



Appeal Decision

Site visit made on 10 August 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/N1920/W/21/3285502

43 Winstre Road, Borehamwood WD6 5DR

- 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 Shivaan Popat against the decision of Hertsmere Borough Council.
 - The application Ref 21/0437/FUL, dated 27 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is change of use and conversion from Class C3 single dwellinghouse to sui generis House in Multiple Occupation, roof lights to front roof slope, alterations to rear windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The 2021 Housing Delivery Test (HDT) results were published on 14th January 2022. The latest results alter the Council's position so the main parties were invited to comment on the relevance of this matter to the appeal but none were received.
3. At the time of my visit, I observed that rooflights had been installed on the roof slope of the property, but at least one appeared to be sited differently to what is shown on the application drawings. I have therefore dealt with the appeal on the basis of the development shown on the proposed plans and elevations.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character of the area, in respect of the provision made for waste storage;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, in respect of noise and disturbance; and
 - whether the proposed development makes suitable provision for parking, and any associated effects on the adjoining highway.

Reasons

Waste Storage

5. The appeal site comprises the righthand end of a terrace of four two-storey properties. The property has been the subject of much recent change, including

extensions to its rear roof slope and ground floor to increase accommodation therein. The whole of its frontage has also been opened up and hard surfacing added for parking. The properties in the street are set back a reasonable distance from the footway and retain some form of enclosure, including soft landscaping. Refuse bins and other accoutrements are not therefore prominent features within the street, which softens their effect on its character.

6. There are timber refuse bin enclosures already serving the property, the design and appearance of which is simple and modern and screens the bins associated with the property. While the proposed stores would be of a similar appearance and screen bins from view, those existing serve conventional wheeled bins and are located to the rear of the building.
7. The proposed waste storage would be situated to either side of the door and window at the front of the building, the extent and position of which would stand out as prominent additions to the forecourt of the property and wider street scene. They would therefore appear as incongruous elements of clutter that would be more likely to be associated with commercial premises. This would be of significant detriment to the residential character of the street.
8. Furthermore, I note that the Council's requirements for waste storage¹ (the Requirements) are that bin storage is twice as large as the bins that would be accommodated. While the proposed stores would be larger than the bins therein, they would fail to meet these requirements and require enlargement, which would be likely to increase their prominence within the street scene.
9. I accept that there is nothing to restrict the storage of bins to the front of properties and bins associated with other properties are kept in front gardens, but these are generally in connection with single households. The magnitude of bins is therefore significantly less than what would be required to serve the proposal and would be accommodated within the proposed stores. While there would be some difficulties locating larger bins to the rear, this would not obviate the need for bins to be stored in an appropriate manner.
10. In light of the above, I conclude that the proposed development would have a significantly detrimental effect on the character of the area, in respect of the provision made for waste storage. Hence, it would conflict with the design and waste storage aims of Core Strategy² Policy CS22; SADMPP³ Policies SADM3, SADM19 and SADM30; the Design Guide⁴ and the Requirements.

Living Conditions

11. While my visit was only a snapshot, I found Winstre Road to be a relatively quiet residential street, but the primary school opposite was closed, so children were not either at play or being dropped off or collected. Nevertheless, it did not strike me as being a notably busy thoroughfare or an environment with defining noise characteristics. Incidents of noise are therefore likely to be restricted to the school and comings and goings of residents and their vehicles.
12. Despite the description of development in the banner heading, the property is in use as a 6-person House in Multiple Occupation (HMO), a point that has not

¹ Waste Storage Provision Requirements for New Residential Developments 2021.

² Hertsmere Local Plan Development Plan Document Core Strategy, Adopted January 2013.

³ Hertsmere Local Plan Site Allocations and Development Management Policies Plan, Adopted November 2016.

⁴ Hertsmere Planning and Design Guide – Supplementary Planning Document (June 2013).

been contested by the Council. The bedrooms in the attic are locked to ensure they are not occupied and the remainder of the property functions as shown on the application drawings. This therefore constitutes a fallback position for the appellant.

13. A large single occupancy household is likely to lead to a greater extent of comings and goings than a smaller household, with multiple trips to work and leisure, amongst other things. The use of the appeal premises as a 6-person HMO would be likely to generate comings and goings in excess of this, as occupants live independently of one another, so could leave and return to the property at different times on a day-to-day basis.
14. It therefore goes without saying that there is likely to be a further increase in such movements and associated noise and disturbance. Given the existing residential context described above, this would be detrimental to the living conditions of neighbouring occupiers.
15. Although the extent of this harm would be limited due to the small increase in addition to the fallback position, I conclude that the proposed development would, nevertheless, have an unacceptably harmful effect on the living conditions of neighbouring occupiers, in respect of noise and disturbance. Hence, the proposal would conflict with the aims in respect of living conditions expressed in Core Strategy Policy CS16 and SADMPP Policy SADM30.

Parking Provision

16. Winstre Road is a one-way route with communal parking to its eastern side, with space for ten vehicles situated parallel to the road opposite the appeal site. There are also incidences of off-street parking to the frontage of some of the properties in the street, including the appeal property which has space for three vehicles to park on a hardstanding.
17. The Council's Parking Standards SPD⁵ does not include a definition of what constitutes a bedsit but the appellant's Statement of Case suggests this is a *one roomed unit of accommodation typically consisting of combined bedroom and sitting room with cooking facilities*. The Council has not disputed this definition and I can find no reason to disagree with it. The proposal would not be for eight bedsits as claimed by the Council, as it not indicated that the bedrooms would have these facilities. In order to satisfy the standards applicable to general needs housing, seven off-street parking spaces would be needed to serve the eight bedrooms. Only three such spaces would be provided and the appellant accepts this would amount to a shortfall of four spaces.
18. Concerns identified by the Council and a resident regarding the availability of on-street parking nearby are not supported by any substantive evidence and the appellant's parking survey addresses parking demand of spaces within the locality. This is reasonable and proportionate to the proposed development and demonstrates that overspill parking occurring from the HMO would be unlikely to inhibit access to parking nearby. Accordingly, if there are parking pressures within the locality, these are unlikely to be exacerbated by the proposal.
19. Storage for eight bicycles would be provided as part of the proposal and the Council accepts that the site is within walking and cycling distance of the shops, services, and facilities available nearby, including the bus and rail

⁵ Hertsmere Local Plan Parking Standards Supplementary Planning Guidance (July 2014).

interchange at Elstree and Borehamwood Railway Station which offers regular services to London. There would therefore be opportunities to travel by alternative sustainable modes of transport, which are encouraged through the principles that underpin the Accessibility Zones identified within the Parking Standards SPD. I am also mindful that the Council accepts that occupants of HMOs will normally have a lower-than-average level of car ownership.

20. In light of the above, while there would be insufficient off-street parking provision associated with the proposed development, this would not have a harmful effect on the adjoining highway. Hence, it would not conflict with the parking aims of Core Strategy Policy CS25; SADMPP Policies SADM3 and SADM40; the Parking Standards SPD and Design Guide.

Other Matters

21. The proposal also includes external alterations to include rooflights to the front roof slope and to replace two small windows in the rear first floor façade with one larger window. These would be relatively modest alterations to the appearance of the existing property, which would not harm its character.
22. The rear windows already have permission to be altered so there would be no beneficial outcome from allowing permission for this alteration. Similarly, the floor plan layout of the attic would need to be amended in connection with the proposed use to accommodate one of the proposed rooflights, so this would not constitute development that would be physically and functionally severable from the proposed change of use. Accordingly, I consider that a split decision would not be a logical outcome.

Planning Balance and Conclusion

23. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
24. The 2021 HDT results indicate that delivery in the Borough over the previous three years is 88% of the housing required. When applying paragraph 74 of the National Planning Policy Framework (the Framework) (published July 2021), the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years (paragraph 76).
25. Although the Council's under delivery of housing is not significant, it adds some weight to the contribution that could be made by new housing. The proposal would further the contribution the property makes to housing for young people struggling to find affordable housing, as well as key workers. However, this would be a very limited contribution, as it would only increase bedrooms that could be occupied in connection with the existing HMO.
26. In terms of harm, the proposed development would not comply with the development plan in respect of the harm to the character of the area and living conditions of neighbouring occupiers, but the harm associated with the latter would be limited in its extent. Nevertheless, this leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the stated benefits.

27. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR