



Appeal Decision

Site visit made on 12 May 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/N1920/W/21/3283981
201 Watling Street, Radlett WD7 7AQ

- 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 Beechwood Homes Contracting Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 21/0778/FUL, dated 8 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is described as 'conversion of unused area on ground floor to an office'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of unused area on ground floor to office to include three new windows at side elevation and creation of cycle storage on lower ground floor level at 201 Watling Street, Radlett, WD7 7AQ, in accordance with the terms of the application Ref 21/0778/FUL, dated 8 April 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. I have, however, determined the appeal against the description of development in the Council's refusal notice which is the '*change of use of unused area on ground floor to office to include three new windows at side elevation and creation of cycle storage on lower ground floor level*'. The latter precisely describes the proposal as shown on the submitted drawings. For this reason, I refer to this description of development in my decision above.
3. The Council refer to the Planning and Design Guide – Part D – Guidelines for Highway Quality Sustainable Development (draft revised version 2016). As this has not been adopted, I afford it only limited weight as a material planning consideration as part of the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of neighbouring flats in respect of noise, disturbance and the adequacy of the provision of cycle storage facilities, (ii) the suitability of the proposed office use in respect of outlook, light, noise and disturbance and (iii) whether suitable bin storage capacity would be available for existing and proposed users of the whole of the appeal building.

Reasons

5. It is proposed to convert part of an approved bin storage area on the ground floor to an office measuring about 52.3 square metres. The office would be separated from the resultant bin storage area by a new internal wall. Public access to the office would be from the communal hallway and into a corridor which also serves existing flats.
6. New windows would be formed in the existing openings in the side elevation of the building which face towards the adjacent petrol filling station and the sloping accessway into the basement car park. One car parking space would be lost in the basement to facilitate the provision of a cycle store with ten cycle racks. The four existing 1100 litre bins would be retained and a new 1100 litre bin provided, thereby increasing current capacity by 25%.

Living conditions – occupiers of existing flats in the building

7. The proposal is for a relatively small office building. Access into the office would be internal and passed the communal corridor serving existing flats. There would be some activity associated with use of the same access into the existing bin store from the occupants of all 22 flats. The proposal would mean that the bin store was only accessed from outside the building. In this context, the likely relative effect from staff and visitor footfall to the proposed office, in respect of associated noise and disturbance for the occupiers of existing flats from movements within internal communal areas, would not be harmful.
8. The Council raise concern in respect of the loss of space currently used for the storage of bicycles. This is also a concern raised by other interested parties. The proposal includes the provision of bicycle storage in the lower basement car park arising from the loss of one car parking space. The evidence, including photographs from residents, is that the space proposed to be used as office space is used by existing residents for the storage of bicycles. In this regard, I do not agree with the appellant's claim that the space is '*disused*'.
9. The Council raise no objection to the loss of the car parking space, or in terms of the space and provision of bicycle storage in the basement car park. This is based on the fact that the site is in a town centre location and within reasonable walking distance of local play and display car parks '*for which future employees would be able to apply for the relevant Business Parking Permits from the Council's CPZ Team*'.
10. The proposed bicycle storage facility in the basement car park would be a suitable area to store bicycles. The proposal would result in the loss of an existing secure facility for the storage of bicycles for the occupiers of existing flats. However, the evidence is that adequate provision would be made for the storage of bicycles for both existing residents and users of the office accommodation in the basement car park. I note that some residents have concern about how secure the bicycle storage facility would be. This is a matter that could be controlled by way of the submission of the further details by condition. In addition, I was able to see on my site visit that both the building and the basement car park included doors with security features.
11. I note that the Highway Authority raise no objection to the proposal in terms of the resultant number of car parking spaces, taking into account the town centre location of the site, or in terms of the proposed bicycle storage for the

building. I have no reason to disagree with the views reached by the Highway Authority despite concerns being raised by other interested parties. I acknowledge that the Council's car parking standards do normally require more car parking spaces to be provided for the existing residential units, but in this case, it is acceptable that the level of existing provision is reduced by a minor amount taking into account the town centre location and the site's good accessibility credentials. In addition and acknowledging that my site visit was only a snapshot in time, the basement car park included very few parked cars.

12. I therefore conclude that in terms of bicycle storage, the proposal would suitably accord with the accessibility and parking requirements of Policy CS25 of the Hertsmere Local Plan Development Plan Core Strategy 2013 (CS) and the sustainability requirements of policy SP1 of the CS. None of the policies referenced in the Council's reason for refusal are directly relevant to living conditions matters and mainly relate to matters of design. However, and for the reasons outlined above, the proposal would be acceptable in terms of its effect on the living conditions of the occupiers of existing flats in terms of noise and disturbance and accordingly there would be no conflict with paragraph 130(f) of the National Planning Policy Framework 2021.

Office space – outlook, light, noise and disturbance

13. In considering this main issue, it is clear that the Council has had regard to the conclusions reached by a previous Inspector in terms of using the appeal space as a studio flat¹. That appeal was dismissed on the basis of harm to the living conditions of existing and proposed occupants in terms of outlook and light and uncertainty regarding the acceptability of proposed bin storage capacity. However, this proposal is for an office and not a residential unit.
14. In refusing planning permission for the appeal proposal, the Council refer to policy SADM3 of the Hertsmere Borough Council Site Allocations and Development Management Policies Plan 2016 (DMP Plan) but this policy relates to residential development and not office development. The same applies in respect of the Draft Design Guide 2016.
15. I acknowledge that the office windows would face onto the accessway down to the basement car park. However, the number of vehicular comings and goings would not be significant and vehicles would likely travel slowly down into the basement. Furthermore, this is a town centre location and so users of the proposed office space would reasonably expect some noise and activity in the locality. Indeed, I observed on my site visit that there are commercial units adjacent to the appeal building and directly fronting Watling Street which is a busier thoroughfare. I therefore find that the proposed office use would be acceptable in terms of noise and disturbance considerations.
16. The proposed office windows would be in close proximity to an approved, albeit not constructed, part three/four storey building built up to the common boundary². While this would have some enclosing impact when viewed from the proposed office windows, thereby making residential use unacceptable, I am satisfied that in this case such an impact would not cause material harm in terms of use of the space for office purposes.

¹ Appeal reference APP/N1920/W/20/3251346 dated 23 September 2020

² Planning permission 18/0479/FUL

17. Indeed, it is reasonable for me to form this view on the basis that occupiers of the proposed office space would not spend all of their time in the building and, in this regard, the proposal can be considered as a less sensitive use. While there would be some loss of light as a result of the erection of the three/four storey building adjacent to the site, this would not be significantly adverse from the point of view of use of the building as an office.
18. I therefore conclude that users of the office space would have an acceptable internal environment in respect of outlook, light, noise and disturbance and, in this regard, the proposal would accord with the amenity requirements of paragraph 130(f) of the Framework.

Bin storage capacity

19. The appellant has prepared an 'Assessment of Waste Report' prepared by MW Chartered Surveyors as part of the planning application submission. This assessment includes an inspection of waste over a period of three months from December 2020 to February 2021. Further inspections were undertaken in January 2022 by MW Chartered Surveyors and I have taken the photographic evidence and assessment into account.
20. There are currently 4 x 1100 Litre wheelie bins that collect all waste for the entire block of flats. Two of the wheelie bins are allocated for cardboard waste and two are allocated for general waste. The appellant has commented that to address comments from residents it is recommended that the 3 bins be allocated for general waste and 1 for cardboard. An additional bin would then be provided for general waste.
21. Occupiers of existing flats in the building have raised concern about the loss of bin storage floorspace and claim that the existing bin storage capacity is inadequate. The appellant's evidence does not match that provided by third parties. Indeed, photographs of overflowing bins have been provided by a residents.
22. In this case, the appellant proposes to provide a fifth 1100 litre bin, as shown on the submitted plans, and a reduction in the number of cardboard bins as the evidence indicates that these have generally not been full.
23. Based on the photographs provided by the residents, which show some rubbish on the floor on occasion, I am satisfied that the appellant's proposal would suitably address the worst case 'bin overflow' position while also ensuring that the bin storage needs of the office were addressed. This is a matter that could be suitably controlled by condition in respect of the type, number and retention of bins.
24. Subject to the imposition of a condition, I conclude that the proposal would be acceptable in terms of the provision of adequate space to provide the requisite number of bins for occupiers of the existing flats and the proposed office. In this regard, I therefore find that the proposal would not give rise problems in terms of vermin and odour, and therefore the living conditions of the existing and proposed occupiers of the appeal building would be safeguarded. In this regard, the proposal would accord with the amenity requirements of paragraph 130(f) of the Framework.

Other Matters

25. The proposal would make efficient use of the appeal building. It would generate a modest level of employment and would provide office accommodation in the town centre. The proposal would add to the mix of uses in the locality, encouraging increased footfall and potentially increasing the number of linked trips, thereby positively adding to the overall vitality and viability of the town centre.
26. Third parties question the need for office space in the area, but there are no development plan policies requiring need to be demonstrated in this town centre location. However, I would add that the appellant's evidence does seem to indicate that office space has been lost in this town centre location.
27. Concern is raised by some residents about having to access the proposed bin store from outside and that the existing internal access would be lost. I acknowledge that this arrangement would be less convenient for residents, but I do not consider that it would be unsafe. My site visit observations revealed that Watling Street was quite busy and so there would be regular public surveillance of the bin store access.
28. Some residents have commented that they do not want to see 'strangers' enter the appeal building when visiting the proposed office. The flats have their own secure doors and so staff and visitors of the office would only have access to the communal areas. This would not be too dissimilar to a situation where people visit the existing flats and hence where some residents may not be familiar with all people in the appeal building. I do not find that this is a matter that justifies withholding planning permission and there is no evidence to suggest that visitors to the office would be given access codes to the front door or basement car park.
29. I acknowledge that the evidence indicates that changes have been made to originally approved appeal building. These changes include use of space, earmarked for shops, as additional flats. However, these changes do not in themselves justify withholding planning permission and, in any event, I have determined this appeal on its individual planning merits and based on the site conditions and circumstances that exist now.
30. Some third parties raise concern that the proposal would likely give rise to a proposal to convert the office space to a flat. There is no evidence to suggest that this would happen and of course such a proposal would require separate planning permission. Such a proposal has been considered at appeal and that appeal was dismissed.
31. Concern has been raised about users of the office space using disabled car parking spaces in the basement. It is of note that the site is in an accessible town centre location and there is a high likelihood of users of the office space arriving by sustainable modes of travel. In overall car parking numbers terms, the Highway Authority raise no objection to the loss of one car parking space. I have no reason to disagree with this conclusion. However, the evidence is that some disabled car parking spaces were to be provided as part of the residential planning permission for the building. In order to facilitate reasonable access for all, the appellant has agreed a condition that retains disabled car parking spaces.

32. There is no dispute between the main parties about the acceptability of the design and appearance of the external alterations to the building. I find that the proposed windows to the side elevation of the building would be acceptable in design terms and, in this regard, the proposal would accord with the design requirements of policy SP1 and CS22 of the CS, policy SADM30 of the DMP Plan and policy HD3 of the Redlett Plan 2020 to 2036 Neighbourhood Development Plan.
33. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions

34. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
35. In order to ensure that the proposed bicycle storage facility in the basement car park is secure, it is necessary to impose a condition requiring the submission of further details. It is also necessary that this condition requires the provision of this bicycle storage facility prior to the loss of the existing facility used by residents and that it is thereafter retained for the benefit of all users of the building. The provision of this facility is necessary in order to encourage more sustainable trips by occupants of the appeal building.
36. The Council has suggested a condition requiring the submission of details of the provision for the storage and recycling of waste. This condition does not meet the test of necessity in so far that such details have been provided by the appellant at planning application stage. However, in order to ensure that adequate provision and capacity is available to deal with waste associated with residential and office use of the building, it is necessary to include a condition requiring the provision of an additional 1100 litre bin and a different configuration in terms of the number of general waste and cardboard bins. It is necessary that this condition is explicit in terms of the retention of this facility and also that it is available to both residents and the occupiers of the office.
37. In order to ensure that there is a reasonable number of disabled car parking spaces in the basement car park, it is necessary to impose a condition requiring three disabled car parking spaces to be provided at all times.
38. The appellant has confirmed that they agree to all of the imposed conditions.

Conclusion

39. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

1)The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2)The development shall be carried out in accordance with the following approved plans and documents: WSR-OFF-01; WSR-OFF-02; WSR-OFF-03; WSR-OFF-04; WSR-OFF-05; WSR-OFF-06; WSR-OFF-07; WSR-OFF-08; Assessment of Waste (dated December 2020 to February 2021); Planning, Design and Access Statement (dated March 2021).

3)No development shall commence until full details of the security and appearance of the approved cycle store in the basement car park (which shall include 10 No bicycle racks) has been submitted to and approved in writing by the local planning authority. The approved cycle store shall be provided prior to the formation of office space and the loss of existing cycle storage space in the appeal building. The cycle store shall be permanently retained as approved and shall be available for use by both residents of the appeal building and staff/visitors of the approved office.

4)The office shall not be occupied until five 1100 litre bins have been provided in the approved bin storage area. The approved bin storage area shall include four general waste 1100 litre bins and one cardboard 1100 litre bin. The bin store and specified bins shall thereafter be retained and shall be available for use by residents and occupants of the approved office.

5)A minimum of three disabled car parking spaces shall be provided in the basement car park at all times.