



Appeal Decision

Site visit made on 27 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020.

Appeal Ref: APP/Y1945/W/19/3239315

19A Garston Park Parade, Watford WD25 9LQ

- 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 O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Leah Schupper of YSL Properties Limited against the decision of Watford Borough Council.
 - The application Ref 19/00535/OPD, dated 25 March 2019, was refused by notice dated 11 July 2019.
 - The development proposed is for the change of use from office B1 to residential C3 comprising 1 x 1 bed and 1 x studio flat.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO 2015) for the change of use from office B1(a) to residential C3 comprising 1 x 1 bed and 1 x studio flat at 19A Garston Park Parade, Watford WD25 9LQ in accordance with the details submitted pursuant to Schedule 2, Part 3, Class O of the GPDO 2015 through application Ref 19/00535/OPD, dated 25 March 2019, and the following conditions:
 - 1) No part of the development shall be occupied until full details for secure and weatherproof cycle storage and refuse and recycling storage facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be made available for use prior to the occupation of any of the flats or studios and shall be maintained for those purposes thereafter.
 - 2) No part of the development shall be occupied until space has been laid out within the site in accordance with drawing no. 1194.03-101, dated September 2019 for 6 cars to be parked and that space shall thereafter be kept available at all times for those purposes.

Application for costs

2. An application for costs was made by Ms Leah Schupper of YSL Properties Limited against Watford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (referred

hereafter as Class O) require the local planning authority to assess the proposed development on the basis of transport and highway impacts of the proposed development; contamination risks on site; and flooding risks on the site. The Council has confirmed that the sole matter in contention in this appeal is the transport and highway impacts.

4. The appellant's final comments included an amended plan showing a revised parking layout on the forecourt of the appeal property. This represents new information, and I am mindful that whilst the Council would have had sight of it, it did not have the opportunity to comment on it. The appeals procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹.
5. Having regard to the Wheatcroft Principles², it is my view that, the amended parking layout does not alter the scheme in terms of scale and design, but shows that the forecourt to the front of the appeal building as having 6 parking spaces, whereas 2 parking spaces were annotated on the original plan. I do not consider that this results in a material change to the scheme, rather it illustrates the parking capability on the site. Furthermore, the Council's statement refers to a parking scheme that indicated 6 spaces at the site, in relation to their assessment of an application for a similar development determined after the submission of this appeal³. Their view on that scheme was that it would not allow suitable access, egress and turning areas for the proposed parking. Given that they have assessed a scheme for 6 parking spaces on the site, albeit in relation to another application, the amended plan would be unlikely to be viewed as unexpected information by the Council in the context of the site. Therefore, I do not consider that the interests of the Council or interested parties would be prejudiced in my accepting of the information. Consequently, I have assessed the appeal on the basis of the amended plan.
6. Paragraph W (10) of the GPDO 2015 states that when determining an application for prior approval regard must be given to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. In addition to this, I have also had regard to the Council's local plan policies insofar as they are relevant to the matters relating to the proposed development.

Main Issue

7. The main issue is therefore the effect of the proposed development on transport and highway safety.

Reasons

Transport and highways

8. The appeal site comprises a two-storey detached building that contains four small self-contained studio flats⁴ at ground floor level and offices at first floor. The site is accessed off the highway via a private access lane that serves the rear of properties located along Garston Park Parade, a large building containing shops

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]. This decision has since been confirmed in *Wessex Regional Health Authority v SSE* [1984] and *Wadehurst Properties v SSE & Wychavon DC* [1990] and *Breckland DC v SSE and T. Hill* [1992].

³ Application Ref – 19/01139/OPD.

⁴ Permission Number 16/01198/LDC

and services. The appeal site also includes a parking forecourt in front of the building that is accessed off the private lane. During my site visit I noticed that a bus stop and train station are located a short walk away from the site.

9. The proposal would involve the conversion of the first-floor offices to one studio and one 1-bedroom flat taking the total of residential units within the building to six. The appellant's amended parking layout shows that the forecourt area of the site is capable of providing 6 car parking spaces. During my site visit I noted that there were 3 cars parked on the forecourt area. Based on the scale and spatial characteristics of the residual area and the amended parking layout submitted, I consider it is reasonable that up to 6 standard parking spaces can be provided on the forecourt. This would provide 1 parking space per residential unit for existing and future occupiers of the appeal building, along with space that would enable cars to enter and leave the site.
10. I acknowledge that the ability of cars to enter and leave the site in a forward gear would be restricted as the area around parking spaces would likely encumber manoeuvrability. However, cars that enter the site in a forward gear could egress without difficulty by reversing out onto the private access lane. This is a low trafficked lane that is used by a relatively small number of vehicles and due to its narrow width and close proximity to property entrances, vehicles would be likely to travel at low speeds along it and have good visibility of vehicles emerging from the appeal site.
11. In the event that existing and future occupiers were to have more than one car leading to a shortfall in the availability of on-site car parking, this could be addressed by parking opportunities in spaces in front of the commercial premises fronting Garston Park Parade, where there are no restrictions during the evenings. Furthermore, parking is not controlled on some of the nearby residential roads, and at the time of my site visit, which was mid-afternoon on a weekday, there were on-street parking spaces available that could reasonably cater for the shortfall in on-site spaces at the appeal site. Whilst I appreciate that this is only a snapshot in time of local conditions, the Council have provided no firm evidence that local parking pressure is at a level where there would not be capacity in the surrounding streets, or any details of how parking congestion is currently having a detrimental effect on highway safety.
12. Notwithstanding the prospect of the appeal site's parking being catered for on-site and for potential shortfall being addressed by on-street parking in the vicinity, the close proximity to a bus stop and train station, in addition to the accessibility to local services, would make non-car ownership likely for some residents of the proposed and existing flats.
13. I therefore find that, combined with on-site parking, there would be sufficient capacity to accommodate any parking generated by the proposed development through local on-street parking, without causing an unacceptable level of parking congestion on surrounding roads. Accordingly, I conclude that the proposed development would not be harmful to transport and highway safety. It would therefore comply with the Framework where it states, amongst other matters, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matter

14. The Council have provided details of an application for a similar proposal at the appeal site. However, other than an officer's report I have not been given any further information regarding that case. On this basis I am unable to make any

direct comparison to the appeal scheme. In any event, I have determined this case on its individual merits.

Conditions

15. Standard conditions are set out in paragraph W(12) of the GDPO 2015, whilst Paragraph W(13) allows conditions to be imposed that are reasonably related to the subject matter of the approval.
16. I consider it is necessary to impose a condition requiring the provision and retention of cycle parking and bin storage in order that adequate facilities are provided for residents and that an acceptable location for these facilities clear of the highway is agreed.
17. I also consider it necessary that resident parking spaces, as indicated on the amended parking layout are provided prior to the occupation of the flats to prevent parking on the highway, in the interests of the free flow of traffic and safety.
18. I have not imposed the Council's suggested time limit condition for the completion of the development of the works as this is routinely required by the Order, unless otherwise stated. The appellant should therefore complete the development within 3 years starting from the prior approval date. Furthermore, I have not imposed a plans condition, as the GDPO 2015 provides that development must be carried out in accordance with the details approved. Notwithstanding this, the development must also be completed in accordance with the details referred to in the conditions I have imposed.

Conclusion

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

R. E. Jones

INSPECTOR