
Appeal Decision

Site visit made on 28 July 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/V2635/W/20/3248080

92 London Road, Downham Market PE38 9BP

- 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 Michael Spencer-Morris, S&N Developers Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01417/F, dated 12 August 2019, was refused by notice dated 7 November 2019.
 - The development proposed is the conversion of bin and cycle store to an internal bin store and studio apartment with an external cycle rack and revisions to the open space.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a bin and cycle store to an internal bin store and studio apartment with an external cycle rack and revisions to the open space at 92 London Road, Downham Market PE38 9BP in accordance with the terms of the application, Ref 19/01417/F, dated 12 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1:500, Drawing Numbers RUSSELL_01 Amendment A; RUSSELL_02 Amendment A, RUSSELL_03 Amendment A and RUSSELL_04 Amendment A.
 - 2) The covered cycle rack shown on the approved plans shall be retained and maintained for the future use of residents of the associated flats.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of the apartments.

Reasons

3. The appeal site comprises a newly constructed block of apartments. Under the original proposal the part of the building subject to this appeal was to be for the storage of the residents' bins and cycles. The proposal would see this area used instead as a studio apartment with the bin store located in a smaller room and an external cycle rack provided. The works to facilitate this have been carried out.
4. The cycle rack in situ now comprises a modest open sided structure located adjacent to the side wall of the building and the access gates. It has a corrugated plastic roof to provide cover. Policy DM17 of the Site Allocations and

Development Management Policies Plan (2016) (SADMPP) requires that a minimum of one secure and covered cycle space should be provided per new dwelling. The proposed cycle rack would be accessed via a secure lockable gate. However, the security of the cycles would also be somewhat reliant on the use of cycle locks as there would be potential for cycles to be lifted over the fence/gate or removed via the rear car park. Although Policy DM17 does not specify a type of secure cycle shed or that it must be indoors, the proposed cycle storage would be less secure than the original proposed arrangement. However, whilst this would be a less secure arrangement, I do not find, based on the information before me, that this would result in a situation that would give rise to unacceptable living conditions for the occupiers of the apartments.

5. The proposed conversion results in the loss of an area of the external outdoor space located between the main building and the adjacent property. I note the conclusions of the previous Inspector however I have considered the amendments made to the scheme since this decision. Whilst the amount of rear outdoor space is reasonably limited it would not be significantly smaller as a result of the proposed development. The development would result in the loss of a strip of garden however the location of this would not have been particularly useable space for the occupiers and the remaining outdoor space has been suitably landscaped. Accordingly, in this regard I do not find that the development would result in harm to the living conditions of the occupiers of the apartments.
6. The conversion would involve the provision of the internal bin store to the rear of the additional apartment. I have considered to comments of the Waste and Recycling Manager and I note that the Council have stated that the store can accommodate the required number of bins and waste caddies. The bin store would serve all of the flats however I consider that its use would not be overly frequent or give rise to excessive noise and disturbance for the adjoining properties given the total number of flats. The main noise would arise from the moving of bins on collection days and I do not find that this, and associated noise from occupiers taking their rubbish to the bins would be excessive enough to be unduly harmful to the living conditions of future occupiers.
7. I find, for the above reasons that the conversion would not be harmful to the living conditions of the occupiers of the apartments to a degree that would result in the development being unacceptable. Accordingly, I conclude that it would comply with the requirements of Policies DM15 and DM17 of the SADMPP which require development to avoid significant adverse impacts on the amenity of others and protect the amenity of future occupiers of the development, amongst other things. It would also comply with the requirements of paragraph 130 of the National Planning Policy Framework (2019) which seeks to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Other Matters

8. Local objections have been raised concerning, in addition to the above matters, issues with the collection of the bins, residents leaving the gate open, the appearance and siting of the cycle rack and concerns over additional occupiers and cars.

9. Whilst the cycle rack is of a relatively simple design and materials it is largely screened by the buildings and is of a functional and standard appearance. There is a slight protrusion of the base onto the footpath however the path remains of a sufficient width for pedestrians. With regards to the gate being left open this would be a matter for the landlord to enforce. I note the Appellant has provided correspondence to address the issues with bin collection. In terms of additional occupiers and related noise and traffic, the conversion only provides a studio apartment and therefore the additional number of residents would be limited.

Conditions

10. The works have been carried out and therefore it is not necessary for me to impose a time limit for commencement. The Council have requested conditions relating to the approved plans and the retention and maintenance of the cycle rack. I find both of these conditions to be necessary to ensure a satisfactory development in the interests of the living conditions of the occupiers of the flats/apartments.

Conclusion

11. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR