
Appeal Decision

Site visit made on 22 August 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th September 2016

Appeal Ref: APP/Y1945/W/16/3150037

21 Essex Road, Watford, Hertfordshire WD17 4EL

- 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 Clovercourt Limited against the decision of Watford Borough Council.
 - The application Ref 16/00157/FUL, dated 10 November 2015, was refused by notice dated 30 March 2016.
 - The development proposed is removal of existing detached dwelling and construction of two storey building with roof space to provide 6 flats (4 x 2 bedroom and 2 x 1 bedroom units), together with parking and cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised plan was submitted with the appeal. The plan proposes that the flats in the roof space of the building would be 1 bedroom, 1 person flats. The revision is minor in nature such that the substance of the appeal has not changed. As a result, I find that no party would be prejudiced by my consideration of the plan. I have therefore taken it into account.

Main Issues

3. The main issues are:
 - Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook, outdoor amenity space, privacy and refuse storage.
 - The effect of the proposal on the housing mix in the area.

Reasons

Living Conditions

4. The appeal site contains a large, detached two storey dwelling with front and rear gardens. It is proposed to remove the dwelling and erect a two storey building with accommodation over three floors in order to provide four, 2 bedroom flats and two, 1 bedroom flats.
 5. The Watford Residential Design Guide 2014 (Design Guide) states that new, 1 bedroom dwellings should provide a minimum 37m² of gross internal area.
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- The proposed flats in the roof space (Flats 5 and 6) would provide around 40m² of internal space, excluding space under the eaves below 1.5m in height. The proposal would therefore accord with the Design Guide.
6. The Nationally Described Space Standard 2015 (NDSS) in respect of internal space requirements for new dwellings came into effect on 1 October 2015. The related Written Ministerial Statement of March 2015 sets out that where local planning authorities have existing standards relating to internal space, they can apply the relevant standards of the NDSS. The NDSS sets out a minimum standard of 50m² internal area for 2 person, 1 bedroom accommodation.
 7. The amended plan submitted with the appeal now shows Flats 5 and 6 would provide 1 bed, 1 person accommodation, as opposed to the 1 bed, 2 person accommodation proposed originally, although I note the revision has simply substituted the annotation of a double bed to a single bed - no changes have been made to the layout or sizing of the rooms. Nevertheless, on the basis that the flats would be single occupation, the proposal would accord with the NDSS requirement of 39m².
 8. However, notwithstanding the floor space requirements of the NDSS, consideration must be given to quality of the accommodation proposed, with particular regard to the level of outlook for the occupiers of Flats 5 and 6. Paragraph 17 of the National Planning Policy Framework (the Framework) states that one of the core planning principles is to secure a good standard of amenity for all existing and future occupants of land and buildings.
 9. The proposed bedrooms in Flats 5 and 6 would be solely served by rooflights. Whilst this would result in acceptable levels of light, it would provide future occupiers with no readily available outlook from within the bedroom. Moreover, the proposed open plan living area would be served primarily by a narrow bay window on the south elevation of the building and a very slender, gable window in the kitchen. Again, whilst this would provide some degree of light to the living space, the bay window would in my view be unduly small for the 23.2sqm living area it would serve. The window in the kitchen would be obscurely glazed and therefore offer little achievable outlook. As a result, I consider the proposal would provide a poor quality outlook which would result in a somewhat oppressive living space for future residents.
 10. Paragraph 7.3.23 of the Design Guide states that communal space provided for the exclusive use of occupants of flats may be acceptable provided the location, size and shape enable it to be enjoyed by the occupants. The proposed plans show there would be a communal garden of around 122m² for all residents. The Council argues that this would be reduced to 115m² when excluding unusable spaces between the boundary walls and the building. However, the appellant has demonstrated that the 122m² would exclude all unusable areas including the proposed bin and cycle storage.
 11. The Council indicates that a minimum of 125m² should be provided. However, paragraph 7.3.23 states that a minimum 50m² plus 15m² for every unit over two units should be provided. That would result in a minimum of 110m² for a six unit development, which the proposal would adhere to. The Council also considers that the trees to the rear of the site would significantly overshadow the communal space, reducing its quality. However, whilst I saw from my site visit that there are some trees on the boundaries, there was no significant canopy spread. At the time of my visit direct sunlight was received above the

trees and the adjoining gardens were generally absent of significant built form. The garden would, in my view, provide a particularly open communal area with good levels of natural light. As a result, I am satisfied that the proposal would provide adequate outdoor amenity space for future occupants.

12. Nevertheless, Paragraph 7.3.23 of the Design Guide also states that the layout and design of communal outdoor space should offer privacy for dwellings adjoining the space, for example by using landscaping. The proposed ground floor flats would have glazed folding doors on the rear elevation which would serve the lounge. The proposal would provide no defensible outdoor space for the ground floor flats and the lounge doors would open directly onto the communal garden. This would result in users of the communal space obtaining direct views into the lounge area of the ground floor flats at relatively close quarters. Consequently, it would result in a significant loss of privacy for those occupants.
13. The appellant indicates that a patio area enclosed by landscaping could be provided, the details of which could be secured by condition. However, the provision of a patio area for the ground floor flats would likely reduce the overall provision of communal outdoor amenity space for all flats. In the absence of any firm details of the size and arrangements of the defensible space proposed, I cannot be sure that such measures would adequately address the loss of privacy for future occupants of the ground floors whilst simultaneously ensuring that satisfactory outdoor amenity space would be provided for all future residents. As a result, the proposal taken as a whole would conflict with the guidance in paragraph 7.3.23 of the Design Guide.
14. The Council are concerned that the proposal would not provide adequate storage for refuse. Saved Policy SE7 of the Watford District Plan 2000: 2003 (WDP) states that the Council will have regard to the extent to which on-site provision is made for waste collection. The proposal would include a dedicated area within the communal garden for bins to be stored. Whilst the route to the front of the property would be relatively narrow, I have no evidence to suggest that it would not be possible to move bins along the side of the house and around parked cars to the highway.
15. Moreover, whilst I note that bins left for collection in front of the driveway would potentially hinder the movement of cars parked on the drive, I see no reason why bins could not be presented on the kerb edge to the front of the boundary wall for collection or indeed temporarily stored within the front yard between the parking spaces before being returned to the storage area. Thus, I am satisfied that the proposal would provide adequate refuse storage for future residents and would accord with Policy SE7 of the WDP.
16. I conclude, therefore, that the proposal would provide satisfactory living conditions for future occupiers having regard to outdoor amenity space and refuse storage, in accordance with Saved Policy SE7 of the WDP. However, I also conclude that the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to outlook and privacy. In this instance, they are the prevailing considerations. As a result, the proposal would conflict with Policy SD1 of Watford's Local Plan Part 1 – Core Strategy 2006-31, 2013 (CS) which states that the Council will seek design that promotes the most sustainable form of development. The proposal would

also conflict with paragraph 17 of the Framework and with the guidance set out in paragraph 7.3.23 of the Design Guide.

Housing Mix

17. Policy HS2 of the CS suggests that medium density developments such as flats may be appropriate close to neighbourhood centres where they are well served by transport links. In this instance, the appeal site is in reasonable proximity to the town centre and the main parties agree that it is readily accessible by public transport. On the evidence before me, I have no reason to disagree.
18. Policy HS2 also states that the Council will seek to reduce inequalities, create socially mixed communities with greater choice and a mix in size, type and location of housing to meet the needs of the community. The supporting text to Policy HS2 suggests that the greatest need is for 3 bedroom houses.
19. Paragraph 50 of the Framework states that in order to deliver a wide choice of high quality homes and create sustainable, inclusive and mix communities, local planning authorities should, inter alia, identify the size, type, tenure and range of housing that is required in particular locations.
20. The proposal would result in the loss of one, 5 bedroom house and the gain of four, 2 bedroom flats and two, 1 bedroom flats. The proposal would not therefore contribute towards meeting the need for 3 bedroom houses. However, excerpts of the South West Hertfordshire Strategic Housing Market Assessment Report 2016 (SHMA) provided by the appellant indicate that there is also a significant need for 1 and 2 bedroom units which the proposal would assist in meeting.
21. Moreover, whilst I note the Council's concerns regarding the loss of a family dwelling, Policy HS2 does not explicitly set out to prevent the loss of family housing in the Borough. Indeed, the Policy states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level, including the provision of smaller housing units.
22. I conclude, therefore, that the proposal would not have a detrimental effect on the housing mix in the area. The proposal would, consequently, accord with Policy HS2 of the CS and paragraph 50 of the Framework.

Other Matters

23. I note that the proposal would not have a harmful effect on the living conditions of neighbouring residents, the character and appearance of the area nor would it unduly affect highway safety in the area. However, the lack of harm in respect of those factors would not outweigh the harm identified in respect of the main issues above.
24. I note that the proposal would be CIL liable and that a completed Unilateral Undertaking has been provided which would provide a monetary contribution towards ensuring future residents would not be entitled to resident parking permits for the controlled parking zones in the area. However, as the appeal is to be dismissed on other substantive issues, it is not necessary for me to consider it in detail and a conclusion either way would not affect the overall decision.

25. The appeal site lies within the Nascot Conservation Area. The significance of the conservation area largely derives from its Victorian and Edwardian architecture. The existing property at 21 Essex Road is a modern development which I agree does not make a positive contribution to the historical and aesthetic qualities of this part of the conservation area.
26. The proposed building would be of traditional design with detailing and materials that reflect the prevailing character and appearance of the area. The design, scale, massing and appearance of the building would be similar to that recently granted planning permission by the Council for two semi-detached dwellings (Ref: 15/01576/FUL). The main parties agree that the proposal would make a positive contribution to the conservation area. On the evidence before me, I have no reason to disagree and consider, therefore, that the proposal would enhance the character and appearance of the Nascot Conservation Area.
27. The proposal would also result in a net gain of five dwellings which would make a modest contribution towards boosting the supply of housing in the area, in line with Paragraph 47 of the Framework.
28. However, whilst I have given due weight to these matters, they would not, in my view, outweigh the harm I have identified in respect of the living conditions of future residents with particular regard to outlook and privacy.

Conclusions

29. Whilst I have found that the proposal would not have a harmful effect on the housing mix in the area and would not fail to provide satisfactory living conditions for future occupiers with regard to outdoor amenity space and refuse storage, I have found that the proposal would have a harmful effect on the living conditions of future occupiers with particular regard to outlook and privacy. Those are the prevailing considerations in this instance.
30. Therefore, for the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR