
Appeal Decision

Site visit made on 4 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/K0235/W/20/3260056

44-46 Bunyan Road, Kempston MK42 8HL

- 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 Homelink Properties against the decision of Bedford Borough Council.
 - The application Ref 20/01091/FUL, dated 26 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is conversion of part of first-floor level into one (1x) one-bedroom flat and one studio flat.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Homelink Properties against Bedford Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether or not acceptable living conditions for future residential occupiers of the proposed studio flat would be created, having particular regard to the intended internal living arrangements and the makeup of the site's external areas; and
 - The effect upon highway safety, having particular regard to intended car parking, cycle parking and waste storage arrangements.

Reasons

Living conditions of future residential occupiers

4. The proposal relates to the conversion of floor space last used for offices to create two self-contained residential units. The smaller of the two intended units would take the form of a studio flat (the studio) comprised of an open-plan bedroom/lounge/kitchen area, a shower room and small entrance hall. The appeal site contains a range of different units and uses and incorporates a shared external space that is accessible upon a communal basis.
5. Conflict with the Technical housing standards – nationally described space standard (March 2015) (the space standards) has been identified by the

Council, on the basis that the studio's gross internal floor area would fall considerably below the minimum requirement for a one person, one-bedroom dwelling, as set out in the space standards. However, the space standards do not form part of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan) or the wider development plan. Indeed, as indicated in the Planning Practice Guidance, where a Council wishes to require an internal space standard, they should only do so by reference in their Local Plan to the space standards.

6. This is not to say that the space standards are of no relevance. Indeed, whilst not determinative, they are a material consideration and provide a useful reference point when assessing the suitability of proposals for new housing. Furthermore, the Local Plan contains various provisions relating to design quality/impacts and the National Planning Policy Framework (February 2019) (the Framework) sets out that planning decisions should promote health and well-being and secure a high standard of amenity for existing and future users.
7. As regards the studio, I am unpersuaded that a high standard of amenity for future occupiers would be provided. The future occupier's combined sleeping, cooking and general day-to-day living requirements would predominantly be confined to a single room of relatively modest expanse. Indeed, the proposed floor plan indicates constrained internal arrangements that would provide living conditions of a poor standard.
8. Furthermore, the studio would not be provided alongside private external space. It would instead be served by the site's shared external amenity area that is restricted in size/nature and accessible by a variety of different users for purposes including parking and external storage. Reference has been made in the evidence before me to the site being located less than half a mile from local parks and close to walking routes and green spaces connected to the River Ouse. However, no such facility/resource has an immediate relationship to the site and cannot, to my mind, be thought to demonstrate that future occupiers of the studio would enjoy acceptable living conditions.
9. A potential fallback position has been referenced within the evidence before me, related to Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), which offers the opportunity for the change of use from offices to dwellinghouses to represent permitted development. Nevertheless, this is subject to the condition that the developer must apply, before commencing development, for a determination as to whether prior approval is required in connection to a variety of specified matters.
10. To my knowledge, no prior approval application pursuant to Class O has been submitted and/or determined in relation to the floorspace under consideration in this appeal. Thus, even though the appellant has confirmed that no external alterations are proposed, it has not been clearly demonstrated that a genuine or implementable fallback position exists. Indeed, for the avoidance of doubt, it is not my role here to consider in any detail the potential eligibility of the proposal (for which full planning permission is sought) against prior approval criteria set out in the GPDO.
11. For the above reasons, having particular regard to the intended internal living arrangements and the makeup of the site's external areas, acceptable living conditions for future residential occupiers of the studio would not be created.

The proposal would thus cause harm and conflicts with Policies 28S, 29 and 30 of the Local Plan and with the Framework in so far as these policies require new development to be of the highest design quality and to promote health and well-being and a high standard of amenity.

Highway safety

12. The site incorporates a shared external area that predominantly serves to provide communal parking opportunities for the range of different units and uses that exist on-site. On-street parking opportunities in the vicinity are limited and often restricted. Access to the site is drawn from Bunyan Road, which I experienced to be a busy and well-trafficked route.
13. Upon inspection I observed the site's external area to be of constrained size and layout and to be heavily congested with parked vehicles. Indeed, the limitations of the space had led to vehicles being parked back-to-back within a space that did not readily offer convenient turning opportunities. Whilst my single visit to the site cannot be relied upon to provide an entirely accurate account of day-to-day parking arrangements, I have also taken account of the Council's observations in this regard and find that the presence of numerous businesses at the site would realistically be expected to generate a strong and ongoing demand for on-site parking.
14. As the external space currently provides parking opportunities on an informal shared basis, it would likely prove impractical to reserve an on-site space or spaces to be used solely by future occupiers of the proposed residential units. Indeed, even should such an approach be taken, it would realistically result in the displacement on to the public highway of parking connected to other on-site uses.
15. The Council's residential parking standards, as set out in the Parking Standards for Sustainable Communities Supplementary Planning Document (2014) (the SPD), require a minimum of one space per one-bedroom dwelling to be provided. The office space that is intended to be converted would, if actively used, generate its own parking requirements. This is relevant to my consideration of this main issue and is reflected in the SPD where a maximum standard for office uses is specified at one space per 20 sqm of floorspace.
16. However, the vacant nature of the office space is an important factor. Indeed, it is my understanding that the floorspace intended to be converted has not been actively used in recent times and there is nothing before me to clearly indicate that an active/comprehensive office use of the floorspace in question would be likely to establish at any point in the near future should this appeal be unsuccessful.
17. Thus, the introduction of two self-contained units of residential accommodation would be reasonably anticipated to result in the generation of additional on-site parking demand. This would likely be to the detriment of highway safety and the free-flow of traffic, particularly given the constrained site circumstances to hand, the limited availability of unrestricted on-street parking opportunities nearby and the busy nature of Bunyan Road.
18. It has been suggested by the appellant that a planning condition could be imposed to remove, for future occupiers of the development, the right to parking permits in the interests of bringing forward a car-free development.

However, such an approach would only be well-suited to a site located within a Controlled Parking Zone (or similar) where all, or the majority, of the nearest on-street parking would be permit based. This is not the case with respect to the appeal site and its immediate surroundings. Such a condition would thus not provide adequate assurances that future occupiers of the development would choose to be car-free.

19. I am satisfied that secure cycle parking and waste storage facilities to serve future occupiers of the proposed development could be discreetly installed in a manner that would not materially affect the way in which the site's external spaces could be used for the purposes of parking and manoeuvring vehicles. Nevertheless, for the above reasons related to parking provision, the proposal would be anticipated to prejudice highway safety. I thus identify harm.
20. The proposal conflicts with Policies 29 and 31 of the Local Plan in so far as these policies require that particular attention be given to highway capacity, parking provision and safety. For the avoidance of doubt, I do not identify conflict with Policy 32 of the Local Plan, which relates to disturbance and pollution impacts. Indeed, I have found that appropriate waste storage arrangements could be implemented.

Planning Balance

21. In terms of the scheme's benefits, it is the case that two additional residential units that could appeal to young single dwellers are proposed in a location with good access to surrounding facilities and services. The Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. Indeed, the proposal would make active use of previously developed and vacant floorspace. Nevertheless, it must be noted that a relatively limited extent of floorspace is under consideration and that the provision of merely two additional units would not make a noticeable difference to the Borough-wide housing supply situation. In this context, these benefits of the scheme attract moderate weight collectively.
22. The proposal would also create jobs during the construction/conversion phase, provide support to the local economy and local community facilities once occupied and offer additional Council Tax revenue. I also acknowledge the economic and social implications of the Covid 19 pandemic. However, when also factoring in the scale of development under consideration, these benefits attract somewhere between limited and moderate weight in collective terms. Any visual improvement to potentially result from the scheme would be very limited and would attract commensurate weight in the planning balance.
23. The contributions associated with the delivery and subsequent occupation of the proposal would be relatively modest and, when considered cumulatively, would not outweigh the harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

24. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR