
Appeal Decision

Site visit made on 18 August 2020

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th September 2020

Appeal Ref: APP/K0425/W/20/3251283

Wellington House, Lower Icknield Way, Longwick, HP27 9RZ

- 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 R Potyka, RAP Building and Developments against the decision of Wycombe District Council.
 - The application Ref 19/05608/FUL, dated 19 February 2019, was refused by notice dated 20 December 2019.
 - The development proposed is construction of replacement raised roof with insertion of 2 x front and 3 x rear dormer windows to form 1 x 1 bed apartment alterations to parking layout and bin store provision.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2020, Wycombe District Council merged with Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council and South Bucks District Council to become a single Unitary Authority, Buckinghamshire Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area which they relate to within the Buckinghamshire Council Unitary Authority administrative area. It is therefore necessary, where the development plan contains material that is relevant to the planning judgement to be made in this case, to refer to policies set out in the plans produced by the now dissolved Wycombe District Council.
3. The submitted scheme was amended during the course of the planning application. The description I have used above reflects these changes.

Main Issues

4. The main issues in this case are:
 - whether the proposal would provide a suitable standard of accommodation for future residents and for the occupants of the first floor flat;
 - the effect of the proposal on the character and appearance of the host building and surrounding area;

- the effect of the proposal on highway safety with particular regard to on-site car parking.

Reasons

Standard of accommodation

5. The appeal building, originally a public house, was converted to offices in the 1980s. In 2016 the Council granted prior approval for the conversion of the building to 4 flats. The appeal proposes a replacement roof with an increase in height of around 0.5 metres, to create a one bed apartment in the roof space.
6. The resultant accommodation would have a floor area of around 37 square metres. Policy DM40 of the adopted Wycombe District Local Plan requires all new dwellings to meet up to date nationally described space standards. The appellant has argued that as the local plan policy refers to new dwellings, the policy does not apply to conversions such as proposed in this appeal. However, the appeal scheme is creating a new unit of residential accommodation, in effect a new dwelling. The standards seek to ensure a satisfactory level of accommodation for occupants in all new dwellings and therefore I consider that this policy and the standards are applicable to this case.
7. The standards require a minimum gross floor area for a one bed 1-person apartment with a shower of 37 square metres. The proposal would meet this minimum floorspace. The standards also require a minimum of 1 square metre of built storage space, included in the gross floorspace requirement. Whilst this is not illustrated on the submitted plans, it could be provided within the scheme and secured by the imposition of an appropriately worded planning condition should the appeal be allowed. Subject to such a condition, the accommodation would meet the requirements of the nationally described space standards and Policy DM40.
8. The proposed apartment has no private external amenity space. The building is provided with a very small amenity area to the rear that is currently used by existing residents. However, this is of poor amenity value, as it lies next to the road and the car park and is open to public views.
9. The Council's Residential Design Guide Supplementary Planning Document states that flats without private amenity space may be allowed where the flat is in a converted building, within a town centre or adjacent to a garden space. The appeal proposal is a new unit of accommodation created by raising the roof height of the building. It is therefore not a conversion scheme. Furthermore, the site isn't in a town centre or adjacent to a garden space. Accordingly, applying this guidance, suitable external amenity space should be provided. In this respect the scheme is deficient.
10. However, I acknowledge that the existing flats were established under permitted development rights and they were not subject to any requirement to provide amenity space. Additionally, as a conversion scheme, the Council's SPD would have allowed the development without amenity space provision. In the circumstances of this case, I consider that whilst desirable, it would be unreasonable to require amenity space to be provided for the appeal proposal.
11. Access to the proposed apartment would require the installation of a new staircase. This would be achieved through the loss of around 2.8 square metres of floor space from the existing first floor flat. The existing flats, created under

permitted development rights, were not subject to Local Plan Policy DM40. They did not therefore have to adhere to the nationally described space standards.

12. The first-floor flat is a two-bedroom three-person apartment. I am advised it has an internal floor area of around 44 square metres, well below the 61 square metres required by the space standards. A reduction in the size of the main bedroom to accommodate the staircase to the proposed roof space apartment, would result in an even smaller flat at first floor. For this reason, I consider that the appeal scheme would not maintain a suitable standard of accommodation for the occupants.
13. The Council has also raised concern about the provision of waste storage facilities. It is proposed to relocate the bin store to the rear of the building occupying part of the current amenity area, approximately 5 metres from ground floor windows. This position would result in a poor outlook for the occupants of the ground floor flat.
14. It appears from the evidence and my site visit that each flat has individual bins for general waste, recycling, and paper, rather than communal waste facilities. The proposed bin store measures approximately 4.26 metres by 2.7 metres. This would be too small to accommodate the multiple bins associated with 5 flats. I am therefore not satisfied that the appeal scheme would provide adequate waste storage facilities.
15. In conclusion, I have found that the proposed flat would meet the nationally described space standards subject to a condition regarding built in storage. Furthermore, I have determined that it would be unreasonable in this case to require the provision of amenity space. However, I am not satisfied that the scheme would provide a suitable standard of accommodation for the occupiers of the first floor flat or that adequate waste management facilities would be provided. Accordingly, the scheme would be contrary to Policies DM35 and DM40 of the Wycombe District Local Plan 2019 which seek a high quality of design and provide a level of amenity for future occupants appropriate to the proposed use.

Character and appearance

16. Wellington House comprises a main building and a side wing which is lower in height and constructed in different materials. The appeal scheme includes the raising of the roof height and an increase in the pitch of the main building. As described above, as the side wing of Wellington House is different in design to the main part of the building, the roof alterations would not in my view be out of keeping with the host building. It would also not be at odds with the height of other buildings in the locality and would therefore in principle be acceptable in terms of character and appearance.
17. The scheme also includes the provision of two flat roofed dormer windows in the roof plane on the front elevation and three to the rear. In terms of scale they would appear relatively modest on the respective roof slopes. On the front elevation of the building, existing ground floor and first floor windows are not symmetrically aligned. The proposed dormer windows are sited generally in line with the first-floor windows; however, the eastern dormer would be very slightly offset. Having regard to the degree of offset and the siting of ground floor windows I consider the proposed dormer positions would be acceptable,

causing little adverse impact on the character of the building or the street scene.

18. The proposed dormers on the rear elevation do not align with the three existing first floor windows. This represents poor design. The rear elevation is prominent in views from Chestnut Way. The proposed dormers would therefore adversely affect the character and appearance of the building and the locality.
19. The scheme includes a relocated bin store which would be sited within part of the existing amenity area next to the footway along Chestnut Way. This is a very visible location in the street scene, and even with appropriate screen fencing would form an intrusive feature.
20. In summary, I consider that the appeal scheme would cause harm to the character and appearance of the area due to the design and positioning of the rear dormer windows and the bin store. Accordingly, the proposal would be contrary to Policy DM35 of the Wycombe District Local Plan which aims to achieve high quality design with development reflecting the qualities and character of the sites context.

Highway safety

21. The Council's Parking Standards for Zone C, in which the appeal site is located, require 2 parking spaces for the proposed flat and 2 each for the existing flats, a total of 10 spaces.
22. As currently laid out and taking account of the access rights across the car park for the neighbouring dwellings, the car park provides 6 spaces. The Council have advised that this level of provision is also below the 7 spaces forming part of the approved details for the prior notification which established the existing flats.
23. The appeal scheme proposes the provision of 8 spaces across the site. Whilst this is an increase in 2 spaces on the existing provision, it is still below that required for the total development.
24. The appellant has brought my attention to an apartment scheme at Boxer Road/ Walnut Tree Lane where a single bedroom flat was approved with one parking space. Following this principle, it is argued that the provision of 2 further parking spaces on the site, would cater for the needs of the proposed flat.
25. However, I am not aware of the full details of the Boxer Road development. The Council have advised that this forms a major development where car parking is to be provided in several ways including on driveways, in communal areas and on street. I understand that this scheme met the requirements of the adopted Parking Standards. It is therefore not comparable to the appeal scheme before me. In any event each proposal should be considered on its individual merits.
26. The appellant has provided tracking diagrams to illustrate the ability of vehicles to manoeuvre within the site. Whilst this appears tight and is clearly dependent on vehicle owners parking carefully within the designated spaces, I accept that turning and manoeuvring would be feasible.

27. The Council in evidence has highlighted that parking space 8, as illustrated on the submitted plans, appears to encroach onto land outside the appellant's ownership. A vehicle in this position would obstruct access to a side gate. Furthermore, the Council has raised concern that according to Land Registry details, the site boundary with Chestnut Way is not linear but in fact dog legs into the site. Parking spaces 3 and 4 may therefore not be able to be provided as proposed.
28. Overall, I am not satisfied that the appeal scheme makes appropriate provision for off road car parking. Insufficient provision would result in vehicles being displaced onto the highway to the detriment of highway safety. The scheme would therefore fail to comply with Policy DM33 of the Wycombe District Local Plan which amongst other things seeks to ensure that development provides for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking.
29. In relation to cycle parking, the submitted details do not show additional cycle parking for the proposed flat. Currently cycle parking is provided by stands to the rear of the building. I am satisfied that further provision could be provided and secured through an appropriate planning condition should the appeal be allowed.

Conclusion

30. I have found that the proposed development would not provide a satisfactory standard of accommodation and would cause harm to the character and appearance of the area. Furthermore, I have concluded that the scheme fails to demonstrate that adequate car parking would be provided.
31. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Helen Hockenfull

INSPECTOR