
Appeal Decision

Site visit made on 4 April 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/B1930/W/16/3165946
63 Oakwood Road, Bricket Wood 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 5/16/2565, dated 16 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is change of use from residential premises to medical centre, alterations to openings, rear access ramp and new parking facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the development on housing stock in the Borough, and
 - (ii) the effect of the development on highway safety.

Reasons

Housing stock

3. The appeal property comprises a detached bungalow at No. 63 Oakwood Road (No. 63) located in a predominantly residential area. The property is set back from the road behind a front driveway with a spacious garden at the rear. The neighbouring property at No. 65 has been converted from a dwelling to a dental surgery and a small local shopping centre lies to the east at Nos 95-127 Oakwood Road.
4. Policy 10 of the St Albans District Local Plan Review 1994 (LPR) seeks to normally resist the net loss of dwellings through, amongst other things, a change of use. It states however that a number of exceptions will be made, including for medical uses serving the local community¹, where compatible with the environment of the area and where suitable non-residential properties or sites are not available.

¹ LPR policy 10 (iv)

5. The proposed private medical facility would include one doctor consulting room, a new rear access ramp, internal alterations and car parking to the front and rear of the property with associated landscaping. The development characteristics differ from the previous dismissed appeal scheme on the site in 2016² that comprised of two doctor consulting rooms and the car parking at the front. The Council in line with the previous Inspector's decision accepts that the appeal scheme would serve the local community and that there are no other suitable non-residential properties or sites for new buildings that are available in accordance with the relevant requirements of LPR Policy 10 (iv). Based on the evidence before me I see no reason to take a different view in respect of this appeal.
6. Turning to the other elements of LPR policy 10 (iv), the Council's main concern as set out in their putative refusal reasons is that the proposed rear car parking area would not be compatible with the environment of the area. The appellant outlines that the proposed rear parking area has been provided to address the previous Inspector's concerns regarding the number of parking spaces and the visual impact of the location of the car parking area at the front of the property. LPR Policy 39 (iii) requires that parking provision must be acceptable in terms of visual impact, landscaping and amenity of adjoining properties and must not substantially reduce the amenity of private gardens.
7. The proposed rear car parking area would be located immediately adjacent to the gardens of the adjacent dwellings to the west, north-west and north-east of the appeal site. Whilst siting of the access driveway to the car park alongside the boundary with the adjacent dental practice at No. 65 together with the proposed additional landscaping and boundary treatment would help reduce the impact of the proposal to some degree, given the surrounding uses and the close proximity of the car parking area to the adjacent properties, it would introduce an uncharacteristic form of development into the area.
8. The intensity of use associated with the proposed car parking area would be likely to be materially different in its planning character to the surrounding residential uses. In particular, it is likely to lead to vehicular comings and goings and other activities associated with the users of the car park of a higher intensity of use than the surrounding uses that would result in increased levels of noise and disturbance in the gardens of the neighbouring properties. The occupants of these properties use these areas to carry out gardening and leisure activities, particularly during the summer months, where they would currently enjoy the quiet ambiance that contributes to the character of this primarily residential area. I therefore consider that the proposed parking area would adversely harm the character and the amenity of the area.
9. The appellant considers that based on the proposed opening hours from 08.30 to 18.00 Monday to Friday, the occupiers of the neighbouring properties would not be disturbed at unsociable hours. However, such activities associated with the users of the car park would be relatively frequent during the opening hours of the medical facility. The appellant also argues that many medical facilities are located within residential areas and that they are unaware of any noise or public health complaints being made with the Council regarding the adjacent dental practice at No. 65. However, no substantive evidence has been provided to support this claim and the development characteristics of the

² APP/B1930/W/16/3142613

adjacent dental practice differs from the appeal scheme with the car parking focused at the front of the premises and the garden area retained at the rear. I therefore accord these matters limited weight.

10. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites and therefore in these circumstances, the loss of a residential property without compelling justification should be resisted. The proposal would result in the loss of a 3 bedroom dwelling which has to be balanced against the provision of a medical facility to serve the local community. I have not been presented with any evidence to suggest that the loss of a single dwelling would be harmful to, or would impede the ability of, the Council to otherwise meet its housing targets and boost housing supply along the lines set out in the National Planning Policy Framework (the Framework).
11. The evidence before me clearly shows that the proposed private medical facility would serve the needs of many in the community and provide choice. The appeal scheme would provide a service for the community in a sustainable location close to local facilities and public transport and therefore would accord with the Framework's objectives, in particular in paragraph 17 of supporting community facilities such as those to meet local health needs.
12. However, notwithstanding the above, I have found that the appeal proposal would not satisfy all the requirements of LPR Policy 10 (iv) 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.
13. Consequently, I conclude that the proposal would result in the loss of a residential property which has not been adequately justified as an exception to saved LPR Policy 10. The development would cause material harm to the character and the amenity of the area and as such conflict with saved Policies 9, 10, 39 and 69 of the LPR. These policies, amongst other things, seek to ensure that all development will be of a high standard of design that respects the character of the surrounding area and protect the amenities of nearby residents from factors such as noise and disturbance. The proposal would not accord with the aims of the Framework that development should seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Highway safety

14. The appeal proposal includes the provision of two car parking spaces to the front and six car parking spaces to the rear of the property including two disabled parking spaces. The vehicular access is provided via an accessway between Nos. 63 and 65 to the rear car parking area off the residential road at the front.
15. The number of spaces provided would be accordance with the Council's car parking standards and addresses the previous Inspector's concerns relating to the parking provision on the site. The Council, however, have raised concerns regarding the internal access arrangements and the potential conflict between pedestrians and vehicles using the rear parking area and the accessway, which narrows to about 2.7m adjacent to the rear of the building.

16. Paragraph 32 of the Framework states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people.
17. From the evidence provided and from my observations on site, I consider that the proposed rear parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the proposal. The narrowness of the accessway and the layout of the parking area with no specific turning facility would severely restrict the users of the parking area, particularly parking spaces P3 and P4 on the submitted plan, due to their location close to the rear boundary of the site. This would significantly reduce the ability of drivers to use the proposed car parking spaces safely so that they may enter and leave the site in a forward gear. This would result in potential conflict between traffic and the pedestrians using the parking area, accessway and the proposed rear access ramp, particularly at busy times, contrary to highway safety.
18. I note the appellant's comments about the access and parking arrangements, including the proposed closure of one of the vehicle crossovers to the appeal site and that the Highway Authority raised no highway objections. However, I have assessed not just the numerical provision but the local prevailing circumstances, and I consider that this would not outweigh the site's significant shortcomings I have identified in this case.
19. Consequently, I conclude that the proposed development would have an adverse effect on highway safety. It would conflict with Policy 39 of the LPR which seeks to ensure development includes satisfactory off-street parking provision and layout. The proposal would conflict with paragraphs 32 and 35 of the Framework, which seek to ensure that a safe and suitable access to the site can be provided for all people and that a safe and secure layout can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

Other matters

20. The Council has raised concerns regarding the potential impact of the development on a large Ash tree immediately adjacent to the proposed accessway into the rear car parking area. I note the appellant's comments that the tree is not protected by a Tree Preservation Order and that the viability of this tree was not raised previously by the Council. I consider that this matter could be dealt with by the imposition of an appropriate condition relating to the submission of a detailed method statement in order to ensure that the tree is adequately protected if the appeal were to be allowed.
21. I have noted the local support including a petition for the proposal on the basis of the benefits and the local need for the proposed medical facility, the appeal scheme would be acceptable and that sufficient parking would be provided. However, these matters are addressed above.
22. I have noted the objections raised by local residents and a petition against the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR