



Appeal Decision

Site Visit made on 2 February 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/P1940/W/20/3259077

Shannon House, Station Road, Kings Langley WD4 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by SHM Property Consulting Ltd against the decision of Three Rivers District Council.
 - The application Ref 20/1355/PDR, dated 6 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is prior notification: change of use from office (Class B1) to 64 residential units (Class C3).
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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) (England) Order 2015 (as amended) ('the GPDO') for prior notification: change of use from office (Class B1) to 64 residential units (Class C3) at Shannon House, Station Road, Kings Langley WD4 8SE in accordance with the terms of application Ref 20/1355/PDR dated 6 July 2020, subject to the conditions in Paragraph O.2(2) and Paragraph W(12)(a), and the following additional conditions:
 - 1) Before the first occupation of the development permitted the car-parking spaces, bin and cycle storage areas proposed shall be constructed in accordance with drawing number SH.24.SR.PR.05 and shall thereafter be kept permanently available for the use of residents and visitors to the site only.
 - 2) The development hereby permitted shall be carried out and completed in accordance with the details in the construction management plan, dated September 2020.

Application for costs

2. An application for costs was made by SHM Property Consulting Ltd against Three Rivers District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development I have used in the heading and decision above, is taken from the appeal form and refusal notice. This more accurately describes the proposal, and I consider that no party is prejudiced by my use of this description.
4. 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, in particular the lack of parking spaces relative to the number of residential units proposed.

5. Paragraph W (10) of the GPDO 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, and representations made on the application.
6. The changes introduced by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 includes the provision of adequate natural light in all habitable rooms of the dwelling houses. Yet, in the case of planning appeals, this only applies where the prior approval application was submitted on or after 1 August 2020, which is not the case in relation to this scheme.
7. The appellant has indicated that 39 parking spaces would be provided, however, some of which would be outside the appeal site. I have no details of how those spaces outside of the site would be accessed, nor is it clear whether they are on land the appellant controls. Therefore, I have determined the scheme on the basis of the 24 parking spaces within the site, which is consistent with the Council's approach.

Main Issue

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

Reasons

Background

9. On 3 December 2020, the Planning Inspectorate allowed an appeal¹ relating to prior approval for 74 residential units at the appeal site. The scheme before me, differs only insofar as it proposes fewer units of accommodation as well as additional parking. Areas for cycle parking and bin storage have also been indicated. Whilst each case must be determined on its own merits, the previous appeal decision is a material consideration in my determination of this case, and I have had regard to it in reaching my decision.

Transport and highways

10. The appeal site comprises Shannon House, a vacant office building located on Station Road, a busy thoroughfare on the eastern side of Kings Langley, that contains residential, office and light industrial uses.
11. The appeal scheme would fall substantially below the parking standards in the Council's Local Plan², which requires 112 spaces (64 assigned) to serve a

¹ Appeal Ref - APP/P1940/W/20/3252855

² Policy DM13 and Appendix 5 of the Local Plan, Development Management Policies, Local Development Document, adopted July 2013.

residential scheme of this size. Nevertheless, Appendix 5 of the Local Plan also states that in areas of high accessibility and good service provision, a reduction in the levels of parking may be appropriate. In this regard, Kings Langley train station is around 200m to the south of the appeal site and there are also bus stops within a similar distance. In terms of local services, there are two convenience stores nearby on Station Road. Moreover, less than a mile and a short walk to the north west, is the village centre, where there are more services and amenities that would be conveniently accessible, from the appeal site, by foot or cycle.

12. The Council has made reference to the high car ownership in the District, and the likelihood that this would result in the proposal requiring on-site parking levels to reflect the adopted standards. However, the District wide statistic on car ownership wouldn't necessarily apply to all future residents in this particular case, as the site's proximity to more sustainable transport connections would give them travel options other than the private motor car. Furthermore, the significant number of bike storage spaces proposed may also attract higher amounts of residents whose chosen method of transport is the bicycle rather than a motor vehicle. Besides, future occupiers would likely be aware of the low parking provision at the appeal site and this may entice non car owning residents to reside at the development.
13. On road parking in the area is heavily restricted and there is no evidence before me demonstrating significant parking stress in the locality. Even if this were to occur, as a result of the proposed development, suitable mechanisms exist to prevent unauthorised parking on the public highway.
14. I agree with the previous Inspector's position that a unilateral undertaking restricting future residents from applying for future parking permits is not necessary in this instance, given the lack of evidence for this and it being a local highway authority matter.
15. The previous appeal that was allowed at the site has more flats and fewer car parking spaces. In contrast, the appeal scheme would provide more parking opportunities within the site and would represent an improved allocation of spaces that would cater for future occupiers and visitors arriving at the site by car. Given that permission has been issued for the previous scheme I consider it a strong possibility that it would be implemented were this appeal to fail. Therefore, the existence of this 'fallback' position is a material consideration to which I give great weight in respect of this main issue.
16. In view of the above, the proposed development would not significantly impact on demand for on-street parking in the area. Future occupiers would have good access to sustainable modes of transport other than the private car and be able to access local shops and services conveniently by foot or cycle. These benefits, together with the legitimate fallback position, would outweigh the proposal's technical breach in the Council's parking standards, and would consequently ensure no harmful effects on local parking conditions and the local road network. For these reasons, I find that the proposed development would not have an unacceptable impact on transport and highway safety.
17. While there is no statutory requirement to determine the scheme in accordance with the development plan it would nevertheless accord with Policy CP10 of the

Council's Core Strategy³, where in particular, major development will be expected to be located in areas highly accessible by the most sustainable modes of transport. It would also align with the Framework's requirements to promote walking, cycling and public transport use (paragraph 102), and to ensure there would be no unacceptable impact on highway safety, or severe residual cumulative impacts on the road network (paragraph 109).

Other Matters

18. In terms of the impact of noise and disturbance on the living conditions of future residents, I have no reason to disagree with the previous Inspector that living conditions would be consistent with those of surrounding residential occupiers. Furthermore, there is no compelling evidence that the proposal would be harmful in this regard.
19. Interested parties have raised concerns in respect of the limited size of the accommodation, poor build quality and the lack of outdoor amenity space. These are matters that do not fall to be considered under existing legislation relating to prior approval applications for the change of use of office buildings, and I have not pursued them further.

Conditions

20. Standard conditions are set out in paragraph W(12) of the GPDO, whilst Paragraph W(13) allows conditions to be imposed that are reasonably related to the subject matter of the approval.
21. It is necessary to include a condition that resident parking spaces, as indicated on the proposed parking layout are provided prior to the occupation of the flats and retained thereafter to ensure adequate provision for residents. The provision of bin and cycle storage areas are also necessary before occupation of the flats in order that adequate facilities are provided for residents.
22. The appeal submission documents include a construction management plan (CMP). It is necessary that the proposed development is carried out in accordance with the procedures within the CMP as they establish safety and environmental procedures to protect nearby living conditions during the build phase.
23. I do not consider a condition requiring a travel plan would be necessary, as the availability of non-car modes of transport in the locality would be obvious to future residents.

Conclusion

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

R E Jones

INSPECTOR

³ Local Development Framework, Core Strategy, adopted 17 October 2011 (Core Strategy)