
Appeal Decisions

Site visit made on 21 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 September 2017

Appeal Ref: APP/W1905/W/17/3174171

28 Park Lane, Waltham Cross, Hertfordshire EN8 8BE

- 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 Calogero Ricotta against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1047/F, dated 24 October 2016, was refused by notice dated 31 January 2017.
 - The development proposed is a change of use from a 6 room HMO to an 8 room HMO.
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Appeal Ref: APP/W1905/Y/17/3174172

28 Park Lane, Waltham Cross, Hertfordshire EN8 8BE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Calogero Ricotta against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1269/LB, dated 24 October 2016, was refused by notice dated 31 January 2017.
 - The works proposed are alterations for a change of use from a 6 room HMO to an 8 room HMO.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. I have used the description of the development and works as written by the Council and adopted by the appellant on the appeal forms. The development has already been undertaken and the property is used as an 8 bedroom house in multiple occupation (HMO).

Main Issues

3. The main issues in these appeals are;
 - The effects of the scheme on the standard of accommodation provided and on the special interest of the listed building
 - The effects of the proposal in relation to parking
 - The effects of the proposal in relation to bin storage.

Reasons

The effects of the scheme on the standard of accommodation provided and on the special interest of the listed building

4. The appeal relates to one of this pair of semi-detached properties in residential use. The pair of properties is said to date from the early to mid-19th Century. They are of an attractive and interesting design and they are grade II listed buildings.
5. No 28 has been sub-divided internally to create 8 individual rooms, some with small en-suite facilities and a few with small and limited kitchen facilities. Other separate kitchens and bathrooms are also present. Although I have not been provided with any indication of the original internal layout, the existing layout includes, amongst other things, the blocking up of a door-way which effectively separates the single storey rear section of the property from the rest.
6. All of the rooms that I observed were provided with a double bed, apart from room 5 which was empty at the time of my visit. In most of the rooms this meant that space was very limited. In the attic rooms, space was further restricted by the limited head-room under the sloping roof. The Council makes reference to its Supplementary Planning Guidance in relation to room sizes. It concludes that only 3 of the rooms satisfy the size criteria for double rooms. The appellant argues that the rooms are of sufficient size for single occupancy. Whilst this may be the case, each room that contained furniture was provided with a double bed, the effects of this are two-fold: firstly it reduces the space within the room (as compared to a single bed); secondly it is likely that 2 people will occupy it, which puts more pressure on the limited available space. Apart from the small kitchen areas, there is no internal communal space which could provide relief from the limited space within the bedrooms. In addition, representations submitted indicate that the use of the external space for communal activities gives rise to noise and disturbance to neighbours.
7. In relation to the internal layout, from the evidence that has been submitted, it seems to me that this has resulted in alterations that have significantly changed the original plan form of the property. Not least of which is the effective separation of the rear section from the rest of the property.
8. In relation to these points, I consider that the layout does not provide a suitable level of accommodation by reason of the size of the rooms and the lack of suitable communal rooms. This has also resulted in harm to the internal layout which fails to preserve the special architectural and historic interest of the listed building. As a result, the conversion is contrary to Policies H8, H9, HD5, HD16 and the Interim Policies for Houses in Multiple Occupation of the adopted Local Plan.

Parking

9. The property has space at the side for 2 cars to park in a tandem fashion. Although some properties in the area have off-street parking, it was notable at my site visit that on-street parking is heavy. It is reported that parking takes place in the area which results in the driveways of properties being blocked and I can appreciate that this is a source of concern for local residents.

10. Balanced against this, I note that the site is within close proximity of the town centre and alternative forms of transport; the Council have acknowledged this to be the case. The Council's parking standards require 0.5 spaces per unit in HMOs and on this basis 4 spaces would be required. They add that, due to its favourable location, the requirement can be reduced by 25%, this would mean that 3 would be required. When compared to the actual provision, this is a shortfall of 1 space. Notwithstanding the heavy on-street parking in the area, I am mindful that the National Planning Policy Framework advises that development should only be prevented on transport grounds where the impact is severe. Whilst I can understand the concerns that have been expressed, I do not find that the shortfall of 1 space would have a severe effect.

Bin stores

11. The existing refuse and recycling bins are located on the narrow site frontage. It is stated by the Council that this provision is both inadequate and an eyesore. It seems to me that the very limited provision that was on site at my site visit would be unlikely to meet the needs of the building. However, if the appeals had been successful, it seems to me that there is adequate space at the side of the property to provide for the needs of the building. Whilst this may reduce the outside amenity area to a degree, I do not consider that this would be unacceptable. Therefore, I consider that, if the scheme had been acceptable in other respects, conditions to secure adequate bin and recycling storage could have been included.

Conclusions

12. Whilst I have agreed with the appellant in relation to parking and the provision of bin and recycling storage, the development has resulted in accommodation which is inadequate and does not provide for the residents that it serves. It has also resulted in harm to the significance of the listed building. I have taken account of all matters raised in the representations but there is nothing which outweighs the harm that I have identified. Therefore, the appeals are dismissed.

S T Wood

INSPECTOR