
Appeal Decision

Site visit made on 8 May 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/N1920/W/19/3221817

10 Strafford Gate, Potters Bar, Hertfordshire, EN6 1PN.

- 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 Bo Hollist against the decision of Hertsmer Borough Council.
 - The application ref: 18/1795/FUL, dated 10 September 2018, was refused by notice dated 12 November 2018.
 - The development proposed was originally described as: "Conversion of large private dwelling house into 2 self-contained flats with private amenity space and formation of car parking spaces. Minor elevation changes from approval: 17/2335/HSE."
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and chimney and erection of 2 storey side and rear extensions. Conversion of loft into habitable room with side and rear dormers and sub-division of the property into 2 x 2 bed self-contained flats with amenity space and car parking at 10 Strafford Gate, Potters Bar, Hertfordshire, EN6 1PN, in accordance with the terms of the application ref: 18/1795/FUL, dated 10 September 2018, subject to the conditions set out in Annex A to this decision.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form.
3. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered, which is identical to that used by the Council. The Council's description of development more fully and accurately reflects the proposal before me and I have therefore elected to use it in my formal decision.
4. Following determination of the planning application the subject of this appeal the Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

Main Issue

5. The main issue here in this case is whether the conversion of the property into two flats would be deficient in respect of internal floor areas and off-street car parking provision.

Reasons

6. 10 Strafford Gate is one of a pair of semi-detached houses erected during the inter-war period. It is located within a mixed residential area, including both semi-detached houses and bungalows that for the most part appear to be in single family occupation. A number of the nearby houses have also been the subject of two storey extensions. The appeal site is sustainably located close to Potters Bar railway station and town centre. There is limited kerbside parking opposite the site.
7. Of relevance to my determination of this appeal is the grant of planning permission under ref: 17/2335/HSE dated 6 February 2018 for the erection of side and rear two storey extensions following removal of detached garage and chimney; conversion of loft to habitable room including side and rear dormers; erection of gable porch following removal of existing. I have been provided with a copy of that planning permission and of the approved drawings.
8. The scheme before me is almost identical to that permitted in 2018, with the exception of very minor alterations detailed on Drawing nos. 17 184 009 and 17 184 010. However, to all intents and purposes the works to the exterior of the building are the same as those already permitted. The 2018 planning permission remains extant.
9. Internally, the previous permission to create a 5 bedroom house is subject to change in order to sub-divide the dwelling into two, 2 bedroom self-contained flats. The rear garden would be divided into two separate parcels and two parking spaces are proposed within the front garden, as shown on Drawing no. 17 184 012 Rev B.
10. The Officer's Report suggests that the creation of flatted development would be out of keeping with the prevailing pattern of development in the area. However, Policies SP1 and SP2 of the Core Strategy¹ and national policy at Chapter 5 of the Framework² highlight the need to significantly increase the supply of houses within appropriate areas. Moreover, Policies CS1 and CS2 emphasise the need to make provision for new houses within the Borough, particularly in accessible locations such as this within existing urban areas.
11. Given that the scheme is for two flats only, I have concluded that it would not have a profound or unacceptable impact upon the established character of its surroundings. As such, I see no objection in principle to the conversion as proposed.
12. The Council has raised concerns regarding the gross internal floor area of Flat 2 by reference to Part D of its Design Guide SPD³.
13. I note from the submitted drawings that Flat 2 has a gross internal floor area of 65.6m². This exceeds the minimum gross internal floor area as set out in the standards of 61m² for a 2 bedroom, 3 person one storey dwelling and is only marginally less than the required standard of 70m² for a 2 bedroom, 4 person one storey dwelling. The Council has also failed to take any account of the additional habitable space that would be created by the loft conversion.

¹ Hertsmere Local Plan Development Plan Document - Core Strategy (January 2013).

² The National Planning Policy Framework (February 2019).

³ Hertsmere Local Plan Supplementary Planning Document - Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (Draft for Executive September 2016).

14. I am therefore satisfied that the proposed gross internal floor area in respect of Flat 2 would provide an acceptable standard of living accommodation for future residents of the unit.
15. In terms of car parking provision, the scheme would accord with the Council's Parking Standards SPD (July 2014) as detailed in the report prepared by Paul Basham Associates dated 9 November 2018. That report sets out the relevant parking standards and the reduction in provision permitted within residential accessibility zones.
16. The appeal site is located within a residential accessibility zone, such that the proposal would give rise to a requirement for two off-street car parking spaces. These can be provided on site, as indicated on Drawing no. 17 184 012 Rev B. I am satisfied that the revised parking arrangements are acceptable and that they would not give rise to any conflict between vehicles entering and leaving the site.
17. I have therefore found upon the main issue that the conversion of the property into two flats would not be deficient in respect of internal floor areas or off-street parking provision and that development as proposed would accord with the design, parking and sustainability aims of national policy at Chapter 12 of the Framework, Policies CS22, CS25 and SP1 of the Core Strategy, Policies SADM3, SADM30 and SADM40 of the SADM Policies Plan⁴ and the Council's Design Guide and Parking Standards SPDs.

Other Matters

18. I have noted the internal layout of the two flats, as indicated on Drawing no. 17 184 009 Rev A.
19. The principal living accommodation to the first floor unit would be located to the front of no. 10, such that there would be no unacceptable harm to the privacy of adjacent residents.
20. Any overlooking from the rear-facing bedrooms of Flat 2, including from the loft accommodation, would be little different to that associated with the existing bedroom accommodation at the property. Condition 4 as imposed will ensure that the privacy of neighbouring occupiers at 8 Strafford Gate is safeguarded.

Conditions

21. I have considered the conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance.
22. I have amended the wording of suggested Condition 2, given that details of the facilities for the storage and recycling of refuse have already been provided as part of the planning application (see Section 14 of the application form and Drawing no. 17 184 012 Rev B).
23. Condition 5 seeks the submission for prior approval of a Construction Method Statement. However, no such condition was imposed in respect of planning permission ref: 17/2335/HSE and, given that this is not a major scheme, I do not consider one to be warranted in this case.

⁴ Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (November 2016).

24. I find the balance of the conditions to be both reasonable and necessary in the circumstances of this case, although I have amended the wording of certain of them in the interests of clarity or consistency. It is also necessary for me to impose a further condition, as referred to above. My reasons are as follows:
25. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 is necessary in the interests of the amenities of the occupiers of the flats and the area generally. Conditions 3, 5 and 6 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
26. I note that a condition was imposed on planning permission ref: 17/2335/HSE requiring the windows within the first floor side elevation to be obscure glazed and non-opening below a height of 1.7m above finished floor level. I have imposed a similar condition in respect of this development (Condition 4) in the interests of safeguarding the residential amenities of adjoining occupiers.
27. Condition 7, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with the details set out at Section 14 of the application form and as indicated on Drawing no. 17 184 012 Rev B. The refuse and recycling storage facilities so provided shall thereafter be permanently retained.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be occupied until the bedroom and bathroom windows within the southwest elevation at first floor level have been fitted with obscured glazing to a level of Pilkington 3; and no part of those windows that are less than 1.7m above the floor of the room in which they are installed shall be capable of being opened. The windows shall thereafter be permanently retained in that condition.
- 5) No development above slab level shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the materials of hard surfaced areas and all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the site. Details of soft landscape works shall include levels measured against a fixed datum; planting plans; schedules of plants and proposed numbers/densities, where appropriate.
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details before the development hereby permitted is first occupied; and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. 17 184 001; 17 184 008; 17 184 009 Rev A; 17 184 010;
17 184 012 Rev B.