

**4/01369/13/FUL - CONVERSION OF GROUND FLOOR RETAIL UNIT INTO RETAIL UNIT AND ONE BEDROOM FLAT.
12 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD.
APPLICANT: MR P SAMSON.**

[Case Officer - Patrick Doyle]

[Grid Ref - TL 01329 03821]

Summary

The application is recommended for approval. The property has been historically expanded and had a transient past with regard to differing uses on the site. The proposal will retain the appearance of the shop and retain a small retail unit whilst creating an additional 1 bed flat. Bovingdon Parish Council object to the creation of an unviable retail unit.

There is nothing within the local development framework which would resist the conversion of this shop unit to the residential given its location outside a shopping area of a local centre. The retention forms a compromise to retain the retail element and character of this part of Bovingdon whilst allowing the creation of 1 bed flat. The flat is considered to satisfy all other considerations typically expected of new residential development in accordance with the Local Development Framework.

Site Description

12 High Street, Bovingdon is the ground floor of a 2.5 storey building currently trading with A1 retail use as an exotic pet shop. The upper floors comprise of two residential flats. The property is brick built gable fronted and gable sided with an L shaped pitched roof formation with apart a part flat roof element to the rear. A double bay window provides a shop frontage with shop sign above, there is a parking space across the front of the shop. There is also an undercroft access way for pedestrians and vehicles leading to a rear yard area with informal parking and servicing area for the shop and residential units.

12 High Street, sits amongst a group of 4 shops with residential accommodation overhead, the character of this part of the High street is primarily residential.

Proposal

It is proposed to convert the rearmost portion of the shop into a 1 bedroom flat, leaving a small retail unit to the front of the property of approx. 27 sq. m. The rear yard area would be formalised into 3 parking spaces, manoeuvring area, cycle storage and refuse storage area. To the rear of the property a new spiral staircase and gantry will replace the existing stairway and gantry providing access to the flats currently above the shop. A new door and windows will be inserted in the flank wall which faces into the undercroft access way.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council who wish to resist the loss of retail floor space as they consider it will make the shop unviable.

Planning History

4/1793/76 - Single Storey Rear Extension - Granted 23/12/1976
4/0750/81 - Alterations to the Shop Front - Granted 29/5/1981
4/1012/81 - Two Storey Side Extension - Granted 31/7/1981
4/1663/88 - Change of Use from Shop & Residential to Offices (A2) - Refused
20/10/1988
4/0438/89 - Change of Use from Shop & Residential to Offices (A2) - Granted
6/3/1989
4/1740/00 - Conversion of Offices to Flats - Granted 25/1/2001

Policies

National Policy Guidance

NPPF
Circular 11/95

Core Strategy

NP1, CS1, CS4, CS8, CS11, CS12, CS16, CS17, CS18, CS29

Dacorum Borough Local Plan Saved Policies

Policies 13, 19, 43, 58, 99
Appendices 1, 3, 5 & 7

Supplementary Planning Guidance

Environmental Guidelines
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards
Planning Obligations

Representations

Bovingdon Parish Council

Object - We do not want to lose a retail unit in the High Street. We note that the proposal is to retain a smaller retail unit, which has no toilet or kitchen facilities, and, therefore, would be unviable.

Hertfordshire Highways

The above application is for the conversion of the existing retail unit into one bedroom flat with retail. The application form states that there are two 2-bedroom flats at present spread over the first and second floors. The conversion of the existing retail unit into another one bedroom flat with still a retail unit means that the current off street parking will increase too. Currently there are three spaces two to the rear and

one off the vxo to the front of the retail unit. The applicant proposes to increase the rear parking to three spaces making a total for three flats and the retail unit to four off street parking spaces. The local authority is the parking authority and they will ultimately determine the level of off street parking this site should afford including the proposed works.

Strategic Planning

The site is located in the Bovingdon Local Centre (see Local Plan Policy 39: uses in town centres and local centres). Policy 39 identifies shopping and residential development as appropriate uses in town and local centres.

Local Plan Policy 43 provides further policy guidance on shopping areas in local centres. However, the application site is not in one of the defined shopping areas in Bovingdon.

In view of the above there is no policy objection to the proposed development in principle (although there must be some doubt over whether there will be any commercial interest in the proposed retail unit, given its small size and lack of storage space).

The application should also be assessed against Local Plan Policy 19 (conversions).

Considerations

Policy and Principle

There is no policy within the current development framework which would restrict the partial conversion of this shop into residential accommodation. The property is located within the local centre of Bovingdon. Shopping and residential development are appropriate forms in development in Local Centres in line with saved DBLP policy 39. The property does not sit within one of the identified shopping areas highlighted in saved DBLP policy 43 so there is no principle objection to residential use in this location.

Saved DBLP policy 45 - Scattered Local Shops resists the loss of local shops outside of town and local centres. Local shops in the context of policy 45 are identified in the background to the policy as to usually mean a newsagent, sub-post office and grocer but can include other locally important services such as a baker, butcher or chemist. The partial loss of floor space of an exotic pet shop does not fall into that category. The property will retain the shop frontage and a small retail area. Although there will be the loss of some retail floor space the alternative proposed residential use is complementary to the function and character of the large village of Bovingdon as supposed by saved DBLP policy 39 and where a mix of uses is encouraged by policy CS4.

