The Planning Inspectorate

Appeal Decision

Site visit made on 4 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/X1925/W/18/3213068
11-17 Mill Road, Royston, Hertfordshire SG8 7AE

- 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 Churchill Retirement Living against the decision of North Hertfordshire District Council.
- The application Ref 18/00492/FP, dated 16 February 2018, was refused by notice dated 4 September 2018.
- The development proposed is described as the "demolition of existing buildings and erection of 41 no. retirement living apartments, together with communal facilities, car parking and landscaping".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the North Hertfordshire District Council Local Plan 2011-2031 Proposed Submission October 2016, which is the subject of further examinations. As such, I only afford it limited weight in my determination of this appeal.

3. The appellant has provided planning obligations by way of a unilateral undertaking (UU) pursuant to section 106 of the Town and Country Planning Act, which I consider later in this decision letter.

Main Issues

4. The main issues are the effect of the development on:

   - the character and appearance of the area;
   - the living conditions of future occupiers with particular regard to the standard of accommodation and private amenity space and the living conditions of adjoining occupiers with particular regard to privacy and outlook; and
   - parking provision.

Reasons

Character and Appearance

5. The appeal site lies within a predominantly residential area and is occupied by two pairs of semi-detached dwellings. The area contains a variety of style and size of properties with bungalows and two storey dwellings in the vicinity.

Flatted development in the area, such as Oakley Court opposite the site, is also evident. The area has a pleasant suburban quality that is reinforced by the spaciousness about and between the dwellings and notwithstanding the range of properties, there is a degree of uniformity that is created by the linear pattern of development along Mill Road and the surrounding street network.

6. The proposal seeks to demolish the existing dwellings and replace them with a development of 41 retirement apartments, which would be provided with private parking and amenity areas. The development would create 29, one bed flats and a further 12, two bed flats.

7. The existing properties at this part of Mill Lane are staggered so that the properties at 5-7A are set back from the appeal site. This allows views of the end elevations of 11 and 15 Mill Lane when travelling eastwards. The staggering of the development also provides a visual gap between the properties so that any in-depth development would be clearly visible from Mill Lane and surrounding properties.

8. The proposal would create a very large mass of development that would be spread across the four plots, extending into the rear of the site and to its eastern and western boundaries. Although I acknowledge that the proposal seeks to replicate the height of the existing buildings that flank the site, as a result of the sheer scale of the three storey development facing onto Mill lane and which would also cover the majority of the site with built development, it would result in a building that would dominate the site, giving it a constrained and cramped appearance.

9. Moreover, although I accept that in-depth development exists to the east of the site, on the whole, the gardens to the rear of dwellings in the area are undeveloped which gives the area an open character. Notwithstanding that the development seeks to make optimal use of the site, the layout of the proposal with a large expanse of building across the width and depth of the site would also result in a discordant form of development, eroding and failing to respond to the more open and spacious character of the area.

10. Furthermore, notwithstanding the 12 design characteristics identified within the "Retirement Living Explained" document[1], the development proposes a mixture of pitched and flat roof elements, along with varying heights and differing elevational treatments which gives the development a somewhat bulky and awkward appearance. While I accept that there are differing styles of properties in the area, the development is a somewhat contrived design response, which further contributes to the harm I have identified above.

11. The proposal would result in harm to the character and appearance of the area. It would be in conflict with Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations 1996 (the Local Plan) and the National Planning Policy Framework (the Framework) which seek, amongst other things, that developments achieve the highest standard of design and should relate to and enhance their site and surroundings.

Living Conditions – Future Occupiers

12. The Council has raised additional concerns regarding the standard of accommodation to be provided and the level of private garden area. In

[1] Retirement Living Explained: A Guide for Planning and Design Professionals, April 2017

particular, the concerns stem from the orientation of the building and access to sunlight and the size of the proposed garden area.

13. The accommodation to the front of the site would face onto Mill Lane. While the flats on wither end of the front elevation would contain windows in their east and west elevations, flats 05, 19 and 34 would only have windows that face northwards. The orientation northwards would result any in sunlight reaching the kitchens, living rooms and bedrooms served by the windows being diminished or non-existent. This would result in gloomy and dark rooms that would be principal areas for occupiers of the flats to enjoy. I therefore find that this would result in material harm to the future occupiers living conditions.

14. With regard to the corridors, I accept that these would potentially also be dark areas as a result of them being internally within the building. Nevertheless, corridors are typical features within large flatted developments and these areas are not part of any living area and are provided purely as circulation areas. Consequently, I do not find the corridor areas to have a negative impact on the living conditions of future occupiers in that regard.

15. Turning to the proposed garden amenity area, Guideline 8 of Policy 57 of the Local Plan requires 18 sq. m per one bedroom flat and a further 10 sq. m for each additional bedroom, equating to 858 sq. m of amenity space to be provided. The Council calculate the garden area to be provided to be some 546 sq. m with a further 65 sq. m of amenity space provided in the owner's lounge within the building, resulting in a total of 601 sq. m of overall amenity space. This falls far short of the amenity space required under Policy 57 of the Local Plan. Furthermore, the space would be overshadowed by the proposed building during the afternoon and evening, reducing the attractiveness of the area. Therefore, notwithstanding the typical age of a resident that may reside within the development, an acceptable level of amenity space needs to be provided to ensure that there is a suitable area for sitting out or indeed exercising. The development would not provide this.

16. Thus, the proposal would result in material harm to the living conditions of future occupiers. It would be in conflict with Policy 57 of the Local Plan and the Framework which seek, amongst other things, to ensure that development relates to the site and its surroundings, enhances the character of the area and provides a high standard of design.

Living Conditions – Adjoining Occupiers

17. The Council has raised several concerns relating to the position of the proposed development in relation to surrounding properties, notably those at King James Way and Queen Anne Court to the south and east of the site respectively. In response, the appellant has provided a 'Distance Drawing[2]' which is annotated with the distances to the properties that surround it. Given the separation distances proposed and the intervening landscaping along Butchers Baulk between the appeal site and properties along King James Way, I am satisfied that the living conditions of those occupiers would not be significantly affected by the development through loss of privacy or outlook.

18. Turning to those properties at Queen Anne Court, again there is sufficient separation between the appeal building and those that have recently been

[2] 40030RS/PL20

constructed and those yet to be developed along the court to ensure that, in this urban setting, the living conditions of occupiers is not significantly affected by the development through overlooking or outlook.

19. Thus, the development would not result in material harm to the living conditions of adjoining occupiers. It would not be in conflict with Policy 57 of the Local Plan and the Framework, which seek, amongst other things, to ensure that development relates to the site and its surroundings, enhances the character of the area and provides a high standard of design.

Parking Provision

20. The development would provide 20 parking spaces within the site, which would fail to comply with the requirements of the North Hertfordshire District Council Vehicle Parking at New Development Supplementary Planning Document 2011 (the SPD) which requires a minimum of "1 space per dwelling" to be provided. The appellant, however, is an experienced provider of retirement accommodation and within its Transport Statement (TS)[3], sought to demonstrate that such accommodation generates an average parking demand of some 0.28 spaces per residential unit. Thus, as the development would provide some 0.49 spaces per unit, there wouldn't be a requirement to provide one space per unit as it would not generate a demand for such levels of parking provision.

21. I am mindful that paragraph 4.6 of the SPD states that there is room for negotiation to reduce parking levels which would be dependent upon robust evidence being put forward by the developer. In this instance, I find the TS to be such evidence that lower levels of parking would be acceptable at the site. Thus, the development would not be in conflict with Policy 55 of the Local Plan, the SPD and the Framework, which seek, amongst other things, to ensure that developments provide adequate levels of parking.

Other Matters

22. A signed UU has been provided by the appellant, which would satisfy development plan policies seeking to secure the provision of contributions towards affordable housing provision and libraries. The contributions for infrastructure provision would only be necessary to make the development acceptable in planning terms and thus, this aspect of the UU is a neutral factor in the case rather than a benefit. Given that I am dismissing the appeal on the substantive issues, I need not consider this matter in any further detail.

23. I have carefully considered the appellant's suggestion that a condition could be imposed to ensure that only those aged 60 and older can reside at the site. Furthermore, I acknowledge that the principle of the development on a windfall site is acceptable and that it would meet a genuine need for retirement accommodation, reducing loneliness and isolation for those that would reside within the development. This could also result in additional dwellings being released within the District. I also accept that the development would utilise low carbon technology and that the site lies close to the services, amenities and transport links that Royston has to offer. While these matters are material considerations that weigh in favour of the proposal, I do not consider that either individually or cumulatively they outweigh the harm identified above.

[3] Retirement Living Development for the Elderly: Transport Statement, Mott Macdonald February 2018

24. I acknowledge that a flatted development exists at Oakley Court opposite the site. However, this particular development does not have the same massing or appearance to the development proposed. Consequently, I do not find Oakley Court to be directly comparable to the development before me. Furthermore, I have no substantive evidence before me that the existing dwellings at the site represent poor quality housing.

25. The appellant suggests that the site would make efficient use of brownfield, or previously developed land (PDL). However, Annex 2 of the Framework specifically excludes land in built-up areas such as residential gardens from the definition of PDL. Thus, as the appeal site contains such land, it cannot wholly be considered as PDL.

26. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

The Planning Balance and Conclusion

27. The Council accept that it cannot demonstrate a five year supply of deliverable housing sites. As such, the tilted balance at paragraph 11 of the Framework is engaged and the policies which are the most important for determining the appeal are out-of-date. I recognise that the proposal would boost the supply of housing for older people in the District which would result in support for the local economy both during the construction and when the development is occupied. As such, the proposal would have both social and economic benefits which weigh in favour of the development.

28. Nevertheless, I have found that the proposal would be contrary to the Development Plan for the reasons as set out above. Thus, the harm I have found is serious and this significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

29. Thus, for the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR