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## Appeal Decision

Site visit made on 19 February 2018

**by Chris Couper BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> February 2018.**

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**Appeal Ref: APP/Y1945/W/17/3181746**  
**100 Vicarage Road, Watford WD18 0HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr W Thornhill against the decision of Watford Borough Council.
  - The application Ref 17/00176/VAR, dated 6 March 2017, was refused by notice dated 28 April 2017.
  - The application sought planning permission for a conversion and ground floor side extension to provide 3 self-contained flats without complying with a condition attached to planning permission Ref 9/830/88, dated 1 February 1989.
  - The condition in dispute is No. 3 which states that:  
*The 3 car parking spaces as indicated on the approved drawing shall be provided in full prior to the first rateable occupation of the flats hereby approved and shall be maintained permanently thereafter for the parking of vehicles of residents and visitors to the flats and shall not be used for the parking of any other persons' vehicles or for any other purpose whatsoever.*
  - The reason given for the condition is:  
*In order that unnecessary additional on-street parking may be avoided and to accord with the current car parking policy of the Local Planning Authority.*
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### Decision

1. The appeal is allowed and planning permission is granted for a conversion and ground floor side extension to provide 3 self-contained flats at 100 Vicarage Road, Watford WD18 0HD in accordance with the application Ref 17/00176/VAR, dated 6 March 2017, without compliance with condition no. 3 previously imposed on planning permission Ref 9/830/88, dated 1 February 1989 and subject to the following conditions:
  - 1) The fencing sub-dividing the flats' amenity areas shall be retained in accordance with the details depicted on the approved drawing.
  - 2) Any sapling agreed by the Local Planning Authority which was planted as a replacement for the sapling adjacent to the crossover to the car parking spaces shall be retained.

### Main Issue

2. The main issue is the effect that deleting the condition would have on the safety and convenience of highway users.

## Reasons

3. No. 100 Vicarage Road is an end of terrace property, which has been extended and converted into 3 flats. Condition no. 3 of Ref: 9/830/88 ('the original permission') required that 3 off-road car parking spaces be provided.
4. Those parking spaces are to the rear of the property and accessed from Willow Lane. Nearby parts of Willow Lane, Vicarage Road and other roads are subject to parking controls. Those include sections of double yellow line, along with a Controlled Parking Zone ('CPZ') with roadside residents' parking spaces. The CPZ was introduced after the original permission, and each of the flats would be eligible for two parking permits.
5. The Council states that there is an increased need for car ownership, and increased congestion, since the original permission. It maintains that the deletion of the condition would be likely to result in increased parking pressure on nearby roads, particularly as the residents of the flats could apply for permits. That, it maintains, would be to the inconvenience of other road users and residents, and to the detriment of highway safety.
6. The site is close to the retail and employment facilities in Watford town centre, and various other amenities within the urban area. I observed that there are bus stops close by outside the Watford General Hospital on Vicarage Road, from where there are services to the town centre and transport hubs, with onward connections to destinations beyond. Consequently this is not a location where residents would necessarily need to be reliant on the private car to meet their day to day needs, and I understand that only one of the current occupants makes use of the parking spaces. Even if that were to change, given that the development comprises 3 fairly small units, the parking demand it generates would be limited.
7. I observed at the time of my visit that, although there were a few empty residents' spaces on Willow Lane and other nearby roads, parking availability was limited. However, I have little substantive evidence regarding the overall level of parking demand in the vicinity, nor whether such demand significantly exceeds the spaces available such as to result in a significant inconvenience to local residents, or risks to highway safety.
8. The Council has referred me to a dismissed appeal at 55A Sotheron Road, where an Inspector found that allowing the development would result in increased pressure in an already congested CPZ, which would be detrimental to the convenient and safe operation of the highway network. However, that site is some way from this one, and I do not have details of the evidence that Inspector was presented with in terms of parking availability and demand, congestion and highway safety issues there.
9. Policy T22 of the Watford District Plan 2000 (2003) ('WDP') sets out that development will be expected to comply with the standards in its appendix 2, and that on-site parking will not be permitted in excess of the maximum appropriate for the zone in which the site is located. However, I have not been provided with those standards, and whilst the appellant refers to this as a Town Centre location, the parties have not clearly identified which zone this site is in. WDP Policy T24 and its supporting text sets out that parking provision significantly lower than the maximum standards may be acceptable where

demand for parking is likely to be less, or the site is in a town centre or has good access to passenger transport.

10. On the basis of the limited evidence available to me, I cannot reach a firm conclusion regarding the proposal's compliance or otherwise with WDP Policies T22 and T24. However, given that this is an accessible location, that the parking demand the development generates is limited, and that the parking standards are expressed as maxima, I conclude that there would not be a significant conflict with those policies. As Watford's Local Plan Core Strategy 2006-31 (2013) Policy UD1 addresses general design principles for new development, its requirements are of limited relevance to the main issue in this appeal. I conclude that condition no. 3 of the original permission is unnecessary, and I will allow the appeal.
11. Turning to the other conditions, the Planning Practice Guidance is clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged.
12. Given that the development has already been undertaken, no time limit is necessary. For similar reasons, the second condition requiring that the extension be finished in matching materials is also unnecessary.
13. I have very little or no information before me regarding the status of condition nos. 4 and 5 on the original permission. However, I observed fencing within the amenity area, and I have no reason to believe that that was not carried out in accordance with the approved drawing. In the interests of the residents' living conditions I have therefore amended condition no. 4 of the original permission to refer to its retention. I have also amended condition no. 5 to refer to the retention of any sapling that may have been planted as a replacement for one removed. In the event that these conditions have been otherwise dealt with, then that is a matter which can be addressed by the parties.
14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed, and that a new planning permission should be granted.

*Chris Couper*

INSPECTOR