Saved DBLP policy 19 - Conversions stipulates conversion of buildings in local centres to flats will be appropriate providing an appropriate mix and balance of uses is retained. It is not considered the aptrial conversion is at odds with this policy.

Therefore there is no policy objection to the principle of the partial residential

conversion of the retail unit and the application should be assessed against the other relevant policies.

Effects on appearance of building

The proposals will introduce only minor alterations to the side and rear of the property, with the removal of the existing staircase and the introduction of a new external spiral staircase and balcony to the rear to provide access to the existing flats Flat 1 and Flat 2. It is not considered any undue harm would be caused to the appearance of this property. The scale, design and layout are appropriate and would accord with policy CS12 and saved DBLP appendix 3 & 7 whilst providing satisfactory internal space in accordance with saved DBLP policy 19.

Impact on Trees and Landscaping

No trees or landscaping exist nor proffered with this application. Although landscaping would be encouraged the character of these flats are such only minimal planting can be achieved in pot plants and window planters to try achieve some form of greening of the built environment. It is not considered enforceable nor reasonable to enforce such small scale planting when it will only make a negligible difference to the rear elevation of this property. The proposal is considered to accord with saved DBLP policy 99 and policy CS12.

Amenity space

No amenity space exists nor is proffered with this application. The character of these properties is that no amenity space is provided; the proposed 1 bed flat by not having any amenity space is respectful of its surroundings in terms of amenity space in accordance with policy CS12. Saved DBLP appendix 3 whilst requiring all residential development to provide private open space it also states the size should be compatible with that of neighbouring properties. It would be anomalous to require a garden of this 1 bed flat whilst several larger flats do not require any provision. Given the extant situation locally with regard to garden sizes and that any future occupant will be aware of the situation before occupation it is considered the development without the provision of amenity space will be acceptable.

Impact on Street Scene

There will be no visual impact on the street scene as all alterations will occur to the rear of the property. The proposed door and windows to be inserted in the flank wall which faces into the undercroft access way will be partially visible from incidental views by those passing in the street however this is not held to be any more harmful than the blank wall currently in situ. The spiral staircase although of limited design value is in a location which will cause undue harm to the visual amenity of the street scene. The property would satisfactorily integrate with the street scape character and considered to be acceptable in line accordance with policies CS11 and CS12.

Impact on Neighbours

There will be no impact upon neighbouring properties the introduction of further residential accommodation in lieu of retail space is not considered to have any more

harmful impact upon neighbouring properties.

The alterations to the rear staircase and new door will not impact upon the outlook, privacy or light of adjoining properties.

The proposal would respect neighbouring amenity in accordance with saved DBLP appendices 3 & 7 and policy CS 12.

Sustainability

The applicant has submitted a sustainability checklist to ensure satisfactory consideration of sustainable issues in accordance with saved DBLP appendix 1 and policy CS29. The building would be made complicit with current building regulations.

Parking/Highways

The development will create an additional one bedroom flat in addition to the existing two, 2 bedroom flats and a 27 sq. m retail unit. Saved DBLP Appendix 5 requires 1.25 spaces per a 1 bedroom unit, 1.5 spaces per a 2 bed unit and 1 parking space per 30 sq. m of A1 retail space. The cumulative demand of this amount of development would require 5.25 parking spaces.

The site location is an area with good local services available on Bovingdon High Street and transport links with a bus stop directly adjacent to the site with regular bus services connecting onwards to Hemel Hempstead, Watford, Chesham, Slough (Routes 352 & 353 source: transportdirect.info)

4 parking spaces would be provided with the development a shortfall of 1.25 spaces against the maximum standard. Given the sustainable location 4 parking spaces are considered to offer a suitable amount of off street parking without compromising highway safety. In addition there is lockable cycle racks providing secure bike storage space of 1 bicycle per a flat.

The highways officer had no objection to the scheme.

The proposal is therefore concordant with policy CS8 and saved DBLP policy 58.

S106

At the time of writing the officer was in negotiations with the applicant regarding finalising an acceptable s106 agreement to make the application acceptable in accordance with Saved DBLP policy 13 and the Planning Obligations SPD.

Other Considerations

The thrust of government intention is for the more flexible use of property there is currently a consultation on extending permitted development rights for more flexible change of uses including retail to commercial. This is a material consideration.

The applicant has indicated they will be using the retail area themselves upon completion of the development.

Building regulations will ensure that walls would have to be adequately insulated so as to limit the transmission of noise and protect the residential amenity of future occupiers of the flat and adjoining property and thus comply with saved DBLP policy 19.

Conclusions

Overall the part conversion of this retail unit is held to be acceptable in accordance with the Local Development Framework. There is no policy in principle objection to the complete loss of shops in this location. This application seeks the partial loss of floor space of a retail unit which is not providing a "local shop" function i.e. green grocer, post office etc.

An assessment of the application has found that the proposal is an appropriate and complementary use in this location and the design alterations held to be non-harmful to the visual or neighbouring amenity, whilst providing satisfactory living and parking arrangements.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

RECOMMENDATION -

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site location plan
1270/201
1270/202
1270/203

Reason: For the avoidance of doubt and in the interests of proper planning.

3 **The development hereby permitted shall not be occupied until the arrangements for vehicles shown on the approved plans shall have been provided, and they shall not be used thereafter otherwise than for**

the purposes approved.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities to comply with saved DBLP policy 58, saved DBLP appendix 5 and Core Strategy policy CS8.

- 4 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Core Strategy policy CS12.

Article 31 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.