



Appeal Decision

Site visit made on 27 June 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 08/08/17

Appeal Ref: APP/W1905/W/17/3172115

1 Hargreaves Avenue, Cheshunt, EN7 5BD

- 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 B Musk against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1402/F dated 21 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is conversion of 1 Hargreaves Avenue to 2no. separate residential units.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion of 1 Hargreaves Avenue to 2no. separate residential units in accordance with the terms of the application, Ref 07/16/1402/F, dated 21 December 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: 12467-P020-C.
 - 3) Details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) hard surfacing materials.The landscaping works must be completed in accordance with the details approved under the terms of this condition before any part of the development is occupied.

Main Issue

2. The main issue is the effect of the development on the living conditions of future residents, with particular regard to whether the proposed development would result in the creation of a substandard unit.

Reasons

3. The development involves the partitioning of the existing building in to two separate units. The ground floor accommodation would comprise a one bedroom flat with a terrace to the rear. The upper floors would comprise a two storey duplex flat, accessed through a shared front entrance door at ground

floor level. To the rear of the building there are waste and cycle stores, and a small communal garden accessed through an alleyway to the side of the building.

4. The Council consider that the upper floor unit does not meet the DCLG nationally described space standard (April 2015) of 70 square metres which applies for a two storey, two bedroom dwelling. The Council have provided calculations indicating that the total area of the accommodation in question is 59.7 sqm plus 2.75 sqm storage, although I note that these calculations appear to exclude some internal walls. The appellant disputes this, stating that the gross area of the upper floor unit including storage is 73.77 square metres although limited information is provided as to how this measurement was arrived at.
5. Notwithstanding the alleged technical breach of the national standards, no significant evidence has been provided by the Council as to what it considers to be the harmful effect of the small unit size. The accommodation in question has an efficient layout comprising two bedrooms and bathrooms, with an open plan living area and built in storage. All rooms have natural light and a relatively open outlook. External amenity space is provided in the form of a shared garden. Whilst this area is small, it would nonetheless serve a functional purpose for future residents. I also note that the proposal complies with the Council's own adopted Borough Wide Supplementary Planning Guidance (adopted 2004 – updated 2013) (SPG) which sets out a minimum unit size of 60 square metres for a three person flat. Saved Policy H8 of the Local Plan Second Review 2001-2011 (LPSR) allows for a flexible approach in achieving a good quality of residential development and I consider that on this occasion the size and layout of accommodation are acceptable in their own right.
6. Concern is also expressed about the location of the bin stores. These are approximately 22.5 metres walking distance from the front door via an alley to the side of the building. Accessing them would also involve walking up and down the internal staircase from the entrance of the upper floor flat. It is a reasonable assumption that any potential occupant of this unit will be mobile enough to walk up and down these stairs as they would need to do so every time they go in and out of the flat. I do not therefore consider that a further 22.5 metre walk to the bin store would result in unacceptable living conditions for these future residents. Any noise experienced by occupiers of the ground floor flat resulting from the occupant of the upper floor flat accessing the bin store would be temporary and broadly consistent with other occasional noise arising from the adjacent road and parking spaces.
7. Overall I find that the proposed development would provide an acceptable standard of living accommodation for future residents. There is no conflict with the objectives of saved Policy H8 of the LPSR, the SPG and the relevant parts of the National Planning Policy Framework which, amongst other things, seeks to ensure that new residential development meets the needs of existing and future residents through providing a good quality living environment.

Other matters

8. I note the concern expressed by a third party that the division of the building would result in additional overlooking. However the proposal does not involve the construction of new windows on the upper floor levels of the building that would materially affect the relationship between the residential accommodation

in the appeal building, and those that surround it. I therefore concur with the Council's assessment in the officer's report that the development would not result in any additional overlooking of surrounding residential buildings.

9. I note that the Council express concern about the proportion of front garden area given over to shared car parking. However, this arrangement is shown on the plans as existing. It is not clear on the basis of the evidence before me whether this arrangement has previously been approved by the Council. In any case, I do not consider that it would be harmful to the character and appearance of the area. No evidence has been presented that the proposed parking arrangement would result in highway safety concerns.
10. I have also considered the more general concern expressed by the Council that the development would result in an intensification of residential use which is considered to be inconsistent with the townscape, character and appearance of the surrounding area. Whilst I observed that many of the surrounding buildings are terraced or semi-detached dwellings, the subdivision of the appeal building in to two separate flats would not have any significant effect on its external appearance. Furthermore, I have found that the development would provide an acceptable standard of living conditions for future residents. No significant evidence has been presented by the Council as to how the proposed use would otherwise result in harm to the character and appearance of the area, which is not in any case reflected in its reason for refusal.

Conditions

11. In addition to the standard conditions relating to the statutory time limit and stipulating the approved plans which are necessary in the interests of certainty a further condition has been added requiring details of the landscaping surrounding the building. This is necessary to ensure that the appearance of the development is satisfactory and that an acceptable standard of external amenity space is provided for future residents.

Conclusion

12. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed.

Neil Holdsworth

INSPECTOR