
Appeal Decision

Site visit made on 27 March 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 04 April 2017

Appeal Ref: APP/W1905/W/16/3162278
233A Turners Hill, Cheshunt EN8 9DG

- 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 Coban against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0854/F, dated 27 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is conversion of a part of an existing building from commercial use (A3) to residential flat (studio – C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted revised plans as part of the appeal, removing one of the two proposed parking spaces and replacing it with a small amount of amenity/garden space. I consider this to be a minor amendment and do not consider that anyone would be prejudiced by me taking into account. I have, therefore, determined the appeal on the basis of the revised plans.
3. The implication of this, however, is that the issue of parking provision arises. This was not an initial reason for refusal as the original plans provided for two spaces. This has changed with the revised plans and is a matter that has been raised by the Council. As such, I must consider it accordingly.

Main Issues

4. The main issues are whether the proposed development would provide:
 - adequate living conditions for future occupiers with regard to outlook;
 - appropriate facilities for the storage of refuse and recycling bins;
 - adequate off road parking spaces; and
 - an unacceptable precedent for similar developments in the area.

Reasons

Living Conditions

5. The kitchen/living area would have three windows. Two of these would look out from the front of the dwelling, over a parking space and small garden area, to the access track beyond. The main view would be that of fencing and garaging
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to the rear of dwellings on Clarendon Road, with a parked vehicle intruding into the outlook from one window. One would be hard pressed to sustain an argument that this would be an open, attractive or expansive outlook from what would be the main living space.

6. It is arguable that this would be less of an issue were there other, better, outlooks from the dwelling. However, the third window would look out onto a close boarded boundary fence from a distance of around a metre. This would be a very constrained view and contribute nothing towards the provision of an appropriately open outlook from the dwelling.
7. In addition, the bedroom space would be served solely by skylights. It would have no outlook at all and, while it is possible that daylight into the room may not be an issue, the complete lack of windows would certainly, in my judgment, make the room an oppressive place in which to spend time.
8. I conclude, therefore, that the appeal proposal would fail to provide adequate living conditions for future occupiers with regard to outlook. It would conflict with policy H8 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (the Local Plan). This requires a good quality of residential development and seeks, among other things, to ensure that new residential development is in general conformity with the amenity advice in relevant Supplementary Planning Guidance (SPG). This in turn notes that all new dwellings should have attractive open outlooks; that all main habitable rooms must be provided with a window with a reasonable outlook; and that with exceptions (which do not include bedrooms) no room should be without a window.
9. The policy does allow for the relaxation of SPG where a satisfactory standard of accommodation can nevertheless be created. I am not persuaded, on the basis of all that I have read and seen, that this could be the case here.

Refuse and recycling

10. The development would feature a single bin storage area, which would accommodate the bins both for the appeal dwelling and for the building in A3 use to which it is attached. The plans show this as being 2.5 metres wide by 1 metre deep, accommodating three 240 litre bins.
11. Local Plan policy SUS3 seeks, among other things, to encourage facilities sufficient to permit the separation and storage of different types of waste prior to collection. The Council has a recently published SPG on Waste, to provide additional advice in relation to the implementation of SUS3. This states that in order to achieve SUS3's aims, each flatted residential unit requires a minimum bin storage area of 2.5 metres wide by 1 metre deep. This needs to accommodate five different bins.
12. On its face, therefore, the bin store would fail to meet the relevant requirements as it would be required in its entirety for residential bins, but would be compromised by its need to accommodate a commercial waste bin.
13. It is alleged that the original permission for the A3 use provided for two bins of undefined size and, as such, the scheme would be an improvement by providing for a single bin of a defined size. This might be so, but it was apparent from my site visit that the A3 unit's bin, like that of other commercial premises in the immediate area, was a commercial wheeled bin substantially larger than the 240 litre bin suggested by the plans.

14. It is further alleged that as the appeal proposal would result in a reduction in floor space of the commercial premises, so the size of the bin necessary for those premises should be reduced accordingly. Notwithstanding that it was evident from my site visit that the space in question was not actually in use, there is no substantive evidence before me to suggest that the A3 use could make do with a smaller bin. Consequently, the extant bin would take up even more space in the proposed bin storage area, further compromising the space available for the residential bins.
15. I conclude that the appeal scheme would fail to provide appropriate facilities for the storage of refuse and recycling bins. Local Plan policy SUS3 seeks, among other things, only to 'encourage' facilities sufficient to permit the separation and storage of different types of waste prior to collection. Nonetheless, it is evident that the appeal scheme would fall short of undisputed standards, required to facilitate the supply of appropriate refuse and recycling bins to residential premises in the Borough, with potential adverse implications in relation to health, littering and obstruction¹. As such, I find conflict with relevant development plan policy as noted above.

Parking provision

16. The appeal scheme would provide a single parking space for the new dwelling. The Council does not dispute that this would be sufficient for it. The proposal would, however, result in the loss of a parking space for the A3 premises currently provided by garages that would be demolished. The appellant, who lives above the premises, confirmed that his car was parked at the site. In short, the logical result of the appeal proposal would be overspill parking onto the highway.
17. The access track to the site appeared to be private and, as such, may not be subject to public parking controls. Indeed, there were a number of vehicles parked, somewhat haphazardly, along it at the time of my site visit. I noted the difficulties experienced by the driver of a large delivery vehicle reversing down the lane. There were also signs present requesting that accesses, and turning spaces into them, be kept clear.
18. Thus, it was apparent that the lane is already somewhat congested, that there was limited on-street parking in the immediate vicinity and that what would, in effect, be a doubling of vehicles at the site without a commensurate provision of parking spaces would be likely to add to this congestion. There would, in my judgement, be attendant impacts upon highway efficiency.
19. I conclude, therefore, that the appeal proposal would fail to make adequate provision for car parking. It would conflict with Local Plan policy T11, which seeks, among other things, to ensure that new car parking is designed and located so as to have a minimal effect on the quality of the local environment.

Precedent

20. Concerns have been raised by the Council in relation to the precedent that the grant of permission for the appeal proposal may set. The decision notice states that there are '*several similar sites in the vicinity*', but none have been drawn specifically to my attention.

¹ I.e. by bins on the highway and/or access to the flat and rear of the A3 premises due to insufficient space in storage area.

21. It was evident from my site visit that there is already some ground floor, and, indeed, first floor residential development to the rear of premises on Turners Hill, in the vicinity of the appeal site. Some appeared to be relatively recent. None was directly reflective of the appeal proposal but it seems to me that the principle of residential development here is already established.
22. As such, a precedent already appears to have been set. This is not to say that all proposals will be acceptable. Indeed, I have found the appeal scheme to be deficient in a number of areas. However, it is apparent that appropriately designed schemes in this location would not automatically be rejected.
23. I conclude, therefore, that the grant of permission for the appeal proposal, as a matter of principle, would not result in a precedent for similar developments to be accepted elsewhere. It would not, therefore, conflict with Local Plan policy HD16 in relation to unacceptable intensification of built form and activity within the area.

Other Matters

24. A number of other development schemes were drawn to my attention as examples of instances where the Council has granted planning permission for schemes alleged to be similar to the appeal proposal. However, the juxtaposition of windows and car parking spaces in these developments does not appear to reflect that of the appeal proposal. Nor is there any evidence before me to suggest that there is a similar lack of outlook from the rest of the rooms in these developments. As such, they attract little weight as precedents for the appeal proposal.
25. The appellant raises concerns with the specificity of the decision notice. Although it would have provided assistance to have cited all of the SPG subsequently referred to by the Council, this does not, in my judgment, fundamentally undermine the notice, which makes explicit and precise reference to development plan policy.
26. The appellant also considers that the Council's decision was a political assessment, as the application was recommended for approval by officers. This does not, however, appear to be the case from the Officer's report.
27. The appellant states that the Council is falling behind its own targets with regard to the delivery of housing. It is unclear whether or not this is an allegation that the Council is unable to demonstrate a five-year supply of deliverable housing sites and there is no evidence before me either way. However, even assuming a worst case scenario, namely that the Council has a significant undersupply of housing, the totality of the harms that I have identified above would still significantly and demonstrably outweigh the benefit arising from the provision of a single extra residential unit.

Conclusion

28. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal proposal would fail to accord with the development plan as a whole and that the appeal should be dismissed.

Richard Schofield

INSPECTOR