



Appeal Decision

Site visit made on 3 February 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/N1920/W/19/3239980

2 Station Road, Borehamwood WD6 1DF

- 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 Andrew Landesberg against the decision of Hertsmere Borough Council.
 - The application Ref 19/0819/FUL, dated 21 May 2019, was refused by notice dated 19 September 2019.
 - The development proposed is demolition of existing cottage and erection of a 4-storey building comprising 2 x 3 bed maisonettes & 7 residential dwellings (1 x 3 bed, 5 x 2 bed, 1 x 1 bed) with 6 parking spaces and associated refuse and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing cottage and erection of a 4-storey building comprising 2 x 3 bed maisonettes & 7 residential dwellings (1 x 3 bed, 5 x 2 bed, 1 x 1 bed) with 6 parking spaces and associated refuse and cycle stores at 2 Station Road, Borehamwood WD6 1DF in accordance with the terms of the application, Ref 19/0819/FUL, dated 21 May 2019, subject to the conditions set out in the Schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Andrew Landesberg against Hertsmere Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal site address in the header and decision above is taken from the application form. The appeal form and Council decision notice also refer to the appeal property as 'Gasworks Cottage'.
4. The description of development in the heading above has been taken from the planning application form. 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. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

5. The main issue is the effect of the proposal in terms of associated parking on highway capacity and safety.

Reasons

6. The appeal site lies off Coleridge Way and Station Road, 2 cul-de-sacs linked by a pedestrian footway. Development in the area is a mix of houses and apartment buildings. The site is close to the railway station and town centre area that contains a broad range of shops and services.
7. Policy CS25 of the Hertsmere Local Plan Core Strategy 2013 (CS) sets out criteria to ascertain the quantity of off-street parking to be provided as part of new developments. The criteria include parking requirements as set out in Table 13 under CS policy CS25, having regard to the provisions of the Council's Parking Standards Supplementary Planning Document 2014 (SPD).
8. Under the terms of Table 13, the proposal should provide 18 parking spaces. As the site lies in Residential Accessibility Zone 3, the SPD allows parking provision of 50 to 100% of the standard requirement and so a minimum of 9 parking spaces should be included as part of the development. The Council's appeal statement also indicates that there is an additional need for a disabled parking bay and electric vehicle charging space, although the appeal plans show these included within the 6 spaces proposed.
9. As such, there would be a shortfall of off-street parking spaces included in the development when assessed against the SPD requirement. However, CS policy CS25 states that a number of other factors should be considered when assessing the appropriate level of off-street parking, including the site's location and local on-street parking conditions and controls.
10. Whilst noting comments on the reliability of public transport services, the proposal would be a short walk from the railway station as well as a number of bus services. Consequently, public transport would provide a realistic alternative to the car for some trips to and from the development. Moreover, it is likely that the future occupiers of the proposal would find it more convenient to walk, rather than drive, to facilities in the town centre and surrounding area. As such, the development would be located where there would be realistic opportunities for future occupiers to access a broad range of facilities by travel modes other than the private car. These travel alternatives suggest that future occupiers would be less likely to rely on car travel and so would be less likely to generate an additional demand for parking.
11. In addition, whilst parking is restricted at all times on the road immediately outside the appeal site, it is allowed for most of the day on stretches of nearby roads including Coleridge Way and Shenley Close. Parking time restrictions on local roads generally apply for short periods on Mondays to Fridays and would not prevent future occupiers of the proposal parking on the road at peak times during evenings, at night-time or at weekends.
12. The Council raise concern over the effects of additional on-street parking in the area. However, no evidence has been submitted that disputes the appellant's Parking Beat Survey that finds significant capacity for further overnight roadside parking within 200 m of the site and extra capacity further afield. Many of the properties in the area benefit from off-road parking facilities and the extent of roadside parking that is allowed in the vicinity suggests that any additional demand generated by the proposal would be safely accommodated.

13. The Council refer to a local knowledge of severe harm caused by roadside parking, particularly in the context of other recent nearby apartment developments. Nevertheless, there is no substantive evidence before me to support the claim of frequent gridlocked traffic, serious accidents or the demand for street parking being unsustainable. Hertfordshire County Council highway officers advise that the proposal would generate a minimal increase in traffic that would not be detrimental to highway safety or the free flow of traffic. Given that the future occupiers would not be heavily reliant on the private car, the apparent capacity of nearby roads to accommodate additional parking and the lack of substantive evidence that contradicts the highway officer's advice, I am satisfied the proposal incorporates sufficient parking, despite the shortfall of provision against the SPD requirements.
14. For these reasons, I conclude that the proposal would not cause harm by reason of associated parking to highway capacity or safety. Consequently, and in this regard, it would accord with policy CS25 of the CS, policy SADM40 of the Hertsmere Local Plan Site Allocations and Development Policies Plan 2016 and the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development includes appropriate parking facilities and avoids an unacceptable impact on highway safety. The proposal would not fully accord with the parking standards as set out in the SPD, but the other considerations set out above are of sufficient strength to collectively outweigh that non-compliance.

Other Matters

15. A number of other issues have been raised in respect of the proposal. The CS is inconsistent with the Framework which states that affordable housing should not be sought for residential developments of less than 10 units. Consequently, any conflict with the development plan in this regard is afforded limited weight and fails to provide justification to refuse planning permission.
16. The amount of outdoor space to serve the development would fall below the Council's standards, however this is permissible under the Council policy for higher density schemes of flats and maisonettes. Also, the development would be a short walk from a public open area that would provide nearby play space for future occupiers. Views from some ground floor windows would be onto parking spaces, but nevertheless, all the proposed units would be served with sufficient window space to provide an acceptable degree of outlook for future occupiers. The proposed hit and miss windows would provide a degree of daylight to internal spaces without significant loss of privacy. Overall, the proposal would provide good living conditions for future occupiers.
17. The proposed building would be larger than the existing house and would lead to a more intensive use of the site. Nevertheless, the development would be in keeping in terms of size and design with the adjacent blocks of flats and so would be compatible with the character of the area. Upper floor windows and balconies would be positioned and designed to prevent an unacceptable loss of privacy to neighbouring dwellings. The main overshadowing effect would be onto the car park to the north rather than onto any residential property. The space between the proposed building and adjacent housing would help avoid any significant overbearing effect or harm to outlook. Consequently, the development would be in keeping with the area and would secure a high standard of amenity for occupiers of adjacent properties.

18. The proposal incorporates an appropriate bin storage facility that would be surrounded by a fence and separated from the nearest dwellings by a walkway. As such, measures would be included to ensure bin storage would not cause an unacceptable odour effect. There is no evidence before me to substantiate the objections that the proposal would lead to anti-social behaviour at the local play area or that the proposed housing is not required. Planning conditions could reasonably be imposed that prevent the use of the walkway by vehicles and obstruction of the walkway during construction.
19. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issue.

Conditions

20. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision.
21. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development, although there is no need for a specific condition requiring the provision of the sedum roof as this is shown on the appeal drawings. To prevent an unacceptable loss of privacy, conditions are required that prevent the use of the roof as an amenity space and that require obscure glazing to some windows on the eastern elevation. For the same reason, I have imposed a condition that requires the approval of details and the provision of a louvred screen on the side elevation of the proposed third floor terrace.
22. To ensure an appropriate level of off-street parking, a condition is imposed that requires the parking spaces and cycle parking compound shown on the appeal plans to be provided and retained. Also, in order to maintain convenient and attractive walking access to local facilities, a condition is necessary to ensure the walkway that forms part of the site is retained for pedestrian use only and is not obstructed during construction works. There is no need for any condition that requires bollards to be installed as they are already provided at either end of the walkway.
23. A condition is needed that requires the approval and construction of surface water drainage in order to ensure the proposal does not cause a flood risk or leads to contamination of the water environment. Also, a condition is imposed that requires the water supply pipe to be protected and that prevents soft landscaping and non-permeable surfacing to prevent contaminants from entering the watercourse.

Conclusion

24. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5286 00 001 P2, 5286 00 100 P2, 5286 00 101 P2, 5286 00 102 P2, 5286 00 103 P1, 5286 00 104 P1, 5286 00 200 P2 and 5286 00 201 P2.
- 3) No construction work above damp proof course level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The information to be submitted and approved shall include details of brickwork, the expressed concrete slabs forming the decorative horizontal banding between storeys, balcony balustrades, window frames and depths of reveals, external doors, paving, rainwater goods, boundary treatments and finishing materials for cycle and bin stores. Development shall be carried out in accordance with the approved details.
- 4) The roof area of the building hereby permitted shall not be used as a roof garden or similar amenity area.
- 5) The building hereby permitted shall not be occupied until the windows in the east elevation of the building and to apartment no 4, to apartment no 6 and to the shower room of apartment no 9 as shown on the approved plans have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 6) Apartment no 9 in the building hereby permitted shall not be occupied until details have been submitted to and approved in writing by the local planning authority of a louvred screen to be positioned on the east side elevation of no 9's external terrace. A louvred screen in accordance with the approved details shall be installed prior to the first occupation of apartment no 9 and shall thereafter be permanently retained.
- 7) None of the flats shall be occupied until the six car parking spaces and cycle compound as shown on the approved plans have been provided and the parking spaces and cycle compound shall thereafter be retained for the use of the residents of the development hereby permitted. Car parking space no 3 (adjacent to the entrance) shall be reserved for disabled users, unless there is no disabled person occupying any of the flats. Car parking space 6 shall have a charging point installed for the charging of electric vehicles.
- 8) The walkway that runs down the western side of the site, connecting Coleridge Way with Station Road, shall be retained for the use of pedestrians and shall not be used as a vehicular route. While construction works on the development hereby permitted are being carried out, the walkway shall not be obstructed to the extent that pedestrians would be unable to pass down it.
- 9) No development, other than demolition and site clearance, shall take place until a surface water drainage scheme and impact study has been submitted to and approved in writing by the local planning authority. The

surface water drainage scheme shall be designed to prevent flooding locally and downstream of the culverted watercourse located on the northern boundary and to prevent any surface water from coming into contact with the soil before it leaves the site. None of the dwellings hereby approved shall be occupied until the surface water drainage scheme and impact study has been approved in writing and until it has been implemented in accordance with the approved details.

- 10) The water supply pipe to the development shall be barrier-protected. There shall be no soft landscaping on the site, and any hard-surfacing shall be of a non-permeable type.