
Appeal Decision

Site visit made on 17 November 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: 13 December 2016

Appeal Ref: APP/Y1945/W/16/3158611

Rear of 80 Queens Road, Watford, Herts WD17 2LA

- 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 & Mrs Ijaz & Uzma Akhter against the decision of Watford Borough Council.
 - The application Ref 15/01785/FUL, dated 21 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is 2 houses.
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Decision

1. The appeal is dismissed.

Main Issues

1. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of proposed dwellings, having regard to the provision of private outdoor space and outlook, and (b) those of the occupiers of the flats at 80 Queens Road, having regard to outlook and light, and (c) whether the proposal would preserve or enhance the character or appearance of the Estcourt Conservation Area.

Reasons

Living conditions for the occupants of the proposed dwellings

2. The two dwellings would be designed with rear ground floor windows and access doors serving kitchens. These windows would be obscure glazed and face onto an outdoor space which comprises bin and cycles storage for the proposed two dwellings, and the two flats and shop at No 80.
 3. Reduced private outdoor space provision below that required under the Council's Residential Design Guide (RDG) 2014 would be acceptable in a densely built-up area where there are a range of activities and services. Some overlooking from surrounding properties over the outdoor space would also be expected by reason of the densely built-up nature of area and could be ameliorated by screening as put in place with some of more recent residential development nearby.
 4. However, the dwellings would be of reasonable size given their two and half storey nature and capable of family use. Consequently, there would still be some demand for outdoor space by occupants for purposes such as relaxation
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area, clothes drying or play area. Here, the proposed space would be shared by many different occupiers and would not provide a high quality outdoor space for the occupants of the proposed dwellings to use. The extent of available space is unclear and would also be prone to disturbance by other users. Even if it could be more clearly defined, it would be likely to be small in extent given the need to accommodate bin and cycle storage and access for the flats and shop at No 80. Planning conditions can be imposed to overcome harm. In this instance, it would not be possible because it is unclear whether sufficient private open space can be designated given the multiple uses of this area lying between the two dwellings and No 80.

5. Furthermore, the outlook from the rear kitchen rooms of the proposed dwellings would be severely impaired by reason of the obscure glazed nature of serving windows and doors. They have been indicated to be non-habitable rooms but nevertheless, these kitchens are areas where residents would be likely to spend some time during the day. Therefore, the loss of outlook and light would be significant and harmful to the occupiers' living conditions.
6. My attention has been drawn to a permitted housing along Loates Lane where plans show little private outdoor space to serve occupiers. Nevertheless, the plans show smaller residential units and in any case, every application and appeal has to be determined on its particular planning merits.
7. In conclusion, the development would harm the living conditions of the occupiers of the proposed development by reason of the inadequate private outdoor space provision and outlook from the kitchens of the two dwellings. Accordingly, the proposal would be contrary to Policy UD 1 of the Watford Local Plan Core Strategy (CS) 2006-31 (adopted 2013) which amongst other matters, seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions of the occupiers of 80 Queens Road

8. There has been some dispute between the parties as to the separation distance between the rear of the proposed dwellings and that of No 80. Based on the submitted plans and from what I saw on my site visit, the appellants' figures are more accurate for the ground floor relationship. In this regard, the windows of a ground floor addition at No 80 are already obscured glazed and part of the shop use. For the flats, the separation distance for the upper floors would be more given the main part of No 80 would be stepped back from the ground floor single storey addition. At the second floor, the separation distance would be greater than the floor below because it would face the sloping pitched roofs of the proposed dwellings.
9. The appellant has indicated that the main living room areas serving the flats at No 80 are on the frontage of the building and that the rear facing windows serve kitchen and bedrooms which has not been disputed by the Council. In this regard, the separation distances and room arrangements would be sufficient to ensure no significant loss of outlook to the occupiers of the upper floor flats at No 80.
10. There would be some loss of sunlight in the afternoon to the upper floors of the flats. Nevertheless, this would similarly not be significant to the occupiers of the flats by reason of the room arrangements and separation distance. In the case of the second floor flat, any impact would also be alleviated by the higher

ground level of this property compared to the area where the two dwellings would be sited.

11. In conclusion, the development would not harm the living conditions of the occupiers of No 80 by reason of the loss of outlook or light. Accordingly, the proposal would comply with Policy UD 1 of the Watford Local Plan Core Strategy (CS) 2006-31 (adopted 2013), which amongst other matters, seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

12. The appeal site comprises a plot of land to the rear of No 80 which has been in use for car parking. No 80 has an existing shop at ground floor level and residential uses on the upper floors. The site is located within the Broadway section of Queens Road where there are two and three storey buildings, many of which have commercial units at the ground floor with upper floors of residential accommodation above like No 80. To the rear of these buildings, there are yard areas comprising car parking areas, garages and other buildings which back onto Loates Lane. On the opposite side of Loates Lane, there are traditional Victorian two storey terraced houses. Along Loates Lane, there has been redevelopment of the rear yard areas of properties on Queens Road with frontage housing.
13. As the site is within a Conservation Area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this regard, the older Victorian housing provides traditional design qualities by reason of their attractive materials and detailing which are of significance and value, and of special interest to the Conservation Area. The appeal site comprises hard surfacing used for car parking which opens up views of the rear of the building at No 80. On my site visit, this area including the rear of No 80 was not unsightly and provided a neutral contribution to the character and appearance of the Conservation Area by reason of adding little of significance and value.
14. The proposal would result in the erection of two demi-detached dwellings facing onto Loates Lane. The dwellings would be two and half storeys in height and would be approximately 9.7m in depth. The depth of the site would be narrower than the recent housing sites further down Loates Lane. Nevertheless, the road would separate the two sides of Loates Lane here such that the scale of the appeal dwellings would not dominate the traditional designed Victorian dwellings opposite. The dwellings would be simply styled so as not to visually compete with the more detailed designed dwellings opposite. As I saw on my site visit, the proposed housing would also not be dissimilar in size and bulk to that built at the rear of 70-72 Queens Road and beyond this. Furthermore, the proposal would continue the pattern of recent frontage residential development along Loates Lane.
15. For these reasons, the development would preserve the character and appearance of the Estcourt Conservation Area. Accordingly, the proposal would comply with Policies SS 1 and UD 2 of the CS, which collectively and amongst other matters, requires high standards of sustainability and design, and that new development should respect and enhance the local character of the area. The proposal would also comply with the guidance of the Council's RDG which

requires new housing to be based on a thorough understanding and analysis of the proposed site and its surroundings.

Conclusion

16. The proposal would adversely affect the living conditions of the occupiers of the two dwellings by reason of the failure to provide appropriate private open space provision and outlook and light to kitchens. Such harm would be permanent for the lifetime of the development and would outweigh the lack of harm on the living conditions of the occupiers of the flats at No 80 and the character and appearance of the Conservation Area. For these reason, the proposal would be contrary to the development plan as a whole. The proposal would preserve the character and appearance of the Conservation Area. Nevertheless this would not outweigh the development plan conflict identified.
17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR