



Appeal Decision

Site visit made on 29 July 2019

by David Carter BSc MSc MRTPI

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

Decision date: 20 August 2019

Appeal Ref: APP/N1920/W/19/3223847

Europcar House, 77 Aldenham Road, Bushey, Hertfordshire WD23 2LX

- 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 Montreaux Limited against the decision of Hertsmeire Borough Council.
 - The application Ref 18/1128/FUL, dated 4 June 2018, was refused by notice dated 17 December 2018.
 - The development proposed is construction of three storey side extension to accommodate 1 x 1 bed and 4 x 2 bed flats with parking, bike store, bin store and associated works (Revised plans received 10 October 2018).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A separate planning application (18/1130/FUL) at the appeal site was granted on 17 December 2019. This permitted an additional floor through use of the roof space to provide further apartments and the laying out of shared amenity space alongside the southern elevation of the building. That approval also included a bike store and bin store which is similar to that proposed in the appeal. The local planning authority have confirmed by email dated 2 August 2019 that the bike store and bin store do not need to be considered as part of this appeal and I therefore make no further reference to them.

Main Issues

3. The effect of the proposed development on the character and appearance of the area; and, whether it would provide adequate living conditions for future and existing occupants, with regard to outdoor amenity space.

Reasons

Character and appearance

4. The proposal comprises a 3-storey extension to provide 5 flats to the southern side of Europcar House, a converted office building, coupled with provision of an area of shared amenity space to serve all residents, including those living in the main block. The extension would fill the space between the side of the main block to the boundary of the site to the front of the building. It would be stepped in height to broadly correspond with the height of the existing building on the adjoining site (no 75 Aldenham Road).

5. Europcar House is a large and attractive building built at the centre of the appeal site with most of the land surrounding the building utilised as surface car parking. The original design and construction of the building took advantage of the site depth to provide a 3-storey office block with a symmetrical design. The setting of the building in the centre of the site left significant spaces at either side, enabling views into the site and of the building, important sky gaps, as well as enabling the building to sit comfortably with 2-storey properties on adjacent sites.
6. The proposed extension has been designed to match the style of the main building, but it does impact on its openness and setting. The appellant asserts that the spaces to either side of the building were unplanned. I do not share that view since it appears to me they were integral to the original design, effectively enabling the bulk and mass of the office building within its context. It follows, therefore, that filling the space on one side must have an impact. The appellant's evidence suggests the impact of doing so on townscape is neutral, but I consider there would be harm. The 3 and 4 storey residential units on the opposite side of Aldenham Road have a terracing effect on the street scene. In my mind, this adds to the importance of the spaces on the appeal site and in relation to their contribution to townscape.
7. The appellant also suggests that the allocation of the appeal site for housing within the local plan gives a 'green light' for residential development to take place up to the boundary. I do not agree because most developments are set within the curtilage of their site and buildings occupy a proportion of that site curtilage. The positioning of buildings and related uses then take account of the site context. If the office building were to be demolished and re-developed then it is likely that the scale and positioning of new development would be different. I note the Council estimate the site capacity at 19 dwellings (Policy SADM1, site ref H8, Site Allocations and Development Management Policies Plan, 2016 (SADM)). I consider the residential conversion is consistent with the local plan allocation, providing the sustainable re-use of an existing building. I note that the number of dwellings provided (62 units before the extra floor is added by way of the approved roof conversion) already provides a density in excess of 100 dwellings per hectare. This is a higher density than the existing directly adjoining residential properties, but reasonable in its context.
8. In respect of impact on character and appearance I consider, therefore, that the proposed extension would have a harmful impact on the character and appearance of the area through the removal of the gap to the side of the main building. It would reduce openness and lead to overdevelopment of the site. The proposal is therefore contrary to the provisions of the development plan including, Core Strategy Policies SP1 and CS22 and Policy SADM30 of the Site Allocation and Development Management Policies Plan 2016, which seek high quality design which is appropriate in scale, appearance and function to the local context taking advantage of opportunity to improve the character and quality of an area. The Council have prepared Part D of the Planning and Design Guide SPD (draft September 2016) which sets out design requirements in more detail. I also consider that the proposal is contrary to the provisions of the National Planning Policy Framework when read as a whole.

Living Conditions

9. The appeal proposal includes a mix of private and shared amenity space to serve the needs of the future occupants of the proposed extension. The shared amenity space is also intended to serve the existing dwellings within the main block. The proposed shared amenity space is currently laid out as surface car parking. It is clear, however, that the proposed extension is to be built on land intended to be laid out as part of a larger shared amenity space to serve the residential block as part of approval 18/1130/FUL. It follows from this that the addition of the extension would reduce the amount of potential shared amenity space that has the benefit of planning permission. The resultant amount of overall outdoor amenity space available would not be sufficient to meet the needs of the occupants of both the existing and future occupants and consequently, would adversely affect their living conditions.
10. A further dimension is that the side extension is proposed to have its own shared access to the frontage of the site with no access provided to the rear, i.e. directly onto the shared amenity space. This means that in order to gain access to shared services including the shared amenity space, it would be necessary for future residents to use the main access to the existing block and/or the main side entrance on the opposite side of the main block.
11. Consequently, the limited amount of private amenity space and the restricted access to it would have a harmful effect on the living conditions of the existing occupants and fail to provide adequate living conditions for the future occupants of the proposed extension. As such, it would be contrary to Core Strategy Policies SP1 and Policy CS22 and Policy SADM30 of the Site Allocation and Development Management Policies Plan 2016, which seek high quality design which is appropriate in scale, appearance and function to the local context taking advantage of opportunity to improve the character and quality of an area. The Council have prepared the Planning and Design Guide SPD (draft September 2016) which sets out requirements in respect of amenity space in more detail. I also consider that the proposal is contrary to the provisions of the National Planning Policy Framework when read as a whole.

Other matters

12. The appellants have made reference to the value of the appeal proposal as a potential contribution to the Borough's housing land supply. I note that Hertsmere has a 5.1-year supply of housing land and the appeal proposal is of a relatively small scale. Accordingly, I do not consider this to be a matter that is sufficient to overcome my concerns set out above.

Conclusion

13. For the reasons stated above, the appeal is dismissed.

David Carter

INSPECTOR