



Appeal Decisions

Site visit made on 15 March 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/A1910/W/21/3277285

Nash House, Dickinson Square, Hemel Hempstead, HP3 9GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Nash House Development Ltd against Dacorum Borough Council.
 - The application Ref 20/04010/FUL is dated 16 December 2020.
 - The development proposed is described on the application form as "Conversion of basement into 1 x 1-bedroom flat".
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have dealt with another appeal on the site which is the subject of a separate decision¹. The difference between both is that this appeal proposes the construction of an additional single parking space, whereas the other does not.
3. Since the appeal was submitted, a revised version of the Framework² has been published. The appellant was given the opportunity to comment on this, but no response was received. It was not necessary to consult the Council in respect of the revised Framework as its appeal statement was drafted after it had been published.
4. The Council submitted late evidence relating to the Chilterns Beechwoods Special Area of Conservation (SAC), in connection with recent advice provided by Natural England dated 14 March 2022 to avoid adverse impacts upon this. However, given that I am dismissing the appeal for other reasons, it has not been necessary for me to consult the appellant in respect of this matter as it would not have altered the outcome.
5. The parking layout constructed on-site does not accord with the appeal submission insofar there is a raised kerb adjacent to the disabled parking space to the rear, as opposed to the plans which show a level surface with dropped kerb from the adjacent pedestrian route. I have nonetheless considered the scheme on the basis of the submitted drawings which show 8 parking spaces at 4.8m long x 2.4m wide, with a 1.2m level surface adjacent to the disabled space. If I had allowed the appeal, it would have been open for the Council to

¹ Ref: APP/A1910/W/20/3265837.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

take enforcement action if it considered any of the works to be unlawful or not in accordance with the approved plans.

Main issue

6. The Council has confirmed that if the appellant had not appealed against non-determination, it would have refused the development for the reason set out in its appeal statement.
7. Set against this context, the Council has raised no concerns regarding the principle of a residential conversion of the basement. The main issue is whether the development would result in parking stress in the locality.

Reasons

Appeal site context

8. The appeal site contains a Georgian style dwelling constructed circa 1750 ('Nash House'), which has been converted into 9 flats (5 x one-bedroom and 4 x two-bedroom) and a separate community use facility to the ground-floor. The approved scheme³ made provision for 4 parking spaces (including one disabled bay) at the front of the building and 7 parking spaces (including one disabled bay) at the rear; - a total of 11 parking spaces (one for each of the flats and 2 for the community use facility).
9. At my site visit, I observed that there were 8 parking spaces to the rear of Nash House (as opposed to 7) and that the parking spaces for the 9 existing flats had been individually allocated by the presence of signage on the adjacent kerb showing which apartment they were assigned to. The Council's evidence states that the development is now in use.
10. The Council refers to Nash House as a non-designated heritage asset, which given its age, history and architectural design, I see no reason to disagree with. It is surrounded by a large modern dense development of residential housing primarily consisting of flats and terraced townhouses ('the Sappi site').

Whether the development would result in parking stress in the locality

11. The proposal would increase the number of flats at the site to 10. My assessment of the scheme has been based on the submitted plans, which show provision for 4 parking spaces (including one disabled bay) at the front of the building and 8 parking spaces (including one disabled bay) at the rear; - a total of 12 parking spaces. All 10 flats would have one allocated parking space each and the proposed community use facility would have two.
12. Policy CS12 of the Core Strategy⁴ states that development should provide sufficient parking space. This is reinforced by the Council's parking guidance⁵, which sets out a range of standards and identifies 3 accessibility zones within the Borough; - Zone 1 (highest accessibility - within the immediate core of Hemel Hempstead); Zone 2 (high accessibility - easy walking distance - approx. 10 minutes walk of the centre of Hemel Hempstead); and Zone 3 (lowest accessibility - the rest of the Borough). There is no dispute between

³ Planning Permission 4/01679/17/MFA dated 05/06/18, which was later varied by Planning Permission 4/01092/19/ROC dated 06/08/19.

⁴ Core Strategy 2006-2031, adopted 25 September 2013, Dacorum Borough Council.

⁵ Parking Standards Supplementary Planning Document, November 2020, Dacorum Borough Council.

the parties that the appeal site falls within Accessibility Zone 3. This approach accords with Paragraph 107 of the Framework which states, amongst other things, that local parking standards should take into account the accessibility of the development and its type, mix & use.

13. Within Accessibility Zone 3, the Council's parking guidance states that new 1-bedroom dwellings should have 1.25 allocated spaces or 1.00 unallocated spaces and new 2-bedroom dwellings should have 1.50 allocated spaces or 1.20 unallocated spaces. On schemes of 10 dwellings or more where 50-100% of the spaces are allocated, an additional 20% provision must also be made for visitor parking. Where none of the parking spaces are allocated, no additional visitor parking is required.
14. On the basis of the above requirements the proposed 1-bedroom flat would need an additional 1.25 allocated spaces, or where no spaces are allocated, an additional single space. The scheme before me is based on all spaces being allocated and would therefore fall below the 1.25 spaces required for a 1-bedroom flat in Accessibility Zone 3.
15. Although the appeal before me is for one additional dwelling, it does nonetheless form a component part of the overall Nash House scheme and would accordingly have an impact on how this functions, which would have further impacts on the wider area. If the development were allowed, Nash House would accordingly contain 6 x one-bedroom and 4 x two-bedroom flats. If this additional flat had been included in the original planning application for the conversion of Nash House (which originally contained a scheme for 10 dwellings but was then reduced to 9), the Council's parking guidance would have required it to have 17 allocated spaces ($6 \times 1.25 + 4 \times 1.50 = 13.5 \times 20\% = 2.7$ visitor spaces = 16.2 rounded up to 17) or 11 unallocated spaces ($6 \times 1.00 + 4 \times 1.20 = 10.80$ rounded up to 11).
16. In addition, the parking guidance states that the community use on the ground floor would require 1 space per 9 square metres of gross external floor area and 1 space per full-time member of staff (or equivalent). There is no evidence before me that clarifies the size of the ground floor community use, how many employees it has or the actual type of community use (numbers of people attending the building and their catchment area), but even allowing for it being of an absolute minimum size and staffing, it is my view that 2 spaces would be required to adequately service this use for staff and visitors.
17. On the basis of the above calculations, the Council's parking guidance indicates that the overall Nash House scheme of 6 x one-bedroom flats, 4 x two-bedroom flats and a community use would have required a total of 19 spaces (where the residential parking is allocated) or 13 spaces (where the residential parking is not allocated). The scheme before me would result in 12 allocated parking spaces overall, well below the 19 spaces the Council's parking guidance specifies, and also below the much lower corresponding figure of 13 spaces where car spaces are not allocated.
18. I recognise that I am only considering the proposed scheme of one additional flat, but it is my view that 2 additional spaces are necessary to provide for this individual unit taking account of the 1.25 allocated space requirement set out in the Council's parking guidance and the need for 20% visitor parking on schemes of 10 dwellings or more (of which this would form a part thereof). This

- would mean that the total number of parking spaces on-site would need to be at least 13.
19. The appellant has confirmed that they are willing to change management of the entire parking area for Nash House so that it is unallocated. Whilst this would greatly assist in reducing the level of impact on the surrounding area, it would then become necessary to assess whether the overall number of unallocated spaces provided were sufficient to cater for a development of this size. However, even on this basis, the scheme would still fall short of the 13 unallocated spaces necessary.
 20. I agree with the appellant that the site has good access to local shops, services, employment, community facilities and public transport. However, this in itself does not mean that occupiers of the flats & their visitors would not use or own private cars. In any event, the Council's parking guidance takes different accessibility levels into account in setting out its modest level of parking standards for each dwelling and the scheme falls below this.
 21. At the time of my site inspection (during the daytime) a large proportion of the allocated parking spaces were already in use on the Sappi site, and the adjacent Red Lion Lane was dominated by on-road parking with no spaces available for use. Neither was any on-road parking available nearby on Lower Road because of parking restrictions. In my view, there was considerable parking stress and congestion in the locality, which I would expect to be even more intense in the evening when occupiers return home from work. In view of this lack of capacity, I noted that 24-hour on-road parking restrictions were in force on the Sappi site, with no parking allowed outside of a designated bay.
 22. In view of this, I would not consider an under-provision of parking to the additional flat to be acceptable as this would inevitably result in visitors seeking to park close-by. This would add to the already significant parking stress in the locality, which in the case of the Sappi site, is dominated by narrow highways. The subsequent increased parking demand, even from just one flat, when taken cumulatively with the limited parking provision made on the Sappi site, would further increase on-road congestion, noise and disturbance as drivers look for a parking space. It could also lead to unsafe or obstructive parking in contravention of the local parking restrictions to the detriment of highway and pedestrian safety.
 23. I am particularly concerned that any unauthorised parking in front of Nash House (within the Sappi site) would; (1) restrict visibility of small children crossing the road to use the central play area; (2) make it more dangerous for mobility restricted people in wheel chairs or on scooters who utilise the shared surface road; and (3) harm the amenity of residents by making it more difficult for them to manoeuvre into their own allocated spaces.
 24. Set against the above context, there is no evidence before me that justifies a lower level of car-parking for the additional flat. For example, there are no parking surveys setting out the availability of vehicle spaces on roads outside the Sappi site at different times throughout the day to demonstrate spare capacity.
 25. I recognise that the appellant's parking standard for the additional flat corresponds with that on the Sappi site. However, my assessment of the scheme is based on current evidence and conditions on-site contemporaneous

with this appeal, and not that when the Sappi site was granted planning permission. I have also noted the lack of objections by the local highway authority, but this in itself does not demonstrate a lack of harm.

26. In view of the above, I conclude that the scheme would have an unacceptable impact on parking stress in the locality and highway & pedestrian safety. The proposal would therefore conflict with Policy CS12 of the Core Strategy, which seeks, amongst other things, to ensure that development provides sufficient parking space.
27. I also find that the scheme conflicts with the Council's parking guidance which sets out a minimum standard of parking, and Paragraphs 112 and 130 of the Framework which seek, amongst other things, to minimise the conflict between pedestrians and vehicles and create safe places with a high standard of amenity for existing and future users. Furthermore, I am also satisfied that the scheme's refusal accords with Paragraph 111 which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Planning balance

28. Although the Core Strategy is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
29. Policy CS12 of the Core Strategy is broadly consistent with the Framework insofar as it relates to the main issue of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole. I also consider the Council's parking guidance to be broadly consistent with the Framework and have given this significant weight in my consideration as it was adopted less than 2 years ago.
30. The appellant states that the proposed flat is necessary as the approved scheme does not provide a viable form of development. However, there is no evidence before me in the form of a property development appraisal that demonstrates how property values have reduced and construction costs have increased as alleged by the appellant. This evidence would also need to be considered by the relevant decision-maker before the development actually being proposed is carried out.
31. There is no dispute between the parties that there is a shortfall in the District's 5-year housing land supply. I have also noted that the delivery of housing was below the housing requirement over the previous three years⁶. The shortfall in supply means that the Framework's presumption in favour of sustainable development applies.
32. I recognise that the scheme would result in economic and social benefits from;
- (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; and (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the

⁶ 2021 Housing Delivery Test.

adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.

33. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

34. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR