
Appeal Decision

Site visit made on 25 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/Y1945/W/16/3163549
75 Market Street, Watford WD18 0PR

- 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 Vito Ricciardi against the decision of Watford Borough Council.
 - The application Ref 16/01004/FUL, dated 6 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the erection of a single storey side extension and part single, part double storey rear extension; extension to shop floor area on ground floor and conversion of remaining ground floor area into 1 no. 1 bed flat and conversion of existing first floor 2 bed flat into 2 no. 1 bed flats.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension and part single, part double storey rear extension; extension to shop floor area on ground floor and conversion of remaining ground floor area into 1 no. 1 bed flat and conversion of existing first floor 2 bed flat into 2 no. 1 bed flats at 75 Market Street, Watford WD18 0PR in accordance with the application Ref 16/01004/FUL, dated 6 July 2016 and subject to the conditions in the schedule below.

Procedural Matters

2. Since the Council's decision, the appellant has submitted a unilateral undertaking (UU), amended to include date and location plan, with a view to addressing the parking demand issue. The Council has raised no objection to the UU and consideration is given to this document later in my decision.
3. I have amended the description of development to that given on the Council's decision notice as reflected on the appellant's appeal form.

Main Issues

4. The main issues are the effect of the development on the living conditions of future occupiers of the ground floor flat with particular regard to light and outlook and the availability of parking provision in the locality with particular regard to the living conditions of existing residents and highway safety.
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Reasons

Living conditions

5. The proposed ground floor unit would include habitable rooms comprising a living / kitchen area and bedroom. The former would incorporate patio doors which face directly onto the rear boundary wall of the property separating the appeal site from a builder's yard. This relatively tall boundary structure would be situated quite close to the subject window, beyond which are tall commercial buildings associated with the builder's yard.
6. The Council has raised concern that a wall to the builder's yard building would breach a line rising at 25 degrees from the proposed rear elevation window, a commonly used rule of thumb for assessing whether adequate daylight will be achieved. On the other hand, the appellant asserts that the scheme would comply with this measurement. I have not been provided with any further technical information to demonstrate compliance or otherwise.
7. Whilst I acknowledge that the room in question, at the rear of what is a relatively narrow plot, would not benefit from the highest standards of outlook and access to natural light, from my visit it was evident that the nearest commercial building would only partially encroach across the rear boundary of the site. Furthermore the roof of that building slopes up away from the appeal site so that the highest part would be set further back into the plot. In combination with the boundary wall, I consider this would not result in an overbearing sense of enclosure for future occupiers. In addition, the living / kitchen area would have a secondary window providing an additional source of light, albeit that this would be very close to any side boundary structure.
8. The proposed ground floor bedroom would face directly onto the side boundary structure and notwithstanding the proposal to incorporate a 'sun tunnel' to supply additional natural light to the room, is likely to be a relatively gloomy and unattractive space. However taking into account that the living / kitchen area would allow for better living conditions, I do not consider this would be a sufficient ground on its own to dismiss the appeal.
9. Drawing the above considerations together I conclude that the proposal would not result in unacceptable living conditions for future occupiers of the ground floor flat with particular regard to light and outlook. The proposal would not therefore conflict with Policy SD1 of the Watford Local Plan Core Strategy 2013 (CS), the Watford Residential Design Guide 2014 and the National Planning Policy Framework (the Framework) insofar as they seek to secure a good standard of living accommodation for all existing and future occupiers.

Parking provision

10. The appellant has submitted a UU designed to exclude future occupiers from an entitlement to parking permits. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development where it meets three tests. The tests, which are restated in paragraph 204 of the Framework are as follows:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.
11. Although on-street parking is possible along Market Street, the area is part of a controlled parking zone where residents are required to hold a parking permit due to high levels of demand. The proposal would result in a net increase of two flats which would result in demand, albeit relatively small, for increased parking.
 12. I note the lack of objection to the scheme from the Council's Highway officer and accordingly I am not persuaded that the potentially very modest increase in parking demand would result in any harm to highway safety. However an increase in parking demand would result in additional inconvenience for existing residents in terms of having to park further away from their place of residence. This leads me to the view that there is a compelling justification to apply policies that seek to avoid the loss of on-street parking in order to manage the local road network and accordingly the UU would meet the relevant Regulation 122 and Framework tests.
 13. In this context the proposal would accord with Policies T21 and T24 of the Watford District Plan 2000 and Policy INF1 of the CS which seek to secure satisfactory parking provision and sustainable infrastructure delivery.

Conditions

14. The Council has not suggested any conditions. However, conditions specifying the plans and requiring details of the external materials are needed to safeguard the character and appearance of the area and the living conditions of residents.

Conclusion

15. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.

Roy Merrett

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: 5153/01 Rev A; 5153/02 Rev A; 5153/03 Rev C; 5153/04 Rev B.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.