



# Appeal Decision

Site visit made on 30 January 2023

**by G Dring BA (Hons) MA MRTPI MAUDE**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 March 2023**

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**Appeal Ref: APP/K1935/W/22/3294303**

**303 Ripon Road, Stevenage SG1 4LS**

- 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 Mr G Tennant of GDT Development Ltd against the decision of Stevenage Borough Council.
  - The application Ref 21/01101/FP, dated 10 October 2021, was refused by notice dated 12 January 2022.
  - The development proposed is conversion of existing property to 3 no studio flats to include the conversion of the garage and single storey front and rear extensions including the change of use from highway land to amenity land.
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## Decision

1. The appeal is allowed and planning permission is granted for conversion of existing property to 3 no studio flats to include the conversion of the garage and single storey front and rear extensions including the change of use from highway land to amenity land at 303 Ripon Road, Stevenage SG1 4LS in accordance with the terms of the application, Ref 21/01101/FP, dated 10 October 2021, and the plans submitted with it, subject to the schedule of conditions attached to this decision.

## Preliminary Matter

2. The proposed site plan drawing number 21\SPP\000, does not show the proposed front and rear extensions. However, given the detail shown on the proposed floor plan and elevation drawings and from what I was able to view during my site visit, I have sufficient evidence before me to fully consider the proposal.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the housing mix in the local area with particular regard to the number of family homes;
  - the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area; and
  - the effect on crime as a result of the proposed relocation of the existing lamp column.

## Reasons

### *Housing mix*

4. Policy SP7 of the Stevenage Borough Local Plan 2011-2031 Adopted 22 May 2019 (LP) sets out support for significant growth in and around Stevenage to help meet the needs across the market area. Criteria e. of Policy SP7 supports applications for housing development on unallocated sites where they are in suitable locations and will not exceed the environmental capacity. LP Policy HO9 states that amongst other considerations, planning permission for residential schemes will be granted where an appropriate range of market and affordable housing types and sizes are provided taking into account structural imbalances in the existing housing stock.
5. Whilst some limited information has been provided by interested parties as to the availability of one bedroom properties in comparison to family sized homes for sale and rent, no substantive evidence has been provided as to the current residential profile of the local area and how the overall housing mix would be effected in a detrimental way as a result of the proposal.
6. Based on the evidence before me therefore, I conclude that the proposal would have an acceptable effect on the local housing mix. As such, the proposal complies with the requirements of policies SP7 and HO9 of the LP which seek, amongst other things, to support windfall sites where they are in suitable locations, do not exceed environmental capacity, will not have an adverse impact and will provide an appropriate range of housing types and sizes. The proposal would also comply with the relevant paragraph of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to support the development of windfall sites.

### *Character and appearance*

7. The appeal site is formed of a mid terrace two storey dwelling. The front elevation faces on to a pedestrian footpath whilst the rear elevation faces the cul-de-sac. Parking areas which stretch across the full width of the plot are located to the rear of other properties within the terrace. 301 and 305 Ripon Road and the appeal site currently have part of the width of the plot allocated to parking with a boundary fence adjacent separating the parking area from the remainder of the rear garden space. A number of properties within the surrounding area have porches at single storey height of varying designs. A lamp column is sited on the corner of the appeal site along the rear boundary.
8. The proposed front extension would be of limited depth and height and would be set in from both side boundaries, resulting in a subservient extension which would not overwhelm or dominate the existing property. The existing garage would be converted and the garage door replaced with a window, which would be a minor alteration to the rear elevation. The height of the proposed rear extension would be limited to single storey and the proposed depth means that it would be tied in closely to the existing built form of the property. The proposed use of matching materials would integrate the additional limited built form visually into the existing property and the surrounding area.
9. Given the limited scale and depth of the front and rear extensions and the retention of the majority of the front garden area and part of the rear garden space, along with the proposed car parking area to the rear, the proposal

would not represent an overdevelopment of the site. The positioning and scale of the proposed rear parking area would reflect the layout of other properties within the same terrace.

10. I note that concerns are raised about the effect of the proposal on the quiet character of the residential area. However, I have little evidence before me to suggest that there is an unacceptable concentration of one bedroom properties in the immediate or wider area and that the proposal would lead to a material change in the character of the area.
11. The proposal would therefore be in keeping with the character and appearance of the existing dwelling and the surrounding area. It would comply with policies SP8 and GD1 of the LP, which seek amongst other things, to ensure that a proposed scheme respects and makes a positive contribution to its location and surrounds. The proposal would also comply with the general design principles set out in the Stevenage Design Guide Supplementary Planning Document Adopted 21 October 2009 (DSPD) and the Framework which both seek, amongst other things, to ensure that developments are sympathetic to local character.

