such an intensification of the use of the existing access that this

¹ Core Strategy and Development Management Policies – North, adopted in 2009

would result in material harm to the safety and convenience of its users or those of the adjacent public highway. Consequently, this proposal would not be contrary to CSDMP Policy DM3 for this reason, or to the Framework.

Conclusion

11. This proposal would be supported by the Framework in helping to increase the supply of housing, which has the additional benefits of being provided through the re-use of existing unoccupied floorspace in a sustainable location within a town centre. There would be no material harm arising from this proposal which would outweigh these benefits. Therefore I conclude that the appeal should be allowed, subject to conditions which set the standard time limit for commencement and, in the interests of certainty, specify the location plan of the approved development.

Jonathan Price

INSPECTOR