



Appeal Decision

Site visit made on 9 December 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/Y9507/W/24/3350129

Flat 3B Windsor Court, 1 Windsor Road, Petersfield GU32 3ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Garver of David Graver Investment Company Ltd against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00601/FUL.
 - The development proposed is the change of use of garages to 1 bedroomed flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission included amended plans. These show alterations to the fenestration including additional windows in the elevation facing 3 Windsor Road, and additional land in the ownership of the appellant with potential parking outside the appeal site. This is a quantum of change which would physically alter the proposed development and I consider were I to take account of the amended plans there would be a risk of disadvantaging interested parties. I have therefore determined the appeal based on the plans that were considered by the LPA when it determined the application.
3. The change of use has already taken place and planning permission is sought to regularise this development. On visiting the site, I am satisfied the plans represent that which has been built.
4. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. The main parties have been given an opportunity to comment on this, so the revised version has been referred to in this decision.

Main Issues

5. The main issues are whether the proposed development would provide appropriate living conditions for future occupants with specific regard to internal space, and sufficient car parking in the interests of the proper function of the proposal.

Reasons

Living conditions

6. The appeal site includes 2 integral garages within a 2-storey residential building known as Windsor Court. These have since been converted into a residential unit with kitchen/lounge, shower room and bedroom. The new

dwelling is located to the rear of Windsor Court accessible via the car parking area and is single aspect with windows overlooking the parking area. Immediately to the rear of the appeal site is a separate residential dwelling and on the opposite side of the parking area is a 2-storey building.

7. The Authority has assessed the gross internal area of the proposed residential unit as 20.5sqm and the appellant does not disagree with this size. They have however confirmed the residential unit would be for a singular occupant.
8. South Downs National Park Local Plan (LP) Policy SD5, amongst other things, seeks to ensure development provides sufficient internal space to meet the need of a range of users but does not specify specific sizes. However, part of the development plan is the Design Guide Supplementary Planning Document (Design SPD), which refers to the Nationally Described Space Standards (NDSS) as the starting point for internal space provision.
9. The NDSS sets out that for a 1 person 1-bedroom, single storey dwelling with a shower, the minimum internal space should be 37sqm. The proposal would therefore provide significantly less internal space than the minimum required, notwithstanding the Authority's preference for minimum standards to be 10% greater than the NDSS requirements¹. Not only this but the unit is single aspect with limited access to natural light due to the size of the windows, and the proximity of the 2-storey building on the opposite side of the car parking area. This creates an oppressive and insular experience which would be detrimental to the living conditions of future occupants.
10. It is noted that the appellant considers the use of the unit to be temporary and affordable accommodation. However, that there is such a need for this type of accommodation has not been evidenced and there is no mechanism before me to secure such occupancy. I therefore do not find this to mitigate the harm identified.
11. It would also be inappropriate to condition the installation of larger or additional windows as their impact on the privacy of surrounding residents cannot be assessed.
12. That the main parties agree that appropriate cycle and refuse storage could be located within the appeal site and accordingly conditioned is noted. However, this does not overcome the harm identified in relation to the internal space of the proposed residential unit.
13. The proposal would not therefore provide appropriate living conditions for future occupants with specific regard to internal space and so fail to comply with LP Policy SD5, and requirements of the Design SPD in relation to internal space.

Car parking

14. LP Policy SD22, amongst other things, requires new development to provide an appropriate level of vehicle parking to serve the needs of that development, and the Guidance of Parking for Residential and Non-Residential Development Supplementary Planning Document (Parking SPD) indicates that the appropriate level of parking for the proposed dwelling would be 1 parking space.

¹ Paragraph C.14.3.2 of the Design SPD

15. However, with reference to the planning permission that approved the development of Windsor Court², it is evident that the garages were to be retained as private parking for residents of Windsor Court. The proposal has converted 2 garages and therefore constitutes a loss of 2 existing parking spaces without any replacements. Therefore, in combination the proposal would require 3 parking spaces to provide an appropriate level of vehicle parking as required by LP Policy SD22.
16. It is recognised that Windsor Court was approved in the 1980s when the minimum size standards for garages was less than that required now, and so are unlikely to fit modern cars in. Nevertheless, this does not negate the fact the garages were specifically approved, and their retention conditioned, to provide parking.
17. That the appeal site is in an accessible location does not remove the requirement for 1 additional parking space for the new residential unit. It is appreciated that there are examples where parking free development has been considered acceptable. However, there is no mechanism before me to secure the proposal as such.
18. Due to the physical constraints of the appeal site, I do not consider it appropriate to condition the provision of the required parking.
19. Therefore, I find the proposal would fail to provide sufficient car parking in the interests of the proper function of the proposed development, contrary to LP Policy SD22 and the guidance within the Parking SPD.

Other Matters

20. It is noted that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations to ensure the housing needs of the community are met. The proposal would provide a net increase of 1 home on previously developed land in an accessible location. However, as stated above that this meets a specific need has not been sufficiently evidenced. Nevertheless, along with the associated economic and social benefits, the contribution to the windfall element of the Authority's 5-year housing land supply would attract limited weight based on the number of units involved.
21. However, housing provision should not come at the cost of the living conditions of future occupants, a position also supported by the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.
22. The appeal site is within the South Down National Park. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to these purposes in this decision. Due to the location of the appeal site within Petersfield and that the proposal constitutes alterations to an existing building, I do not consider the proposal to undermine the purposes of the National Park.

² Planning reference 28443/4 and provided, in part, in appendix A and B of the Authority's Statement of Case.

23. However this would constitute a lack of harm, which by definition cannot weigh for or against a proposal. This would also be the case in terms of the lack of harm the proposal would have on harm to character and appearance, the living conditions of neighbours, drainage, ecology, and sustainability.
24. Within the reasons for refusal the Authority has referred to LP Policies SD54 and SD19. Policy SD54 deals with pollution and air quality, and although obliquely referred to in the officer report in relation to the proximity of some commercial uses and noise from neighbours, this is not quantified. LP Policy SD19 refers to transport and accessibility and not parking provision. Consequently, I have not found either of these policies determinative.
25. The appellant considers that the Authority have not acted positively and proactively in dealing with the application. This, however, does not impact the planning merits of the case.

Conclusion

26. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR