



Appeal Decision

Site visit made on 17 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/A1910/W/20/3250417

Nash Mills Methodist Church, Barnacres Road, Hemel Hempstead HP3 8JS

- 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 Khan against the decision of Dacorum Borough Council.
 - The application Ref 4/01828/19/MFA, dated 25 July 2019, was refused by notice dated 12 November 2019.
 - The development proposed is demolition of existing building and construction of place of religious worship.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has advised that the reference to Policy 57 of the Dacorum Borough Local Plan 1991-2011 in the first reason for refusal was intended to be a reference to Policy 51 of that document. Policy 51 is referred to in the Council's delegated report and the Council have provided a copy of the policy in their submissions. The appellant has had the chance to comment on the substitution of Policy 51. I am satisfied that the interests of parties are not harmed by my considering Policy 51 as part of my determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the scale of development proposed would be compatible with the surrounding area, with particular regard to the provision of car parking,
 - The management of surface water runoff; and,
 - The effect of the development proposed on highway safety.

Reasons

Scale of development

4. Policy CS4 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that in residential areas non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings.

5. The appeal site comprises a vacant church and the surrounding plot of land, which includes a house that would be retained alongside the development proposed. The site is adjacent to a shopping parade but falls within a designated residential area. As the appeal proposal would involve a replacement place of religious worship the principle of development is acceptable.
6. The proposed place of worship would host prayers several times a day, as well as providing a place for community events and classes that would take place outside of times of peak parking demand. The allocation of on-site car and cycle parking spaces would generally be sufficient to meet the likely demand throughout the typical week. However, the early afternoon prayer on Fridays, known as Jummah, would be likely to attract a significantly larger attendance, based on the evidence collected by the appellant of attendances at their current place of worship.
7. The Jummah prayer would be held across two sessions to reduce the peak attendance figure. However, based on the current attendance figures it is projected that there would be a peak attendance at the site of around 200 people. Surveys of the means of transport for current attendees showed that private car use was consistently the most common means of travel to the site, and I see no reason to expect that this would change if the appeal were to be allowed.
8. The appellant estimates that peak parking demand from the development proposed could be met by on-site parking and the use of the car park at the Snow Centre, with minibuses transporting attendees between the sites. However, these parking proposals rely on double parking on-site during times of peak demand. This would not be acceptable, as it would be likely to result in conflict between attendees even with management by parking marshals. Given that the peak demand at the site would involve two prayer sessions running one after the other there would be likely to be additional conflict arising from arrivals and departures during the period between the sessions. I am also not convinced that there would be a significant take up of the option of parking at the Snow Centre and taking a minibus, as that site is some distance from the appeal site.
9. At peak times it is therefore likely that the development proposed would result in overspill parking onto the adjacent streets. I saw during my site visit that there are parking spaces available at the adjacent shopping parade but during my visit, which took place in the early afternoon, these spaces were well-used with high turnover and few spaces remaining vacant for long. It is unlikely that these spaces could accommodate much of the overspill parking and if they did this would only displace parking associated with the shops and other commercial units onto the surrounding streets.
10. Parking in the neighbouring streets is a mixture of kerbside parking and on path parking. Available on path spaces in the near vicinity of the site, where overspill parking is most likely to occur for the convenience of attendees, were mainly in front of houses. Their use would be likely to cause conflict with local residents, notwithstanding that there is apparently no restriction on the use of these spaces.
11. Kerbside parking was available in some locations, but I saw that in Georgewood Road parking was kerb-mounted due to the narrowness of the

road, restricting the pavement width for pedestrians. The appellant's parking survey has discounted Georgewood Road as too narrow for parking, but due to its proximity to the site it would be likely to attract overspill parking from the appeal site.

12. The peak demand would typically only occur on Friday afternoons. However, I must consider the total effect of the appeal proposal. The provisions for on-site and off-site parking would not be sufficient to meet the peak parking demand. Overspill parking from the appeal site would be likely to occur in the surrounding streets and displace parking by existing local residents, causing additional traffic as drivers seek alternative parking spaces, and causing harm to the amenities of existing residents.
13. The development proposed would therefore not be compatible with its surroundings and so conflicts with CS Policy CS4, the requirements of which I have set out above.

Surface water management and flood risk

14. Policy CS31 of the CS states that development will, amongst other criteria, be required to minimise water runoff and reduce the cause and impact of flooding. The lead local flood authority states that runoff at the appeal site should be restricted to no more than 2 litres per second. The appellant suggests that this rate can be achieved and that this can be controlled through imposition of a suitable planning condition.
15. However, it is not clear from the submitted evidence that the maximum acceptable surface water flow rate is achievable. It is therefore not reasonable to impose a condition to this effect, as there is no guarantee that it could be complied with. The appeal proposal therefore fails to comply with CS Policy CS31.

Highway safety

16. Displaced parking from the appeal site at peak times would be likely to be concentrated in the near vicinity of the site for the convenience of attendees. The traffic generated by the use would be in addition to the existing typical traffic flow in the vicinity of the appeal site.
17. I saw during my site visit that Barnacres Road is well used. I did not observe any significant delay in the flow of traffic during my visit either on Barnacres Road, or the surrounding roads including Belswains Lane. I have no reason to think that these were unusual traffic conditions in the area on a weekday afternoon, albeit that traffic flow may be somewhat reduced due to the effects of the ongoing COVID-19 pandemic.
18. While I have found that the displaced parking would result in the appeal proposal not being compatible with its surroundings, the parking survey submitted by the appellant shows that there is capacity for parking in the local area. I do not consider that the peak parking demand would be likely to result in a severe impact on the safety of the surrounding highway network. I note as well that the local highway authority's final comments on the planning application did not raise any objection on highway safety grounds.
19. The development would not therefore have an unacceptable effect on highway safety. It would accord with Policies CS8 and CS12 of the CS and saved policies

51 and 58 of the Dacorum Borough Local Plan 1991-2011. Taken together these policies seek, amongst other things, to ensure that development proposals have no significant impact upon safety implications of the traffic generated by the development.

Planning balance

20. The development would conflict with CS Policies CS4 and CS31. The CS predates the current version of the National Planning Policy Framework (the Framework). In accordance with paragraph 213 of the Framework I must therefore consider the weight to be given to the policies of the CS.
21. Policy CS31 is consistent with the Framework and therefore the conflict attracts full weight. Policy CS4 is broadly consistent with the Framework as, while it seeks to only allow small-scale non-residential development in residential areas, it requires that development to be compatible with its surroundings, and therefore I attach significant weight to the conflict.
22. The development proposed would restore a vacant site to use and the development proposed would contribute towards meeting the cultural and religious needs of local residents. These are benefits that weigh in favour of the development proposed.
23. The appellant also suggests that the appeal proposal could deliver ecological and drainage enhancements. I accord these benefits limited additional weight, as the scale of development is relatively modest. The appellant further suggests that conditions relating to highway impact and archaeological impact could generate additional benefits, but these additional benefits are not detailed so I cannot give them weight in determining this appeal.
24. There is insufficient evidence to show that the development proposed can be delivered while meeting the maximum acceptable surface water runoff rate. In addition, the peak usage of the place of worship is projected to generate parking demand significantly greater than can be accommodated through the proposed measures without overspill parking occurring. This would be likely to cause disruption for neighbouring residents on an ongoing and regular basis.
25. I find that these adverse impacts would significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development identified at paragraph 11 of the Framework does not therefore apply in this instance.

Conclusion

26. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR