



Appeal Decision

Site visit made on 1 June 2011

by **Jim Metcalf MRTPI**

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

Decision date: 13 June 2011

Appeal Ref: APP/J1915/A/11/2147215

Hormead Village Hall, Great Hormead, Buntingford, Herts, SG9 0NR

- 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 Hormead Village Hall Management Committee against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/0033/FP, dated 5 January 2010, was refused by notice dated 25 August 2010.
 - The development proposed is refurbishment; front, rear, side extensions; first floor extension; demolition of the 1905 building and new vehicular and pedestrian access and formation of new building plot to the rear of the site for a detached dwelling house with dwelling and landscaping.
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Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues are the effect of the development on highway safety and on the character and appearance of the surrounding area.

Reasons

3. Hormead Village Hall fronts the B1038, a local distributor road, on the approach to the village from the west. The hall, serving Great and Little Hormead and Hare Street, was built in 1905 and extended in 1965 and 1975. The Management Committee have considered various schemes to upgrade the hall over the years. Planning permissions were granted for an extension in 1999, and for a new village hall, in 2002.
4. It is proposed to demolish the oldest part of the building, refurbish the more modern parts and extend to the rear into part of the car park. A further area at the rear would be developed with one detached house. Proceeds from the sale of that plot would contribute to the refurbishment of the Hall.

Highway safety

5. The Village Hall sits towards the front of its site. An access at the side leads to the car park. The car park is not laid out. The Council calculate that it would accommodate about 30 cars if laid out in a formal manner and more like 40 if
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parking was haphazard. The capacity of the car park would be reduced by the extension to the hall and the new house, leaving space for about 15 car parking spaces. The Council's standards, set down in Appendix II of the East Herts Local Plan Second Review (LP), recommend a maximum of about 31 spaces should be provided for a community hall of the size proposed.

6. The appellant maintains that on most occasions their car park would be adequate to meet demand. On the other hand local residents submit that the existing car park is sometimes inadequate. It is reasonable to anticipate that the new hall would be used more often and be more popular than the existing facility. To increase provision the appellant has agreed with an adjoining owner that the forecourt to his farm buildings can be used as an overspill car park with room for about 10 spaces. These spaces would not be available during weekday working hours or between 25 July and 1 October.
7. Even with the overspill car park it is possible that from time to time cars may park on the road. This is not uncommon with community venues when larger events are held. The Highway Authority advises that cars parked on the road to the west of the site would be a hazard because of the alignment of the road and the forward visibility available to drivers passing parked cars. However, about 11 cars could park comfortably, without raising highway safety issues, on the road to the east.
8. In total about 36 spaces would therefore be available, in the car park, the overspill and in safe places on street if and when such numbers were needed. In August and September and during the working day there would be 10 less spaces available. I believe that this flexible approach to car parking provision, for a hall where there would be occasional peaks in demand for car parking space is sensible. Overall the car parking package would be satisfactory and accord with LP Policy TR7 that states that actual provision of car parking will be determined on a site specific basis.
9. To ensure that any parking on the road takes place safely a Traffic Regulation Order (TRO) would be needed. The Highway Authority explains that a TRO need not be in place prior to the occupation of a new hall. Rather they suggest that there be a period of time to assess the actual need for restrictions. This approach would require the appellant to complete a legal obligation under S106 of the Town and Country Planning Act 1990 to contribute towards the making of a TRO should one prove necessary. The appellant would be willing to enter into a S106 agreement on this basis.
10. However, in the absence of a S106 agreement to facilitate a TRO as needed there is a likelihood that cars visiting the hall would park on the B1038 in places where this would prejudice highway safety. This would be contrary to LP Policy TR7, and there is no legal commitment to address the issue.

Character and appearance

11. The forecourt to the farm buildings that would be used for overspill car parking is in a rural area as defined in the LP. The forecourt is hard surfaced, is used by farm vehicles to access the buildings and is separated from open agricultural land by the buildings. LP Policy GBC3 states that the limited extension or alteration to community facilities is appropriate in such an area. Although the use of the forecourt for parking does not strictly fall into this category it is

connected with such development. Furthermore, the Council acknowledge that refurbishing the hall, financed by the new house, are special circumstances that justify departing from LP Policies.

12. The occasional use of the forecourt to park cars would have a strictly limited effect on the openness or the character and appearance of the rural area at the edge of the village. This, and the direct connection with a development that the Council regard as a justifiable departure from the development plan, would make the overspill car park acceptable as an exception to LP Policy GBC3.

Other matters

13. Houses in Half Acre Lane back onto the village hall site. Because the extension behind the hall would run deeper into the site it would be more prominent in the outlook of houses that currently back onto the open car park. However, the size and position of the proposed hall, the length of the Half Acre gardens and the intervening fences, buildings and landscaping mean that the hall would not have a significantly detrimental effect on the outlook from the houses or gardens. The new house would sit adjacent to boundaries with Rose Cottage, Half Acre Cottage and Quinn House. At its nearest it would be about 8m from the boundary with Rose Cottage. The position of the new house, combined with the length of the existing gardens and proposed landscaping would mean that the house would not have a significantly detrimental effect on the outlook from the existing houses or gardens or their privacy.
14. I note that the Council have not objected to the development on the basis of any harm that might be caused to the amenities of neighbours, either in terms of outlook or noise and nuisance and I accept their analysis on these issues.
15. The Council have not objected to the proposal on the basis of the sites location within the Great Hormead Conservation Area. The hall would be well designed with appropriate materials, landscaping and regard to existing trees. Conservation Area Consent to demolish part of the hall as part of the refurbishment was granted in March 2010. I consider that the scheme would preserve the character and appearance of the conservation area.

Conclusions

16. I have taken into account all other representations submitted in connection with the appeal. These include the views of the Parish Council and the letters supporting and objecting to the development. I conclude that the development would have strictly limited effect on the character and appearance of the area and that, subject to the implementation of the package of proposals for parking cars, there would be no significant effect on highway safety.
17. However, a S106 agreement has not been made that sets down the legal commitment of the appellant to finance a TRO to control parking on the B1038 should this prove necessary. Without such agreement I am not satisfied that parking on the road would not prove hazardous and such an agreement cannot be required by condition. Accordingly I dismiss the appeal.

Jim Metcalf

INSPECTOR
