
Appeal Decision

Site visit made on 24 October 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 6th November 2017

Appeal Ref: APP/N1160/W/17/3179173

1 Crownhill Road, Plymouth PL6 5AG

- 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 Ahmed Hussain against the decision of Plymouth City Council.
 - The application Ref 17/00926/FUL, dated 25 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is a two storey rear extension forming three single bedroom flats with external storage and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on highway safety and living conditions of nearby residents arising from any on-street parking; and
 - ii) whether or not adequate standards of accommodation would be provided in terms of the internal floor spaces of the flats.

Reasons

Parking

3. The appeal property is at the end of a shopping frontage on Morshead Road and adjacent to the junction with Crownhill Road which is a main dual carriageway. It is within a local shopping centre and accommodates a shop and two flats at present. The proposed extension would result in there being a total of 5 flats in addition to the shop while no off-street car parking space would be available within the site.
4. I noted on my visit that all of the surrounding roads in the immediate vicinity are subject to parking restrictions. The only available on-street parking spaces are either subject to residents parking permits or time-limited waiting, both of those restrictions applying during the day time on 6 days per week. There is a public car park nearby that provides free parking for up to 3 hours.
5. The site is therefore within a controlled parking zone which operates for more than 6 hours a day and 6 days per week. In such locations the Council's

Supplementary Planning Document¹ (SPD) in paragraph 8.5.2 states that development proposals without off-street parking could be acceptable. The proposed flats are not stated as being intended for occupation by students or any other group but nonetheless they could be occupied by people without cars.

6. Indeed the proposal would have good accessibility to a range of local shops and facilities for everyday needs within the local shopping centre and there are good bus connections to the wider urban area including the city centre. The proposal would in addition include provision for covered bicycle storage within the site. Thus there would be good accessibility by sustainable means of transport and car ownership would not be necessary.
7. The Council's parking standards are set out in the SPD. For 1 bedroom dwellings a maximum of 1 parking space per dwelling is required. The standards make no provision for any reduced level of parking in accessible locations or where there is good public transport as would be expected under paragraph 39 of the National Planning Policy Framework (the Framework). However because the relevant standard is for a maximum level of provision this would allow for no provision where this is justified.
8. Given the lack of on-street parking spaces in the immediate area and the high level of accessibility by alternative means I find it very likely that the proposed flats would be occupied by people who do not own a car. Visitors arriving by car would be able to use the public facility. For these reasons I find it unlikely that the proposal would result in any significant level of on-street parking. The Council has not provided any evidence of any specific highway safety issue in the area resulting from on-street parking or of any harmful effect on residents' living conditions in this respect. I conclude on this issue that the proposal would not result in undue harm to highway safety or to the living conditions of nearby residents arising from any on-street parking.
9. Policy CS28(4) of the Core Strategy² (CS) requires application of the Council's car parking standards in order to ensure highway safety. As I have found that there would be no undue harm in this respect the proposal would accord with that policy. On a similar basis the proposal would accord with policy CS34 which requires public safety and meeting the parking requirement arising from necessary car use.
10. The Plymouth & South West Devon Joint Local Plan (JLP) (2017) has been submitted for examination. Although it is at an advanced stage until its policies have been examined only limited weight can be given to them. Nevertheless the proposal would accord with draft policy DEV31 of the JLP which has a similar requirement to the above policies.

Floor Spaces

11. The planning officer's report states that the Council cannot demonstrate a 5 year supply of deliverable housing sites and that the supply stands at either 2.17 years or 1.8 years depending on which percentage buffer is applied to the housing requirement. Under paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up-to-date in these circumstances. Policy CS15 of the CS makes provision for the number of

¹ Plymouth City Council Development Guidelines Supplementary Planning Document First Review (2013)

² Plymouth City Council Core Strategy (2007)

dwelling to be built in the plan area and in terms of its overall requirement is a policy for the supply of housing. However the policy also contains a number of detailed requirements which read individually do not directly concern the supply of housing. One of those detailed requirements is in part (5) of the policy which requires all new dwellings to be of sufficient size to provide satisfactory levels of amenity for future occupiers.

12. Guidelines on the minimum internal floor spaces required to achieve this are provided in the SPD. However those specific guidelines have been superseded by the introduction of the nationally described space standard³ (the national standard). A Written Ministerial Statement (WMS) of 25 March 2015 explains that this standard can only be applied if there is a relevant current Local Plan policy. The WMS also states that any policies contained in supplementary planning documents are to be interpreted by reference to the nearest equivalent new national technical standard. The requirement of policy CS15(5) of the CS is consistent with national planning policy as set out in the Framework. As this part of the policy is not specifically a policy for the supply of housing it is not out-of-date on the basis of the lack of a 5 year housing supply. For these reasons I find the policy to be relevant and current and on this basis that the national standard should be applied.
13. The relevant standard in the SPD requires a minimum floor space of 40 m² for a one bedroom flat and does not distinguish between one and two person flats in this respect. The national standard provides a greater level of detail in that there is a distinction between one bedroom flats which are to be occupied by a single person and those to be occupied by two people. As the bedrooms in the proposed flats would exceed the minimum floor space standard for double or twin bedrooms⁴ the flats would each be capable of accommodating two people. The proposed first floor flats at 40.9 m² and 44.2 m² would fall some way short of the national standard of 50 m² for a 1 bedroom 2 person flat. This standard should take precedence over the SPD standard as required by the WMS. For these reasons I find that the proposal would not accord with policy CS15 of the CS.
14. Policy DEV10 of the JLP includes a requirement for new dwellings to be of sufficient size to provide good quality accommodation in accordance with the national standard. The proposal would not accord with that policy but this carries limited weight given that the policy has not been examined. In the appeal⁵ drawn to my attention the relevant national technical standards did not form part of development plan policy and that case differs from the appeal proposal in this respect for the reasons given above. I conclude on this issue that the proposed first floor flats would not provide adequate standards of accommodation in terms of their internal floor spaces.

Other Matter

15. The planning officer's report refers to the lack of proposed outdoor amenity space which would consist of two strips of land around the extension. This would not appear to accord with the SPD guidance in this respect and is related to the second main issue in terms of the overall standard of the

³ Department for Communities and Local Government technical housing standards – nationally described space standard (March 2015)

⁴ Which is 11.5 m² in the national standard

⁵ Ref APP/P0119/W/16/3155791

accommodation to be provided. However as this matter does not form a reason for refusal I have not considered this as a main issue and it is not determinative in my decision.

Overall

16. Paragraph 14 of the Framework provides that where relevant policies for the supply of housing are out-of-date as in this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The provision of high quality homes is a requirement of paragraph 50 of the Framework while paragraph 17 requires high quality design and a good standard of amenity for future occupants. The shortfalls in the floor spaces of two of the three proposed flats against the national standard clearly conflicts with these national policy requirements and on this basis the adverse impacts carry considerable weight.
17. There is a significant shortfall in the identified housing supply and the proposal would help to address this albeit on a small scale. However the substandard nature of two of the proposed units substantially negates any benefit in this respect. For these reasons the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
18. The proposed ground floor unit would accord with the relevant standards and in as far as it would contribute to meeting housing supply this would meet the social and economic dimensions of sustainable development. The lack of harm to highway safety and to living conditions of nearby residents would accord with the three dimensions of sustainable development. However my findings with regard to the standard of the proposed accommodation in two of the flats weigh considerably against the social and economic dimensions. For these reasons when considered as a whole the proposal would not be sustainable development.
19. While I have found that there would be no harm in terms of highway safety and the living conditions of nearby residents and that the proposal would accord with development plan policies in these respects there would remain conflict with a key policy provision and for this reason the proposal would not accord with the development plan when read as a whole. Material considerations do not indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

20. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR