



Appeal Decision

Site visit made on 12 April 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/A1910/W/21/3286001

40 Valleyside, Hemel Hempstead HP1 2LN

- 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 Patel against the decision of Dacorum Borough Council.
 - The application Ref 21/00737/FUL, dated 22 February 2021, was refused by notice dated 10 September 2021.
 - The development proposed is the change of use to sui generis house of multiple occupancy for more than 6 people.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

3. Valleyside is a quiet cul-de-sac, forming part of a dense residential area. It is an unconventional residential street which is lined by a high number of garages and parking areas. The majority of residential properties along the street back onto it, with their front doors accessed via footpaths.
4. Many of the properties surrounding the site, including the appeal site itself, have existing off-street parking in the form of driveways or private garages, although it is not clear how many of these garages are used for parking as opposed to domestic storage. Informal on-street parking takes place within Valleyside and neighbouring streets, with no controlled parking zone in place.
5. During my late morning site visit I noted a number of parked cars along the street, including partly on the footways, making it very difficult to pass without walking on the highway. This is likely to be at a higher volume in the evenings and at weekends.
6. The Council's adopted Parking Standards Supplementary Planning Document (2020) (the SPD) requires 0.5 parking spaces to be provided per bedroom where a House in Multiple Occupation (HMO) in Use Class C4 is proposed. This would total 3.5 spaces for the 7 bedroom unit created by the proposed development.
7. At the time of my site visit, a single car was parked on the driveway of the appeal site. Although the appellant contends that two vehicles could be parked here, I am not convinced by this. Even if two cars were able to park in that space, this would be cramped and I have no evidence before me to illustrate

that both vehicles could be used freely. Such an arrangement would likely result in additional on street parking, if for nothing other than convenience.

8. Irrespective of whether one or two vehicles could be accommodated here, the existing driveway would still not achieve the Council's parking standard for a property of this type and size. This is particularly relevant given the appeal site's location. Although I acknowledge the appellant's comment in respect of car ownership for the typical HMO occupant, it is highly likely that there would be a reliance on private cars for making trips to and from this property. I disagree with the appellant's comment in respect of the property being occupied by a large family as this is premised on hypothetical eventualities.
9. I note references made by the appellant to nearby private and Council-owned garages, and witnessed these on my site visit. However, it is not clear if any of these garages are available to new residents and on what terms. I therefore give the site's proximity to these garages little weight.
10. I acknowledge the appellant's comment that the Council did not provide any substantive evidence to demonstrate that there is insufficient capacity in the surrounding area. However, the same could be said of the appellant and I have no clear evidence to illustrate that the surrounding roads could comfortably and safely accommodate further vehicles.
11. I also acknowledge that Hertfordshire County Council Highways (HCC) did not raise any objection to the proposed development. However, the Council contend that the application of parking standards is within the remit of the Borough Council. I agree that the adopted SPD is a relevant consideration here and note that HCC had not made reference to this document.
12. With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would add to the existing on-street parking levels on Valleyside and neighbouring streets, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety.
13. For the above reasons, the proposed development would have a harmful effect on highway safety due to the lack of parking provision, contrary to the relevant provisions of Policy CS12 (b) of the Dacorum Borough Core Strategy (2013) and the SPD. These documents seek to ensure that development provides sufficient parking space. This is consistent with the objectives in the Framework insofar as transport is concerned.

Other Matters and Planning Balance

14. The appeal site is within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC). The Council wrote to the Planning Inspectorate on 16 March 2022 providing an update regarding development affecting the SAC. In this update, it is stated that the integrity of the Chilterns Beechwoods SAC is being harmed as a result of public access and disturbance and that Habitats Regulation Assessments (HRA) will be required for certain types of development.
15. In the absence of a secure approach to mitigation through an HRA, schemes within the zone will not be permitted until such a time that the Council has produced its own mitigation strategy.

16. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment.' Given my reasoning above, the appeal falls on effects on highway safety, and as such there is no need for me to pursue potential effects on the SAC; even were the proposal acceptable in that respect, that would be neutral in my overall assessment of the scheme.
17. The Council cannot currently demonstrate a five-year land supply of deliverable housing sites. Therefore, paragraph 11 d of the Framework is engaged and the relevant policies for the supply of housing must be considered out of date. Permission should be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
18. In this context the proposed development would not represent a numerical contribution to housing supply within the Borough. A dwelling already exists and would remain, with no new dwelling created, albeit the number of occupiers would likely increase. I acknowledge that there would be some social and economic benefits as a result of the increased number of occupiers, including the bringing about of additional trade to nearby services and facilities. I also acknowledge the appellant's comments in respect of the limited effect the proposed development would have on the appearance of the property and the amenities of the occupants of neighbouring properties.
19. Nonetheless, any benefits arising from the development would inevitably be limited. Therefore, as the harm arising from the proposal would be significant and its benefits modest, the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits. Consequently, other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.

Conclusion

20. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR