



Appeal Decision

Site visit made on 1 October 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/Y1945/W/19/3232850

5 Stanley Road, Watford, Herts, WD17 2QU

- 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 258 Investments Ltd. against the decision of Watford Borough Council.
 - The application Ref 19/00212/COU, dated 25 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is described as proposed change of use from care home (C2) to H.M.O for up to 10 persons and new rear dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has stated that the appeal premises No 5 Stanley Road (No 5) falls within Use Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 on the basis that its previous use was as a care home. A copy of the Certificate of Registration from the Care Quality Commission has been submitted as evidence and indicates that the Registered Provider should only accommodate up to a maximum of four persons.
3. Use Class C3 (Dwellinghouses) is defined as a use of a dwellinghouse by not more than six residents living together as a single household where care is provided for residents. On the basis that there is no planning history of a change of use of the appeal premises to a Use Class C2 Use, the Council based its decision on the lawful use of the premises as a Use Class C3 use. The appellant has stated that this assessment is technically correct. As I have no other reason to disagree that the premises's lawful use is Use Class C3, the appeal has been determined on that basis.

Main Issue

4. The main issue is the effect of the development on the housing mix and character of the area.

Reasons

5. The appeal premises (No 5), is a two storey, semi detached property with accommodation over three floors, with a basement used for storage located close to Watford town centre. Immediately opposite No 5 is a primary school.

6. Saved Policy H13 of the Watford District Plan (2000) specifies that the sub-division or conversion of existing dwellings would be supported providing it would not result in more than 10% of the existing residential frontage in a street block consisting of a mix of conversions including Homes In Multiple Occupation (HMO).
7. The appellant states that as No 5 had not been in use as a single-family dwelling for some time and as there are already a significant number of conversions to dwellinghouses to flats and HMO's on Stanley Road and the surrounding area, the dwelling mix and character of the residential area would not be harmed as a precedent has already been set.
8. Stanley Road comprises of 16 dwellings, which the Council states has four which have been converted to HMO's or flats. At this level the conversion of No 5 would exacerbate the percentage of HMO's or flats on Stanley Road to over 31%, reducing further the number of Use Class C3 dwellinghouses on Stanley Road.
9. Based on my site visit, Stanley Road gave the impression of retaining its character of an established residential street, with still the majority of dwellings predominantly in single-family use. Whilst it may be the case that in the surrounding area, a number of properties have been converted to houses in multiple occupation, which the appellant states have altered the character of the area, this is not the case on Stanley Road.
10. The appellant has referred to No 16 Stanley Road and properties on Gladstone Road, for which I have only limited information. Based on the evidence submitted, I am not persuaded that these would set a precedent in this case and would not justify the conversion of No 5 which would have a significant and detrimental eroding effect on the housing mix and character of Stanley Road.
11. I conclude that the development proposed would have a harmful effect on the character and appearance of Stanley Road and would be contrary to saved Policy H13 of the DP and Policy UD1 of the Watford's Local Plan Core Strategy 2006-31 (2013), which when read together seek to ensure conversions of dwellinghouses would not harm the overall housing mix or character of an established residential area.

Other Matters

12. I have noted that the Council has raised no concern with regards the standards of accommodation proposed, parking, scale and design, and that there would be no significant or harmful impact on surrounding properties.
13. The appellant has referred to other appeal decisions in the area, but as the circumstances were different and as I have only limited information of the appeal proposals, it has not altered my decision. The appellant has also referred to Permitted Development rights to convert the property into an HMO, but this is beyond the scope of this appeal.
14. I have had regard to the concerns of interested parties, including parking, overlooking of neighbouring properties but as I have dismissed the appeal on the main issue, I have not pursued these matters further.

Conclusions

15. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR