



Appeal Decisions

Site visit made on 8 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2023

Appeal A Ref: APP/A1910/W/22/3313021

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

- 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 22/02737/FUL, is dated 1 September 2022.
 - The development proposed is described as "conversion of basement into 1-bedroom flat."
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Appeal B Ref: APP/A1910/W/22/3313023

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

- 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 22/02738/FUL, is dated 1 September 2022.
 - The development proposed is described as "conversion of basement into 1-bedroom flat."
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Decision

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and planning permission is refused.

Preliminary Matters

3. Since both appeals follow the Council's failure to determine the applications within the prescribed period, there are no reasons for refusal. The Council has indicated that, had it been in a position to determine the applications, planning permission would have been refused for both.

Main Issues

4. From the Council's evidence and my own observations on the site, the main issue in respect of appeal A is the effect of the proposed development on highway safety, with particular regard to parking.
5. In respect of appeal B the main issues are the effect of the proposed development on highway safety, with particular regard to parking, the effect of the proposed development on the significance of a non-designated heritage asset and the effect of the proposed development on living conditions.

Reasons

Highway Safety

6. The appeal site contains a Georgian style building constructed circa 1750 (known as Nash House), which has been redeveloped and redeveloped to provide 9 flats (5no one-bedroom and 4no two-bedroom) and a community facility. The building has 8 parking spaces to its rear and 4 to the front, two of the spaces are allocated for disabled parking. During my site visit I noted that all spaces appeared to be allocated to a flat.
7. The appeal site is located within a modern housing development and is accessed from Red Lion Lane. At the time of my visit the appeal site and surrounding roads, including Butterfly Crescent, Rose Lane and Red Lion Lane were busy and parking opportunities were limited. Most of the parking in the immediate area appeared to be allocated to dwellings flats and on-street parking opportunities were limited due to parking restrictions. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase at peak hours when traffic is at its heaviest and when people return from school and work.
8. Policy CS12 of the Dacorum Borough Council Core Strategy (2013) (CS) requires that development provide sufficient parking. This is further supported by the Dacorum Borough Council Parkins Standards Supplementary Planning Document (2020) (SPD) which provides parking standards for various uses.
9. Due to the location of the appeal site, it has been classed by the Council as being in 'Accessibility Zone 3' for the purposes of car parking standards. The SPD sets out that, in these locations, one parking space should be provided for every one-bedroom dwelling and 1.2 spaces for every two-bedroom dwelling. In addition, for community spaces one space per 9 square metres and a space for an employee should be provided. Where it is proposed that parking would be unallocated or low levels of allocation there would be no requirement to provide visitor parking.
10. Whilst the proposed development in both appeals relates to the conversion of the basement to a residential unit, it is proposed to alter the parking arrangements on both schemes. In appeal A it is proposed to reconfigure the parking spaces so that the 8 spaces to the rear of the appeal building measure 2.4 metres x 4.8 metres and that suitable manoeuvring space for the disabled parking space is provided. In Appeal B, in addition to that proposed in Appeal A an additional parking space would be provided to the side of the appeal building.
11. If the appeals were allowed, the appeal building would contain 6no one-bedroom and 4no two-bedroom flats. If this additional flat had been included in the original planning application for the conversion of Nash House, the SPD would have required the residential element of the scheme to provide 10 unallocated spaces and one allocated space ($6 \times 1 + 4 \times 1.2 = 10.8$ rounded up to 11).
12. I have not been provided with evidence community use element, but even allowing for the minimum size and staffing, it is my view that 2 spaces would be required to adequately service this use for staff and visitors. I recognise that

I am only considering the proposed scheme of one additional flat, but it is my view that 13 spaces are necessary to provide for this individual unit and the wider scheme.

