
Appeal Decision

Site visit made on 24 September 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/Y1945/C/18/3211320

Rear of 207 Leavesden Road, Watford WD24 5EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Sharon Page against an enforcement notice issued by Watford Borough Council.
- The enforcement notice was issued on 23 August 2018.
- The breach of planning control as alleged in the notice is the unauthorised change of use from residential to commercial car parking.
- The requirements of the notice are:
 - Cease the use of the land for vehicle parking.
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Main Issues

1. The ground of appeal is that planning permission should be granted. The main issues are the effect on:
 - i. highway safety;
 - ii. the character and appearance of the area; and
 - iii. the living conditions of the occupants of No 207 Leavesden Road with particular reference to the provision of usable outdoor amenity space.

Reasons

2. The appeal property is land to the rear of 207 Leavesden Road which was originally part of a larger plot of land which includes a two storey end of terrace property which has a shop on the ground floor with residential accommodation above. I understand that the land has previously been used for a range of uses, including commercial, but there is disagreement between the main parties regarding the use prior to the parking use. The appellant argues that for many years the land has not been used as a garden for the occupants of No 207 whereas the Council contends that there is evidence that the use of the land was residential.

Highway Safety

3. The parking area is situated off Jubilee Road and access is gained across the pedestrian pavement between the rear of No 207 Leavesden Road and No 2

Jubilee Road. A total of five car parking spaces has been created by the removal of a section of wall and fence and the construction of an area of hardstanding.

4. There is evidence of a dropped kerb and a cobbled crossover which appear to have been used as access to the rear of No 207. There is also a painted white line across part of the car parking area, which I assume indicates no on-street parking in order to keep the former access clear. At the time of my mid-morning site visit on a week day I observed that vehicles, including cars and vans, were parked on both sides of Jubilee Road close to the junction with Leavesden Road in the immediate vicinity of the appeal site. Visibility from the two end parking spaces is also restricted by boundary fences.
5. The appellant contends that the additional off-street parking spaces helps to relieve on-street parking in an area comprised of mainly terraced housing with no off-street parking, where the roads are extremely heavily parked on both sides at all times of the day. I can see that the parking area would provide a net increase in the amount of off-street parking.
6. There is very little manoeuvring space within the car parking area and in order to access the spaces it is necessary to either reverse in or out of the site. The manoeuvre is hazardous close to the junction of Jubilee Road and Leavesden where parked vehicles severely restrict visibility. In addition, given the restriction of visibility caused by the boundary fencing, parked vehicles moving off the site cannot see pedestrians using the adjacent pavement and therefore conflict arises.
7. I recognise that on-street parking in the vicinity of the site may also involve some difficult and potentially hazardous manoeuvres; however, the movements associated with the unauthorised car parking area would be particularly dangerous given the prevailing conditions in the immediate locality. Therefore, on this issue I conclude that the development is harmful to highway safety. As such it conflicts with Policy UD1 of the Watford Borough Council Local Plan (Core Strategy) 2006-31 (the CS) and the National Planning Policy Framework (the Framework) which, among other objectives, seek to ensure that places are easy to move through and new development should encourage streets which are safe and function for all users.

Character and appearance

8. Irrespective of the former use of the site in question, the land was formerly bounded by a relatively high fence and wall. The Council claims that the site imparted a level of openness which provided visual relief in the residential area. The parking area has physically opened up the site by removing the solid boundary features and therefore I do not agree that the site can be any less open than when the boundary was in place. In my mind the development has opened up the site in order for it to be used for parking purposes.
9. However, the introduction of a large area of hardstanding in the prominent location near to residential road junctions has resulted in there being a visually intrusive area of land which is at odds with its immediate surroundings and harmful to the residential character of its surroundings. Local residents and passers-by are now subject to open views of a hardstanding area with vehicles parked rather than a more characteristic boundary wall and fence situated between rows of residential properties. As such, whilst I can see that the site

is more physically open than before the car parking area was introduced, I find that the development is visually intrusive and harmful to the character and appearance of the area. Therefore, it conflicts with Policies SD1 and UD1 of the CS and the Framework, which, together seek to achieve sustainable design and development that respects and enhances the local character of the area in which it is located.

Living conditions

10. The enforcement notice identifies that the development has resulted in the loss of private amenity space which used to serve the residential occupants of No 207 and therefore those occupants no longer have adequate amenity space to meet their needs. Whilst it recognises that the site has a planning history of commercial uses, the Council has presented their own evidence of previous residential use of the land, including photographs and previous planning applications which in 2011 identified the existing use as residential.
11. Contrary to the Council's evidence, the appellant claims that the land has not been in residential use for many years and to support this points to a letter by the current occupant of No 207 who states that during his lifetime the site has not been in residential use but has always been commercial.
12. It appears to me that in the past the site has been in commercial use, but more recently the picture is rather unclear. The Council's photographic evidence is not conclusive and the occupant's evidence is not in the form of an affidavit and as such has limited weight. I have also taken into account the comments of another local resident. Overall, I find the evidence on the 2011 planning applications the most compelling because I see no reason why the information provided at that time would be inaccurate. Therefore, on balance it is likely that before the parking area was installed the land in question was residential.
13. That being the case I can see that the development has resulted in the loss of all but a very small yard area for the private amenity space provision for the flat above No 207. There is insufficient evidence that the remaining space is sufficient to meet the reasonable needs of the present and future occupants of No 207. Consequently, on this issue I conclude that the development is harmful to the living conditions of the occupants of No 207 Leavesden Road with particular reference to the provision of usable outdoor amenity space. Therefore, the development is in conflict with Policy SD1 of the CS and the Framework which, among other objectives, seek to secure design that promotes sustainable development and promotes well-being.

Other matters

14. There is disagreement between the main parties with respect to whether or not the appeal site is brownfield land. In that context the appellant argues that substantial weight should be given to the value of using brownfield land within settlements for homes and other identified needs. Irrespective of whether or not the land in question is brownfield, I do not have evidence that the development meets a specifically identified need. In addition, the re-use of brownfield land for a particular use may not always be suitable, as is evidenced by the harm I have identified, above.

Conclusion

15. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

A A Phillips

INSPECTOR