



Appeal Decision

Site Visit made on 10 August 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/P1940/W/21/3268992

BNI House, 12A Church Street, Rickmansworth, WD3 1BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Dexter Gaul, Hosted-IT against the decision of Three Rivers District Council.
 - The application Ref 20/2337/PDR, dated 31 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is Prior Notification: Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 8 residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing and any comments received have been taken into consideration.
3. I have taken the description above from the Council's decision notice as it more succinctly describes the proposal.
4. The appellant has referred to amended plans that were submitted to the Council prior to the determination of the application. Given that the Council has had the opportunity to provide comments on these, there would be no injustice in determining the appeal with reference to them.

Main Issues

5. From the evidence before me, I consider that the main issue is whether the development would accord with the provisions of Part 3, Class O of the Order, with regard to the provision of adequate natural light, as well as the transport and highways impacts of the development.

Reasons

Natural light

6. The Council raises no concern over the provision of natural light to any unit, other than in respect of Unit 3 to the ground floor. The submitted plans show that there would be two side windows serving the bedroom and shower room,

with two further windows on the opposite side serving the bedroom and living area. The appeal is also accompanied by a light report which concludes that all rooms comply with BRE Average Daylight Factor targets.

7. Nonetheless, the side windows serving the bedroom and shower room would be positioned beneath the undercroft which allows access to the rear of the site. I observed that this was a shaded area, even considering that it was partially open to one side, and due to its orientation to the north, would receive no direct sunlight. A further window that is to serve the bedroom would be positioned such that it would be in close proximity to nearby two-storey high built elements which would limit the amount of light reaching it. In addition to this, directly alongside this window is a raised area of decking attached to the neighbouring property, that sits at first floor level. This would also restrict the amount of light that is able to reach this window.
8. As a consequence, notwithstanding the light report indicating that the amount of available light to the unit would accord with BRE guidance, based on the layout of the proposed unit, together with the orientation of the building, and the presence of structures that would hamper light reaching the bedroom of Unit 3, as well as my own observations at the time of my site visit, as a matter of planning judgment, I am not satisfied that all habitable rooms (which includes bedrooms) would be served by adequate natural light.

Transport and highways

9. The submitted details show the provision of 8 parking spaces to the rear of the site. The Council highlight that policy DM13 of the Local Plan, and associated Appendix 5, require that 14 parking spaces be provided (1.75 per one-bedroom unit). The appellant contends that the parking requirement should be reduced in line with the zonal reductions set out in Appendix 5, however the details are clear that the zonal reductions do not apply in the case of residential development.
10. While I note the location of the site within the settlement, where there is likely to be access to public transport as well as other facilities, there is nothing before me that convinces me that most, if not all, of occupiers of the units would not seek to rely on the use of the private car. In this respect, there is no substantive evidence justifying a reduction in the required parking provision, particularly of the level that is proposed i.e., a shortfall of 6 spaces, against a provision of 8.
11. Given the shortfall against standards it is likely that there would be overspill parking from the site and occupiers would seek to park within the surrounding area, which the Council highlights is subject to permit-controlled parking. In the absence of a legal agreement preventing the issuing of permits to occupiers, demand would increase for parking in the permit-controlled areas, which I observed was already high. This would place additional pressure on the on-street parking in the area, potentially leading to parking at unsafe locations.
12. The appellant indicates that they are willing to sign a S106 legal agreement restricting eligibility for on street parking permits in respect of the units. However, while I note the comments made in respect of the drafting of such an agreement, I have no completed agreement before me in this respect.

13. Accordingly, the scheme would be likely to lead to an increase in pressure for on-street parking and have a consequent adverse effect on highway safety, through inconsiderate and potential hazardous parking and a risk to road users. Thus, the proposal would have adverse transport and highways impacts. It would also conflict with policy DM13 of the Three Rivers District Council Local Plan – Development Management Policies Local Plan Document (2013), insofar as it seeks to ensure adequate parking is provided.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR