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## Appeal Decision

Site visit made on 29 February 2016

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 March 2016**

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**Appeal Ref: APP/X0415/W/15/3137742**

**Victoria House, Victoria Road, Chesham HP5 3AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).
  - The appeal is made by Mr A McLaughlin (Andrews Construction) against the decision of Chiltern District Council.
  - The application Ref CH/2015/1302/PNDS, dated 29 June 2015, was refused by notice dated 1 September 2015.
  - The development proposed is the change of use from storage and distribution (Use Class B8) to three studio apartments and four one-bedroom flats (Use class C3).
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) for the change of use from storage and distribution (Use Class B8) to three studio apartments and four one-bedroom flats (use class C3), at Victoria House, Victoria Road, Chesham HP5 3AJ in accordance with the details submitted.

### Procedural Matter

2. Elevation plans have been submitted showing external changes but the appellant has confirmed that these will be subject to a separate planning application. The appeal has been considered on this basis.

### Main Issue

3. The main issue is whether planning permission is required for the proposed change of use.

### Reasons

4. The appeal property comprises a two storey building with converted attic space which fronts onto Victoria Road. The rear of the building abuts the back gardens of properties in Gladstone Road. There is no dispute that the site has been in an authorised storage and distribution use.
  5. Schedule 2, Part 3, Class P of the GPDO, provides that development consisting of a change of use of a building and any land within its curtilage from a use falling within B8(storage or distribution) of the Schedule to the Use Classes Order, to a use falling within Class C3(dwellinghouses) of that Schedule, is permitted development subject to certain limitations and conditions. Under
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- paragraph P.2.(b), one of the conditions is an assessment of the transport and highways impacts of the development.
6. There would be no off street parking provided to serve the completed development. In front of the appeal building, there are restrictions preventing parking which continues along much of this side of Victoria Road. However, there are also unrestricted areas of parking on the road. On the east side of the road, there are blocks of flats which have some off street parking in front, within and outside hard surfaced areas. There is also a combination of unrestricted and restricted street parking in Gladstone Road, Queens Road and Franchise Street which lie in the immediate vicinity of the site.
  7. The appeal site and the surrounding residential areas are in close proximity to the Chesham Town Centre which has a significant number and range of retail facilities. There are also school and community facilities nearby and reasonable access to public transport, including local and regional buses, and a railway station. As such, the development would be located in a highly sustainable location with regard to access to services and facilities.
  8. The appellant's parking survey indicates some availability of car parking on Victoria Road and the immediately surrounding road during the week and at weekends whilst the Council's and third parties point to little or no availability. Taking into account the worst possible scenario provided by the Council's and third parties evidence, residents and indeed occupants of the proposed development could have to park some distance from their property. Third parties state the car parking situation is already inadequate. I accept that this could be inconvenient but given the sustainable location of the appeal site and adjacent residential areas, there would be services and facilities for day to day needs accessible by means other than the private motor car. For this reason, I am not persuaded that residents have an overriding need to have vehicles parked in the immediate vicinity of the properties where their owners reside. Consequently, any inconvenience would not be significant because the use of a vehicle is not required at all times.
  9. Furthermore, it has not been demonstrated that the development would result in a severe risk to the users of the adjacent highways or that they are at full capacity. In this respect, I have seen no evidence showing collision risk or that traffic associated with the development would adversely affect the free flow of traffic within the area. Indeed, Buckinghamshire County Council Highways, a consultee on highway matters, has raised no objection because the proposed development would be unlikely to result in a material increase in traffic generation associated with the site.
  10. It has been indicated that there has been no demand for the premises through marketing and therefore, the storage and distribution use cannot be justified as a fallback position. However, the current vacant state of the premises could be influenced by the details of the marketing offer, including price, and the appellant has confirmed that the offer would be changed if residential use was found unacceptable. The building has also been used for storage in the past. Therefore, the car parking requirements of the storage and distribution use should be taken into account.
  11. It has been argued that the car parking requirement for the storage and distribution use would be lower than that indicated by the standards contained within Policy TR16 of the Chiltern District Local Plan (LP) 1997. However, it

could be equally argued that the car parking requirement for the residential units should be lower than that indicated by the standards because of the sustainable location of the appeal site. Therefore, the additional requirement associated with residential use, if any, would not be great. The parking characteristics of the residential use would be different to that of the storage and distribution use but for the reasons indicated, the adverse effect of additional car parking would not be significant.

12. For all these reasons, the transport and highways impact of the development would not be severe. Accordingly, the proposal would comply with Policy TR2 of the LP, which amongst other matters requires the highway network in the vicinity of the appeal site to have capacity to accept the additional flow of traffic generated without significantly exacerbating overloading or causing other traffic related problems. Similarly, the proposal would comply with paragraph 32 of the National Planning Policy Framework which states that development should only be prevented where the residual cumulative impacts of the development are severe.
13. In respect of the other conditions of paragraph P.2.(b), the application site lies outside the Broad Street/Berkampsted Road Air Quality Management Area. As such, the Council state that the level of pollutants in the air around the appeal site is not deemed as severe as those within the zone. The Council's Health and Housing section has also raised no objection. In the absence of any detailed evidence to the contrary, I have no reason to dispute the Council's assessment that there would be no unreasonable impacts on the future occupants of the building arising from pollution on this basis. Turning to contamination risks in relation to the building, the Council's Health and Housing section has also raised no objection. Finally, there have been objections from residents arising from the noise impacts of the development. However, such impacts would not be significant given the residential use proposed and would be no different to those arising from other residential uses in this densely built area. For all these reasons, there would be no conflict with the other conditions contained within paragraph P.2.(b).
14. Objections have been raised relating to overlooking of neighbouring properties, crime and disorder, disturbance and a fire emergency access located in the garden of a neighbouring property. The lack of outdoor space to serve the proposed residential units, sub-standard size of the units, the loss of commercial floorspace, inadequate bin and cycle storage have also been raised. However, these objections go beyond what can be considered under the limitations and conditions of this prior approval procedure and consequently are not determinative considerations.
15. In conclusion, I conclude that the appeal should be allowed. In granting approval, the appellant should note that the GPDO requires at Paragraph P.1(c) that the use of the building shall be begun no later than at or before 15 April 2018 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

*Jonathon Parsons*

INSPECTOR