13. I have had regard to previous appeal decisions¹ at the site and note that amendments have been made to the management of the parking and layout of the parking since these were dismissed. I also agree with the appellant that the site has good access to services and facilities. Nevertheless, this does not mean that future occupiers of the site and their visitors would not use or own private vehicles. 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.
14. The proposal in Appeal A would only provide 12 spaces. Due to the parking pressures that already exist in the area, and that I observed during my site visit, the under provision of a parking space would necessitate additional parking elsewhere, thereby increasing on-street parking pressures. This would have a harmful impact on highway safety.
15. The subsequent increased parking demand, even from one flat, when taken cumulatively with the limited parking provision in the surrounding area, 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 to the detriment of highway and pedestrian safety.
16. I have had regard to the appellants Highway Network Statement produced by Open Roads Associates; however, this appears to only deal with the increase in unit numbers and does not deal with the community use element within the appeal building. I note that it states that nearby development has a lower parking requirement, including the appeal site, however I have not been provided with full details of this. Nevertheless, since the appeal building was redeveloped further parking restrictions have been placed on nearby roads which has reduced available on-street parking opportunities.
17. Appeal B would provide 13 parking spaces through an additional space at the side of the appeal building. The provision of parking levels, in accordance with the SPD would ensure that parking is not displaced elsewhere.
18. For the above reasons, whilst I have not found harm in relation to appeal B, Appeal A would be harmful to highway safety. The proposal would therefore conflict with CS Policy CS12, and the guidance contained within the SPD which seek, amongst other things, that developments provide safe and satisfactory means of access for all users and sufficient parking. The proposal also conflicts with paragraph 111 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on highway safety.

Non-Designated Heritage Asset

19. With regards to Appeal B, 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.

¹ APP/A1910/W/21/3277285 and s APP/A1910/W/20/3265837

20. The appellant does not dispute, that Nash House is a non-designated heritage asset. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.
21. Nash House derives its significance from its prominence, age, history and architectural design. It would have been the residence of paper making pioneers, including John Dickinson, who would have owned the commercial site which has been redeveloped into housing. Nash House has been redeveloped into 9 flats with areas of attractive landscaping and footpaths separating it from areas of parking to its front and side. Nash House now forms part of a wider residential development however its prominent positioning and scale echo back to its former use by pioneers in a commercial industry.
22. Whilst the wider development is modern, Nash House has a Georgian design and detailing and a pleasant, landscaped area. This landscaped area to its side and front provides a buffer between it and surrounding development which contributes positively to its prominence and significance.
23. The development of an area of this landscaping for parking would erode the landscape buffer surrounding Nash House which in turn would erode its prominence, both of which contribute to its significance. As such, the proposal would have a harmful impact on the significance of this non designated heritage asset.
24. Appeal B would therefore conflict with CS Policy CS10 which seeks, amongst other things, development that protects and enhances significant views and delivers landmark buildings. The proposal would also be at odds with paragraph 130 of the Framework that seeks, amongst other things, to ensure developments are visually attractive and sympathetic to local character.

Living Conditions

25. The concerns raised by the Council solely relate to Appeal B, and I agree with this assessment. The proposed parking space to the side of the appeal building would be located adjacent to two windows that serve unit 3. The appellant has detailed that this parking space would be the only allocated space and it would be designated to unit 3. This could overcome the concerns the Council have in relation to the living conditions of the occupiers of unit 3.
26. Whilst the details of how this would be secured, such as a condition or planning obligation, have not been submitted, I am satisfied that one of these could secure the parking for unit 3. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
27. For the reasons above, I conclude that Appeal A would not harm the living conditions of nearby residents. The proposed development would comply with paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Other Matters

28. The appellant suggests that the Council cannot demonstrate the supply of housing sites required by the Framework. If this were to be the case, I would be taken to paragraph 11 of the Framework. The most important policies would be deemed out of date. As the provision of one flat, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. I have found that the proposal would cause unacceptable harm to highway safety and to a non-designated heritage asset in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits.

Conclusion

29. For the above reasons given above, having considered the development plan, the approach of the Framework and all other relevant consideration, both Appeal A and Appeal B should be dismissed and planning permission refused.

Tamsin Law

INSPECTOR