



Appeal Decision

Site visit made on 4 January 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/Q3305/W/22/3304664

Vallis House, 57 Vallis Road, Frome BA11 3EG

- 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 Neil Irwin (Vallis House Limited) against the decision of Mendip District Council.
 - The application Ref 2021/2569/FUL, dated 8 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is for the conversion and change of use of part of the existing building, namely the lower-level area comprising eight under-croft parking spaces to form three self-contained flats as part of the conversion of the remainder of the building (Class C3), as approved by Council on 24th September 2021 under Mendip ref. 2021/1757/PAO.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use of part of the existing building, namely the lower-level area comprising eight under-croft parking spaces to form three self-contained flats as part of the conversion of the remainder of the building (Class C3) as approved by Council on 24th September 2021 under Mendip ref. 2021/1757/PAO at Vallis House, 57, Vallis Road, Frome BA11 3EG in accordance with the terms of the application, Ref 2021/2569/FUL, dated 8 November 2021, and subject to the conditions listed in the attached schedule.

Background and Main Issues

2. The proposal seeks planning permission to convert part of the existing building, namely the lower-level area comprising eight under-croft parking spaces to form three additional self-contained flats. The remainder of the building is already being converted to 31 flats residential flats in accordance with a prior approval permission granted by the Council in 2021¹. At the time of my visit works were on going to convert the building in line with the prior approval permission but the site was not occupied. The under-croft parking has been applied for separately in order to convert the space to three additional one-bedroom flats.
3. I have noticed that the submitted lower ground floor plan, drawing ref 654.01/PL21, does not include a pedestrian doorway to a flat (flat 31) already approved on the lower ground floor. However, it is possible that access to the flat could be formed via some internal changes that would not require formal planning permission. Furthermore, the description of the development only refers to the provision of three flats in the under-croft parking area. As such, I have considered the appeal on this basis of the description of development.

¹ Council ref 2021/1757/PAO

4. In light of the above, the main issue is whether the proposed development would provide adequate accommodation for future occupants, with regard to light, noise and disturbance.

Reasons

5. The three flats would include a window and door opening to both the open plan living area and bedroom space. The windows are a good size, and the design means they project at an angle, providing a dual aspect to the outlook facing a westerly or south westerly direction. I have had regard to the Council's concerns, but given the design, size and orientation of the windows, future occupants would receive satisfactory levels of light to habitable spaces.
6. The proposed layout and access arrangement would result in vehicles associated with the flats parking to the front of the appeal site. Most of the parking associated with the prior approval conversion is situated to the side and rear of the building, but 7No parking spaces are shown to the front of the site.
7. The Council has raised concerns that future occupants would be exposed the activity associated with the vehicular movements, parking and comings and goings of other residents. However, the arrangement of parking courts outside self-contained flats in this manner not an unusual layout. Furthermore, the proposed flats would only be close to a relatively small number of parking spaces for the site, which limits the number, and intensity of movements experienced by the future occupants of the proposed flats. Furthermore, the walls and windows have been angled to mitigate the impact of road noise the flats and would be separated by a small patio and landscaped area.
8. The appeal is also accompanied by a Road Traffic Noise Survey by Hepworth Acoustics, dated 19 October 2021 (Noise Survey). The noise survey concludes that to protect the future occupants from the adjacent road noise, the living space and bedroom should be fitted with specific double-glazed windows as well as acoustic trickle ventilation. A condition can be attached to require these mitigation measures to be adhered to as part of the works. As such, the low number of parking spaces to the front, the separation of the units from the parking coupled with the mitigation measures to limit noise and disturbance would provide adequate living standards for future occupiers in respect of noise and disturbance.
9. Accordingly, the proposed development would provide adequate accommodation for future occupants, with regard to light, noise and disturbance. The proposal would comply with Policy DP7, which aims to provide a satisfactory environment for current and future occupants. The proposal would also comply with paragraph 130 of the Framework, which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

10. I have had regard to the representations submitted, which raise concerns over the lack of parking for the proposal, increased parking stress on the nearby streets, a lack of outdoor amenity space and outlook for the future occupants of the flats.
11. With respect to parking, from the evidence before me, I am satisfied that the provision of two spaces for each of the three flats would be sufficient to serve the proposed flats. The Highways Authority also confirm that the parking provision is generally in accordance with the Somerset Parking Strategy. As such, the

provision of sufficient on-site parking would not lead to increased parking stress on the surrounding streets that would amount to a highway safety risk.

12. As indicated in the main issue section, the windows are large and would provide a dual angle of view across the small, landscaped area and the open car park. I am, therefore, satisfied that future occupants would receive of an acceptable level of outlook. Although there is no private outdoor space, the site is also in an accessible location within Frome, with good access to public transport, services, community facilities and public open space. Furthermore, separate bin and cycle storage is provided and the patio and grassed area to the front of the units would provide some outdoor space for drying clothes.

Conditions

13. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the Framework and Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording thereof.
14. In the interests of clarity, it is necessary to provide a time limit and define the approved plans for the scheme. A condition requiring the sound insulation measures set out in the submitted Noise Survey to be implemented prior to the occupation of the three flats would be necessary and reasonable to provide adequate accommodation for the future occupants. A consultation response from the Contaminated Land Officer requests a condition watching brief for potential hotspots of contamination any ground works. However, as the proposal is to covert an existing space, it would not be necessary to require this condition to make the scheme acceptable.

Planning Balance and Conclusion

15. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

M. P. Howell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 654.01/PL01, 654.01/PL02, 654.01/PL 03, 654.01/PL04, 654.01/PL05, 654.01/ PL20, 654.01/PL21, 654.01/PL22, 654.01/PL23 and 654.01/PL24.
- 3) The building shall be adapted so as to provide sound insulation against internally generated noise in accordance with the recommendations set out in the Road Traffic Noise Survey by Hepworth Acoustics, dated 19 October 2021. The works shall be completed prior to the occupation of the three flats approved and retained thereafter.