The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MIEnvSci MInstLM MCMI MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/Y1945/W/16/3162669
58 Fern Way, Kingswood, Watford, Hertfordshire WD25 0HG

- 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 Mick Dunne of Dunne Investments LLP against the decision of Watford Borough Council.
- The application Ref 16/00596/FUL, dated 19 April 2016, was refused by notice dated 23 June 2016.
- The development proposed is the conversion of existing dwelling house into 2no. self-contained individual flats.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing dwelling house into 2no. self-contained individual flats at 58 Fern Way, Kingswood, Watford, Hertfordshire WD25 0HG in accordance with the terms of the application, Ref 16/00596/FUL, dated 19 April 2016, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans (SHT: No 1); Proposed Floor Plans (SHT: No 2) and Proposed Site Plan (SHT: No 3) all dated April 2016.

    2) The car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the flats and their visitors and for no other purpose.

    3) Unless within 3 months of the date of this decision a scheme for the treatment of site boundaries is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the occupation of the 2 flats shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the occupation of the 2 flats shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. The appeal form indicates that Mr York is the appellant. However Mr Dunne was the applicant and it has been confirmed that he does wish to exercise his right to appeal the refusal of planning permission.

3. I saw on my site visit that the conversion into two flats is substantially complete and the two flats were both occupied. The external works were also substantially complete with the majority of the hard standing in place and most of the fencing already erected. I have therefore determined this appeal on the basis that the majority of the development has already occurred.

Main Issues

4. The main issues are the impact of the proposal on the character and appearance of the surrounding area and on highway safety with particular regard to the on-site parking provision.

Reasons

Character and Appearance

5. Fern Way is part of the Kingswood residential estate and has a mix of terraced and semi-detached properties. There is a clear sense of uniformity from the siting of the properties facing the highway with a small area in front of each property, some enclosed with a variety of boundary treatments and others left open. The road frontage areas to the majority of the terraced properties have been hard surfaced to provide off-street car parking for at least one car. The semi-detached properties have shared driveways, some leading to garages.

6. The appeal property is one half of a semi-detached pair of houses. The property has been previously extended with a combination of a two storey side and single storey rear extension. The land to the rear and to the east has been divided to provide separate amenity space for the two flats. The Council has no objection to the principle of flats here as it does not breach the 90% single family occupancy rule set out in saved Policy H13 of the adopted Watford District Plan (WDP). From the outside of the property it is not obvious that it has been converted into two flats. Consequently I find that the conversion of the property in itself does not harm the character and appearance of the surrounding area.

7. The corner position of the appeal property provides slightly more road frontage than other surrounding semi-detached properties. The appeal proposal incorporates hard standing across the whole frontage and up to the boundary with No 56 Fern Way. I saw on my site visit that the frontage area has a block paved pathway leading from the pavement to the front door. Either side of the pathway is laid with gravel and currently provides off-street car parking for two cars. Additional gravel would be used to provide the third proposed car parking space.

8. Given that the frontage area of many of the surrounding properties have been surfaced in different ways including hard standing, I find that the proposed area of hard standing at the appeal property will be in keeping with the established character of the surrounding area. Consequently the appeal proposal does not result in an unacceptable conflict with the requirements of Policy UD1 of the adopted Watford Local Plan Core Strategy (WLPCS), relating

to design. As the submitted plans do not indicate full details of the boundary treatment to the site frontage and side garden this needs to be secured through a planning condition in order to protect the appearance of the area.

Highway safety and on-site parking provision

9. The appeal property is located on the inside of a sharp bend on Fern Way. I saw on my site visit that forward visibility through the corner is restricted for drivers travelling south and then east along the road. At the time of my site visit which is only a snapshot in time, there were some vehicles parked on the road, it did not indicate a high degree of parking stress and overload in the locality.

10. I have had regard to the number of representations that have expressed concerns about the lack of parking within the surrounding area. I note that there are no parking restrictions on Fern Way which could give rise to parking stress, annoyance and inconvenience to existing residents. Taking into account the number of existing hard surfaced frontages and driveways within the surrounding area there would appear to be sufficient off-street parking opportunities which should limit the on-street parking.

11. My attention has been drawn to a previous appeal[1] on this site which considered highway safety. That scheme was different from this appeal in that it proposed an additional vehicle crossover which would have been sited more towards the apex of the bend. The existing vehicle crossover would have served a new attached dwelling. The overall parking arrangement would have envisaged 1 car parking space for No 58 and 2 spaces for the new attached dwelling, all 3 spaces would have the cars facing the properties. There would have been no opportunity for manoeuvring within the site. This arrangement would have seen cars reversing out onto the road closest to the bend apex with limited visibility of approaching vehicular or pedestrian traffic, despite the existence of the footway.

12. By comparison this appeal scheme makes no alteration to the existing vehicle crossover into the frontage area of No 58. The illustrative parking arrangement shows that two cars could turn into the area from the road and park to the left, parallel with the road and the front window of No 58. A third car could park to the right of the crossover and also parallel with the road. With a degree of parking discipline some manoeuvring within the frontage area could be possible. However, it is likely that vehicles will need to either reverse into or out of the site. This is common practice in the surrounding area and the increase from 2 to 3 spaces will not substantially change the number of vehicle movements.

13. The Council have confirmed that they received no response from the Highway Authority to indicate that there are existing highway safety issues or that the appeal proposal would materially alter the existing situation. I have no evidence before me to suggest that highway safety would be adversely affected. Ensuring vehicles only use the existing dropped kerb can be secured through a condition requiring details of boundary treatment to be submitted for approval by the Council.

[1] APP/Y1945/A/12/2168463

14. The appeal proposal provides on-site parking for 3 cars and meets the required parking standards for two, 2-bedroom dwellings in zone 4 car and cycle parking zones as contained in Appendix 2 to saved Policy T22 of the WDP. Retention of the 3 parking spaces can be secured through a planning condition.

15. In conclusion to the issue of highway safety and on-site parking provision, I find that the appeal proposal would comply with Policy T4 of the WLPCS, and the saved Policies T21, T22 and T24 of the WDP. These policies collectively require new developments to, amongst other things, ensure new developments allow adequate provision for access and egress and full parking needs to be met on site.

Other matters

16. My attention has been drawn to concerns of the local residents in respect of noise and disturbance arising from the conduct of the existing tenants. These concerns do not appear to relate to the actual conversion of the property into two flats. As such these are matters that fall within the scope of other legislation.

17. I acknowledge the concerns regarding the fact that the development has been commenced without planning permission. This in itself is not a reason to dismiss this appeal. The development has been judged against development plan policies and material considerations.

Conclusion

18. The Council has not suggested any conditions. Taking all matters into consideration I conclude that the appeal proposal is acceptable and planning permission should be granted subject to the condition that the development shall be completed in accordance with the submitted plans. This condition provides certainty and ensures the protection of the character and appearance of the surrounding area. Additional conditions to secure the retention of the parking spaces and the submission of details for boundary treatment for the site frontage are necessary in the interests of highway safety and the protection of the character and appearance of the surrounding area.

Rachael A Bust
INSPECTOR