#### *Effect on crime*

12. While the scheme would remove the lamp column from the rear of the property, a condition can be imposed to require that it is relocated. Although the spacing of the lamp columns would be altered, the number would not be reduced. There are similar spaces to the current location of the lamp column situated to the rear of neighbouring properties and areas of open space where you turn down to the cul-de-sac that provide the opportunity for relocation. The Highway Authority have not objected to the proposed relocation of the lamp column, subject to the details of the relocation scheme being agreed.
13. Whilst I do not doubt that the concerns raised about the amended illumination of the street are genuine, I have no substantive evidence before me to show that the removal and relocation of the lamp column further along the cul-de-sac would result in an increase in crime or the fear of crime. I therefore conclude that the proposed relocation of the lamp column would not be likely to have a detrimental effect on crime. The proposal would accord with policies SP8 and GD1 of the LP, which seek amongst other things, to create a safe environment that designs out crime and which achieves the highest standards of design. The proposal would also accord with the DSPD and the relevant paragraph of the Framework, where it seeks to achieve inclusive and safe places.

#### **Other Matters**

14. The scheme subject to this appeal follows previous planning applications at the appeal site. Be that as it may, I must consider the appeal proposal before me. I note concerns that the proposal would set an undesirable precedent, however each application must be judged on its own merits and for the reasons stated above, I find the proposal to be acceptable.
15. Interested parties raise concern about an increase in noise and disturbance. In the existing form, the dwelling provides four bedrooms and could accommodate a family that may include adults and teenagers. Although the proposal would create three individual residential units, the total number of bedroom spaces

would be reduced from four to three. The proposed bedroom spaces are designed for single occupancy. Whilst I accept that the occupants of the flats would live independently of one another, which is different to that of a single dwelling house, the activity generated would not be likely to be significantly different. The potential for an increase in noise at night-time outside of properties is also raised, however, I have no evidence that this would be likely or directly attributed to the proposal. Sound insulation and fire safety would be covered by building regulations.

16. Concerns are raised with regard to the amount of parking proposed and the potential for additional traffic congestion in the local area, with particular reference to the potential for couples to cohabit in the proposed flats, despite them being designed for single occupancy.
17. Policy IT5 of the LP confirms that planning permission will be granted where proposals comply with the requirements of the Parking Provision Planning Document. The Parking Provision and Sustainable Transport SPD Adopted 2020 (PPSPD) states that one parking space is required for each flat with one bedroom. It does not state requirements based on the number of occupants. As the parking spaces are unallocated, the PPSPD states that additional visitor spaces would preferably not be provided. Three spaces are proposed, meeting the quantitative requirements of the PPSPD.
18. Whilst concerns have been raised by interested parties about the drafting and accuracy of the submitted plans in relation to the parking layout, the Council and Highway Authority have raised no objection to the size or layout of the parking spaces proposed and I find no reason to disagree with their view. I therefore consider that the amount of parking and the arrangement proposed is sufficient. The Council has not requested that a condition be imposed that limits the number of occupants, in order to limit the potential for additional parking stress as a result of the proposal. In any case, I am not satisfied that there is sufficient evidence to suggest that such a condition would be either necessary or enforceable in relation to this appeal.
19. All three proposed flats meet the internal space standards set out in the nationally described space standards. Future occupants would have access to external space to the front and rear of the flats and sufficient bin and cycle storage is provided within the appeal site. In addition, the appeal site is located in very close proximity to open greenspace. I note that future occupants of flat one and flat two would have to walk from the parking area at the rear to the front of the property to gain access to the flats. However, it is a short walk along a quiet cul-de-sac section of road, joining a footpath that runs through the open space to the front of the terrace.
20. The proposed rear extension would be single storey, limited in depth and would be located between the existing garage projections of the appeal property and 301 Ripon Road, limiting any effect on the amount of daylight and sunlight reaching the neighbouring dwellings to either side. The proposed front extension would also be single storey in height and of limited depth. It would be set in from both side boundaries and due to its orientation would not have a significant effect on the amount of daylight and sunlight reaching the neighbouring dwellings to either side.
21. Interested parties express concern about the lack of consultation between the appellant and local residents. However, the details before me indicate that

notification was carried out during the application and for the appeal. The conduct of the Council with regard to the sale of land or the Freedom of Information requests are not matters that affect my findings on the planning merits of the scheme. The protection of purely private interests including the value of neighbouring properties is not a material planning consideration.

