



Appeal Decision

Site visit made on 28 June 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/B1930/W/22/3310333

11 Beresford Road, St Albans AL1 5NW

- 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 Mrs Afriza Begum against the decision of St Albans City Council.
 - The application Ref 5/2022/0021, dated 5 January 2022, was refused by notice dated 13 July 2022.
 - The development is a 3 bedroom flat on ground floor and 4 bedroom flat at first and second floor.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Afriza Begum against St Albans City Council. The cost application is the subject of a separate decision.

Preliminary Matters

3. The development has been undertaken and therefore retrospective permission is sought.
4. The description of development in the banner above is taken from the Application Form. However, I have removed wording which does not refer to acts of development.

Main Issues

5. The main issues are:
 - whether the development has provided appropriate living conditions for the occupiers of the dwellings, with regards to external recreation space, and
 - the effect of the development upon highway safety, with regard to the provision of off-street parking.

Reasons

Living conditions

6. The development comprises two large flats, one is a three bedroom flat and the other is a four bedroom flat. Due to their size, both flats are capable of providing accommodation for families.
7. In summary, amongst other things, saved policy 70 of the St Albans District Plan Local Plan Review (LPR), November 1994, sets out that the size of a

private garden should reflect the number of persons for which the dwelling has been designed, but gardens may be smaller where there is public open space nearby. In the case of flats policy 70 explains how it will normally be appropriate to provide communally shared amenity space, although ground floor flats may benefit from private amenity space adjacent to the dwelling. LPR Policy 70 goes on to explain that further guidance on amenity space around dwellings will be provided in Design Advice Leaflet No. 1.

8. Design Advice Leaflet No. 1 advises that the external space standard in flatted development is that 20sqm of external amenity space should be provided for the first bedroom of a flat, with an additional 10sqm per subsequent bedrooms. As such, the guidance indicates that the upper floor flat should benefit from 50sqm of external amenity space. It does not have any. That is in clear contrast to the ground floor flat, which benefits from 78sqm of external space, in excess of the recommended level.
9. I acknowledge, in terms of distance, there is public open space in the surrounding area on the other side of Camp Road, including the 'Drakes Drive Open Space'. They would offer some opportunity for recreation, albeit not for functional purposes such as storing paraphernalia, drying clothes and the like. However, I saw that they are not particularly nearby, such that they are less convenient than onsite outside space would be in terms of accessibility and useability.
10. Moreover, to reach those spaces you would need to cross Camp Road. At the time of my site visit Camp Road was well used by vehicular traffic, consistent with its function as a convenient east-west route to and from the City Centre and periphery of St. Albans. There is nothing to suggest my observations are atypical. I saw that in the immediate vicinity of Beresford Road there are no dedicated crossings. That is particularly relevant as the first floor flat would lend itself to occupation by families, who may have young children. Accordingly accessing public open spaces is not a particularly attractive route, nor adequate substitute for the lack of on-site provision.
11. I therefore conclude that the development provides inadequate living conditions for its occupants with particular regard to the lack of outside space, in conflict with the provisions of LPR policy 70. The development is also contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which sets out how planning decision should ensure that developments create places with a 'high standard' of amenity for existing and future users.

Highway safety

12. Beresford Road is a relatively narrow road, some of the properties have off-street parking, but a large number do not. Other than double yellow lines around corners and close to junctions, there are no parking restrictions on Beresford Road. This leads to parking on either side of the road, further narrowing the carriageway. Most of the surrounding roads are similar in nature, other than Camp Road which is a wider and more arterial route as above.
13. Anecdotal evidence indicates that there are many cars parked on Beresford Road and surrounding roads outside of working hours and close to school drop off and pick up times. The demand for on-street parking will inevitably fluctuate throughout the day.

14. LPR Policy 39(v) states that for changes of use and extensions, parking provision shall reflect the additional number of spaces required for the new use or the extension and it will not normally be necessary to make good any shortfall that may already exist on the site. However, full standards must be met if 'comprehensive redevelopment' takes place. Whilst not expressly defined in the development plan the alteration of one dwelling to two flats would entirely change the nature of housing here. That may fairly be described as comprehensive redevelopment of the site.
15. LPR Policy 40 indicates that the number of parking spaces for the ground floor and upper floor flat is 2.5 and 3.5, respectively. Therefore, the development is expected to include 6 parking spaces, of which 5 spaces are expected to be allocated and must be located within the curtilage of the dwellings. Notwithstanding, the Revised Car Parking Standard, 2002, allows for the provision of car parking spaces to fall slightly below this standard.
16. The development does not include any on site provision of car parking spaces. It therefore does not comply with LPR Policies 39 and 40, or the Revised Car Parking Standard, regardless of my position in paragraph 14 above. The proposal is likely to generate a demand for some additional vehicle parking, given there is no provision of off-street parking this would lead to an increase in on-street parking.
17. The appeal property was previously a four bedroom dwelling with one parking space on site. That provision was assessed to be acceptable by the Council as part of planning permission Ref. 5/2019/1379, given the accessible location of the site. It is also not disputed by both parties that the appeal site is in proximity to public transport, which provides access to a several locations. As such, demand for the use of private vehicles may be reduced.
18. Notwithstanding, the development has led to the subdivision of the property to a four bedroom flat and a three bedroom flat, the demand for parking is likely to be significantly higher and the number of off-street spaces has been reduced. It is highly likely that the development has led to an increased demand for on-street parking.
19. The appellant submitted a Street Parking Stress Survey, ref RG2113/SU, as part of the planning application. This report concluded that there were 36 on-street car parking spaces on Camp Road and 22 spaces on Beresford Road at 17:00 on Tuesday 22 March 2022. As part of the representations for the appeal the appellant has provided a second Street Parking Stress Survey, ref. RG25-AP/1-22/02. This report concludes that there were 34 available on-street car parking spaces on Camp Road and 24 on Beresford Road at 19:00 on Monday 17 October 2022.
20. The above results would indicate that there was sufficient space to accommodate the demand for car parking generated by the development. Notwithstanding, these surveys were not submitted as part of the original planning application and therefore the Council has not been able to have the surveys independently assessed. The raw data of the survey has not been provided neither has a rationale for why the dates and times of the survey were selected. Furthermore, Camp Road is a long road and certain sections are a significant distance from the appeal site.

21. Council policies do not indicate that a specific methodology for parking surveys should be followed; however, they have highlighted the 'Lambeth Method' as a methodology that is widely used. Regardless, including for the foregoing reasons, the evidence before me is not sufficient to reach a view that the additional parking pressures resulting from the scheme could be adequately and conveniently accommodated here.
22. For these reasons, the Street Parking Stress Surveys do not provide substantive and interrogatable evidence on the availability of on-street parking. As above, it is likely the proposed development would lead to increased on-street parking. Without sufficient capacity for on-street parking relative to housing nearby, there is a likelihood of antisocial parking, including potentially people parking vehicles closer to junctions, reducing visibility for drivers of manoeuvring vehicles, including, perhaps, along Camp Road. That would increase the chance of conflict with other road users including pedestrians, and, incidentally, an additional inconvenience for occupants of the property.
23. I acknowledged that there are several other properties in the area which do not benefit from off-street parking. However, it is not clear whether these properties predate the LPR and therefore whether they were subject to the same development plan. A shortfall in off-street parking for other properties does not, in itself, justify not providing off-street parking in new developments. If anything, it places some greater importance in ensuring that, cumulatively development does not lead to unacceptable effects.
24. The appellant contends that the Council should consider introducing parking restrictions to address neighbours' concerns with a lack of on-street parking. This view is converse to their other representations which suggest that there is sufficient on-street parking.
25. The appellant has highlighted that the proposed car parking provision was not highlighted as a concern within the Council's pre-application advice. Nevertheless, informal advice given before an application is made, is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors. Given this, it is reasonable in principle for the decision of a Council on a planning application to deviate from its advice at the pre-application stage.
26. I accept that the local highway authority did not object to the scheme. That said, their comments appear to relate to the wider area, some of which is alternatively subject to parking restrictions. Moreover the function of their representation is to advise rather than to determine in the context of the development plan and all other material considerations. As reasoned above the scheme would conflict with the development plan and is liable to adversely affect parking provision, which is unquestionably a legitimate planning matter upon which to reach a judgement.
27. I conclude that the development has clear potential to adversely affect highway safety, conflicting with the approach in LPR policies 34, 39 and 40. The development is also contrary to paragraph 104 of the Framework which requires transport issues, including parking, to be integral to the design of schemes.

Planning Balance

28. There are no policies in the development plan that positively favour development which is harmful to the living conditions of its residents and to highway safety. As the appeal proposal is contrary to the policies listed above, there would be conflict with the development plan when considered as a whole.
29. There is no dispute that the Council cannot presently demonstrate a five year housing land supply of deliverable housing sites. Therefore, Framework paragraph 11)d is engaged. With that context in mind the scheme has, I accept, have certain benefits. Chief amongst them is an incremental addition to housing stock in an area with an acknowledged lack of forward supply. The Framework encourages the efficient use of land, previously developed land, delivery from small and medium sites and in accessible locations.
30. However, the benefits of an additional unit of accommodation would inherently be limited. Moreover, neither support in the development plan for new housing, nor the support in the Framework, it at the expense of ensuring that all development is appropriate for its context. The foregoing benefits only, in summary, arise by virtue of a poorly designed scheme in respect of outside space provision and parking implications. Even were the scheme acceptable in all other respects, the adverse impacts significantly and demonstrably outweigh the benefits within the terms of Framework paragraph 11.d)ii. No other material considerations therefore justify allowing the appeal.

Conclusion

31. Having taken account of the development plan as a whole along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR