



Appeal Decision

Site visit made on 13 May 2019

by Steven Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2019

Appeal Ref: APP/Y1945/W/19/3220904

1 Wellstones, Watford, Hertfordshire, WD17 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr Imran Dhanji (ISE Investments LTD) against the decision of Watford Borough Council.
 - The application Ref 18/01306/OPD, dated 4 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the change of use from light industrial use Class B1(c) to residential use Class C3.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) for the change of use from light industrial use Class B1(c) to residential use Class C3 at 1 Wellstones, Watford, Hertfordshire, WD17 2AE. Approval is granted in accordance with the terms of the application Ref 18/01306/OPD, dated 4 October 2018, and the plans submitted with it.
2. In addition to the above, it should be noted that Paragraph PA.2(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) requires that development permitted by Part PA is to be completed within a period of three years starting with the prior approval date. Paragraph W (12) requires that the development must be carried out in accordance with the details provided in the application.

Procedural Matter

3. The description of the development in the banner heading above is taken from the appeal form, as there is no description on the application form. The description above is consistent with that on the Council's decision notice.

Application for costs

4. An application for costs was made by Mr Imran Dhanji against Watford Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposal would comply with the express terms of permitted development set out in Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

Dwelling Use

6. Schedule 2, Part 3, Class PA of the GPDO (as amended) permits development consisting of the change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.
7. The Council's first reason for refusal concerns the quality and size of the proposed bed-sit/studio accommodation units which, in their opinion, falls short of the basic standards for internal floor areas and would result in oppressive and cramped living environments with poor outlook. Furthermore, several of the units would not have any windows, based on the submitted plans. However, the size of individual dwellings to be formed by the change of use and whether they would have windows/ventilation is not a condition of the GPDO for such a change of use.
8. The Council states that the poor level of accommodation is such that the proposed units would not be dwellings and therefore would not benefit from permitted development under Part PA. However, whilst the bed-sits/studio units would be small, it has not been sufficiently demonstrated that the units would not be able to form a self-contained dwelling with day-to-day living facilities. A lack of detail as to means of escape or ventilation, with this application, for example, does not result in the proposed development not being for new dwellings.
9. As such, the proposal is to convert the existing light industrial building to residential (Class C3) and I am content this would be the result of this change of use if implemented.

External Works

10. The appellant has clarified that following a change of use they may submit a full planning application for other external works. However, currently the appellant has confirmed that they do not intend to do any external works but are aware that they would need planning permission to undertake external works and alterations. As no external works are currently proposed, the possible future alterations and development is not a sufficient reason as to why this current proposed change of use would not be permitted development under the GPDO.

Bin storage

11. The bin storage reason for refusal was reasoned by the Council as relating to harm to the visual amenities of the area, which is not a matter that the GPDO states can be considered under the prior approval mechanism. The Council has also argued in their statement that an overflow of bins and waste could result

in highway issues, but there are no substantive details of this impact or the harm it would cause.

12. Nonetheless, the appellant has supplied information to show refuse and recycling storage areas which they state would be emptied daily by a private contractor. The Council states that larger and better located bin stores are needed and that it would usually be the Council that would provide the waste collection service to residential properties. However, this does not sufficiently demonstrate that the indicated refuse areas would result in significant disruption or obstacles to the surrounding highway network or transport related issues.

Cycle Storage

13. The building is in a highly accessible location in the centre of Watford, but cycle provision would be beneficial. Furthermore, the appellant has submitted a plan and further information on these matters which shows double stacked cycle storage for 16 bicycles inside the building with the proposed plans. Though I recognise the area is tight for this provision and there may be less than 16 bicycles that can be stored, it has not been clearly demonstrated this would have a significant impact on the transport and highways of the area. Therefore, I do not regard the proposal to have an adverse effect on highways or transport.

Parking Provision

14. In regard to parking provision, there is none proposed in association with the proposed change of use under Class PA. These bed-sit studios would not have associated parking, but as mentioned above, this is a particularly accessible area where car-free development could be acceptable. Furthermore, with the appeal the appellant has submitted a Unilateral Undertaking. This obligation removes the right of the future occupiers of the units to apply for a parking permit, to allow parking within the Watford Controlled Parking Zone.
15. The obligation submitted by the appellant requires a financial contribution of £2000 towards the administrative costs for variation of the relevant Controlled Parking Zone Order to exclude future occupiers of the units from their entitlement to apply for a residents parking permit. The obligation would be paid before the development commences and provides a notification period to the Council. The Council has confirmed that this would address the third reason for refusal.
16. The Unilateral legal agreement, in this area where there is a lack of sufficient parking provision for local residents and visitors/workers is considered necessary, relevant and fairly related to the development proposed as required by CIL Regulation 122. It therefore addresses the issue of parking provision, with no significant adverse effect on the highways or transport network in the area.

Conclusion

17. Overall, I recognise that the proposed units are small and that, for example, living without a window would not be a positive living environment. However, the provisions of the GPDO 2015 require the decision makers to solely assess the impact of the proposed development in relation to the conditions given in

paragraph PA.2. The appellant has also made clear that they are not proposing any external works at this stage.

18. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Steven Rennie

INSPECTOR