22. The impact of the construction phase is highlighted as a concern by interested parties in relation to the appellant needing access to neighbouring properties in order to carry out works and the damage that this could cause. However, this is a private matter that would need to be resolved between the parties. Reference has been made to a potential covenant on the appeal site, however, I have seen no evidence regarding the scope or extent of this covenant and how it might affect the implementation of the proposal.
23. Regardless of the Council's Housing Delivery Test position, I have concluded that the proposal accords with the policies set out above, which are broadly consistent with the Framework. It would not be harmful to the housing mix or the character and appearance of the area and would not have a detrimental effect on crime. As such the proposal is acceptable and, in any event, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

### **Conditions**

24. The Council have submitted suggested conditions, were I minded to allow the appeal. I have considered these in light of the advice in the Framework and the Planning Practice Guidance. Where necessary and in the interests of clarity and precision, I have made minor alterations to the wording of conditions to better reflect the relevant guidance. Along with the standard timescale condition for implementation I have imposed a condition specifying the relevant plans in the interests of certainty.
25. A condition is necessary to ensure a scheme for the relocation of the lamp column is agreed and implemented. I note the Council suggested a pre-commencement condition in this regard, however, it would be possible to start works without having had to move the lamp column first. A condition is therefore imposed requiring the agreement of details for the replacement of the lamp column. These details and an implementation programme are required prior to the removal of the existing lamp column or the occupation of the flats, whichever occurs first.
26. The Council have suggested a condition requiring that each parking space shall incorporate an electric vehicle ready domestic charging point. Reference is made to policies 5, 19 and 20 of the Hertfordshire Local Transport Plan Adopted 2018 (LTP) for justifying this condition. These policies seek, amongst other things to ensure new developments provide facilities for the electric charging of vehicles, address barriers to and support uptake of electric vehicles and reduce the impact of poor air quality on human health.
27. The LTP policies identified do not set out the triggers or specific requirements of new developments in achieving this. In any case, the LP was adopted in 2019, a year after the adoption of the LTP. Policy IT5 of the LP states that planning permission will be granted where proposals comply with the requirements of the Parking Provision Supplementary Planning Document.

28. The PPSPD states that 'all new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point Standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and the uptake increases' and that 'a minimum of 20% of new parking on a site should have access to an active EV charging point'.
29. A condition requiring that a charging point is provided for each parking space is therefore more onerous than the requirement set out in the PPSPD and insufficient evidence has been provided to justify this approach in this case. Whilst the PPSPD does not form part of the development plan, it does carry weight as a material consideration in decision making. I have therefore imposed a condition requiring that the details are submitted for agreement and the agreed scheme implemented prior to the occupation of the development.
30. As a result of the creation of the expanded parking area, a condition is imposed to require that a surface water drainage scheme is submitted to and agreed by the local planning authority prior to the construction of the parking area and that it is implemented prior to the occupation of the flats. This is required in order to ensure adequate drainage of the site with regard to surface water.
31. I have specified a condition requiring external materials to match the original dwelling in the interests of the character and appearance of the host building and the area, in line with the information provided on drawing 21\102. Conditions are also imposed to ensure the parking, cycle parking and refuse storage are ready for use prior to the flats being occupied in the interests of ensuring appropriate facilities are provided and to prevent harm to the character and appearance of the area.

### **Conclusion**

32. For the reasons given above and having regard to all matters raised, I conclude that subject to conditions, the appeal should be allowed.

*G Dring*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21\SPP\000; 21\101 Rev A; 21\102.
- 3) Prior to the removal of the existing lamp column, or the occupation of any of the flats hereby approved, whichever is sooner, a scheme for the relocation of the lamp column including a programme for implementation shall be submitted to and agreed in writing by the local planning authority. The lamp column shall be relocated in accordance with the agreed scheme.
- 4) Prior to the occupation of the development hereby permitted, a scheme for electric vehicle charging including a programme for implementation shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed scheme.
- 5) Prior to the construction of the parking area hereby approved, a scheme for surface water drainage shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented prior to the occupation of any of the flats hereby approved and thereafter retained.
- 6) The materials to be used in the construction of the external surfaces of the front and rear extensions hereby permitted shall match the materials used in the construction of the original dwelling.
- 7) The cycle and refuse storage hereby approved and as shown on drawing 21\101 Rev A shall be constructed and made ready for use prior to the occupation of the flats. The provision shall thereafter be retained.
- 8) The land within the parking area hereby approved as shown on drawing number 21\101 Rev A shall be constructed and made ready for use prior to the occupation of the flats. The provision shall thereafter be retained for the purposes of parking in perpetuity.