



Appeal Decision

Site visit made on 21 January 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/N1920/D/19/3238543

Plot 1, 2B Station Road, Radlett WD7 8JX

- 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 S Tohani against the decision of Hertsmere Borough Council.
 - The application Ref 19/0834/HSE, dated 24 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed was originally described as, "installation of 2x rear roof lights and internal alterations".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the conversion of loft to habitable room with installation of 2 rear facing roof lights in the left side unit, following approval under application 17/1446/FUL. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal space;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons for the Recommendation

Internal space

5. The appeal site benefits from a 2017 planning permission for the demolition of a building and the erection of a terrace of 3 x 2 bedroom houses with

associated landscaping¹. At the time of my site visit, that permission was in the process of being implemented. The appeal proposal seeks to convert the roof space of the dwelling on Plot 1 to a habitable room served by two rooflights on the rear elevation. The proposal would result in a 3-bedroom, 4-person, 2-storey family dwelling, with built in storage, comprising 1 double bedroom and 2 single bedrooms.

6. The Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (Draft for Executive September 2016) (Supplementary Planning Document) ('Design Guide SPD') specifies a minimum gross internal floor area (GIA) and storage requirement of 86.5 square metres for a 3-bedroom, 4-person family dwelling. The proposal would result in 97 square metres of GIA, which would exceed that given in the Design Guide SPD. Although the Design Guide SPD is a draft document, it is a material consideration in my determination of this appeal.
7. I note the Council's assertion that when compared with previous applications the size of the two 1st floor bedrooms may have been reduced to change these from double to single spaces. However, the Design Guide SPD does not specify maximum internal floor areas, and does not indicate that single bedrooms over a certain size should be treated as double bedrooms. In any event, I must assess the proposal on the basis of the plans before me, which refer to single bedrooms on the 1st floor. In this regard it is relevant that the Design Guide SPD mentions that homes should have spaces for storage. The proposal meets this requirement.
8. Accordingly, I conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal space. In terms of internal space, the proposal complies with Policy SP1 of the Core Strategy Development Plan Document (adopted January 2013) ('Core Strategy') which requires that development should ensure a healthy living environment for residents and other users, and with Policy CS22 of the Core Strategy which, in line with the Design Guide SPD, requires all development to be of a high quality design, which ensures the creation of usable places.
9. With regards to internal space, the proposal complies with the requirement in paragraph 127 f) of the National Planning Policy Framework ('the Framework') that developments should create places which promote health and well-being, with a high standard of amenity for existing and future users. The proposal also complies with the internal space requirements set out in the Technical housing standards – nationally described space standard (March 2015 (amended 19 May 2016)) and with the requirements of Policy SADM30 of the Site Allocations and Development Management Policies Plan (adopted November 2016) ('SADMPP') and the Design Guide SPD.

Private amenity space

10. The appeal site is within a residential area comprising predominantly two-storey terraced houses with small outdoor areas to the front and rear. The Design Guide SPD requires a minimum garden area of 60 square metres for a 3-bedroom house. Figures provided by the Council show that the proposal would provide 24.5 square metres of private external amenity space, resulting

¹ Local Planning Authority reference: 17/1446/FUL

in a deficit of 35.5 square metres. However, the appellant has stated that the proposal would provide 29 square metres of private external amenity space, resulting in a deficit of 31 square metres. It is not clear which figure is correct, but considering that they are broadly similar, I have used the appellant's figure. On this basis, the proposal would result in a shortfall of more than half of the garden area required by the Design Guide SPD, thereby conflicting with its advice that houses must be provided with rear private gardens of a useable size.

11. The appeal site already has planning permission for a 2-bedroom house, where the 60 square metre requirement in the Design Guide SPD also applies. However, a 3-bedroom house would exacerbate the shortfall in the garden area. Furthermore, the appellant has stated that the planning application was submitted to add to the provision of family homes, and I concur that a house of the size as proposed in this appeal could well be occupied by a family. As such, there would be little space for outdoor storage and children's play equipment. There would also not be enough play space for children, or adequate space for entertaining. Overall, the amount of garden area provided would not be sufficiently useable for a family, and accordingly would be detrimental to their living conditions.
12. The appellant has inferred that a shortfall in amenity space is not uncommon in sustainable locations close to public transport links and open, public, green space. In this regard, the Design Guide SPD mentions that some flexibility may be acceptable in town centre locations in close proximity to areas of public open space. I observed that the open space fronting Watling Street would be ideal for walking and relaxing, but due to its hard paving and being adjacent to a busy road, would not compensate for the lack of children's play space at the appeal site. I saw that Phillimore Recreation Ground is a large open space with children's play and outdoor exercise equipment. However, being approximately 10 minutes' walk away from the appeal site, and up a hill, its presence is also not sufficient to mitigate the lack of private amenity space at the appeal property.
13. The appellant has referred to the existing character of development on Station Road, referring to the preponderance of two-storey terrace dwellings on narrow plots with small rear gardens, but as little details have been provided as to their occupation by families, or otherwise, a fair comparison cannot be made.
14. The appellant has referred to appeal decision 2041996². However, that decision was made under a different policy context, including a now-superseded Local Plan and a previous version of the Design Guide SPD, and so is not directly comparable with the circumstances of the case before me. Therefore I attach very limited weight to it in the determination of this appeal.
15. I conclude that the proposed development would not provide acceptable living conditions for future occupants, with regard to the provision of private amenity space. The proposal would therefore conflict with Policy SP1 of the Core Strategy which requires that development should ensure a healthy living environment for residents and other users, and with Policy CS22 of the Core Strategy and Policy SADM30 of the SADMPP which, in line with the Design Guide SPD, requires all development to be of a high quality design, which ensures the creation of usable places. The proposal would also not meet the

² Appeal reference: APP/N1920/A/07/2041996

requirement in paragraph 127 f) of the Framework that developments should create places which promote health and well-being, with a high standard of amenity.

Other Matters/Planning Balance

16. The appeal site is within the Radlett (North) Conservation Area ('CA'). The Council raise no concerns in respect of the effect of the development on the setting of the CA, and I have no reasons to consider otherwise. I am satisfied that the development would not harm the character or appearance or significance of the designated heritage asset. Nevertheless, as the proposal would merely preserve the CA, this is a neutral factor in the overall planning balance.
17. The appellant provided details of several planning decisions relating to nearby properties³. However, it is not clear from the evidence before me why the amount of internal floorspace and outdoor space were not addressed by the Council in those cases and I can therefore make no further comments. It is likely that they involved a different balance of considerations compared with the appeal scheme before me and I therefore attach limited weight to them as a consideration in the determination of this appeal.
18. The appellant has cited the fact that due to the site's location and proximity to sustainable transport links, the proposal would not create congestion for existing on-street parking, with the extant planning permission⁴ not requiring any car parking provision. This factor is not in dispute and carries neutral weight in my consideration of the proposal.
19. Whilst the proposal would be acceptable with regard to the provision of internal space, this is not sufficient to overcome the harm to the living conditions of future occupants that would be caused by the lack of private amenity space. In conclusion, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion and Recommendation

20. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR

³ Including: 25 Station Road, Radlett (18/1039/HSE); 3 Station Road, Radlett (18/0345/HSE); 6 Station Road, Radlett (15/0540/HSE); 18 Station Road, Radlett (14/2086/HSE); 12 Station Road, Radlett (TP/12/0186).

⁴ Local Planning Authority reference: 17/1446/FUL