
Appeal Decision

Site visit made on 28 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/Y1945/W/19/3239081

4 Kingsfield Road, Watford, Herts, WD19 4PS

- 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 Miss G. Lightbody against the decision of Watford Borough Council.
 - The application Ref 19/00893/FUL, dated 2 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is the partial change of use to 2 room House in Multiple Occupation (HMO) in existing mixed-use property (retrospective).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss G. Lightbody against Watford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. During my site visit I observed that the internal spaces of the appeal scheme were already in situ and the occupation of this part of the property was already taking place. This included the two bedsit rooms and a shared utility room, bathroom and kitchen. These works accurately reflect the details on the drawings submitted in terms of their shape, spatial arrangement and location of window and door openings. Therefore, I have determined the appeal on the basis that the appellant is seeking consent for those elements now in place.
4. Notwithstanding the internal layout, I noted an area of external space within the rear garden that was surrounded by low level mesh fencing. This is not shown on the submitted plans and therefore has not formed part of my assessment.

Main Issues

5. The main issues of this appeal are:
 - The effect of internal and external space arrangements on the living conditions of occupiers with particular regard to outlook and privacy; and
 - the effect of parking arrangements on highway safety on the surrounding streets.

Reasons

Living Conditions

6. The appeal site comprises a large detached property located on a street that is residential in character. The property is currently subdivided into a dwelling which occupies the first floor and part of the ground floor, while an acupuncture clinic is also on part of the ground floor. The appeal proposal occupies the ground floor in the southern portion of the building. An external side pathway between the appeal site and No 6 Kingsfield Road (No 6) leads to a large rear garden. A parking forecourt capable of accommodating 6 spaces is laid out in front of the property, with access derived off Kingsfield Road.
7. The Council have assessed the internal dimensions of the accommodation against the standards set out in their Residential Design Guide¹ (RDG) and national space standards² and have identified that the appeal scheme falls short of the space requirements for a 2 bed 3 person dwelling over 1 storey. The Appellant has relied on the more specific standards set out in the Council's 'Houses in Multiple Occupation (HMO) Amenity and Space Guidance to Landlords' (HMOG), which the Council indicates was published in 2018. The room dimensions of the appeal scheme meet the floor space dimensions set out in the HMOG. There are no storage space standards in the HMOG other than where they relate to kitchen facilities.
8. The development description on the application form and the Council's decision notice both refer to an HMO, while I have not been referred to any explicit reference in the RDG that the space standards also apply to HMOs. Therefore, I have attached greater weight to the guidance set out in the HMOG.
9. Notwithstanding the appeal development's compliance with the space standards in the HMOG, this guidance does not preclude, in my view, a further assessment of the effects of the space arrangements on the living conditions of the occupiers of the accommodation, particularly given the provision in Policy SS1 of the Local Plan³ that requires new development to protect residential amenity.
10. The rear most bedroom has its only window facing the side pathway and a high wooden fence that encloses it. Beyond this, and also a close distance to the window is the two-storey flank wall of No 6. The immediacy and scale of the fence and neighbouring flank wall combine to create an oppressive outlook from the bedroom window that will seriously harm the living experience of the occupier of the room, who, given the limited amount of communal space within the HMO, will be likely to spend more time in their private space.
11. The communal kitchen has a door and window facing the side pathway, both of which have opaque glass. As with the rear bedroom window the kitchen windows are similarly orientated towards the fence and flank wall of No 6. Despite the obscure nature of the glazing of the windows, the presence of the fence and wall was clear during my site visit observations, to the extent that they have an unacceptable domineering effect on the outlook of the room.

¹ Residential Design Guide, Adopted July 2014, Amended August 2016

² Technical housing standards – nationally described space standard, March 2015, Department of Communities and Local Government

³ Watford Borough Council, Local Plan (Core Strategy), 2006-2031

Given that the kitchen is already small in size and offers residents a communal space, the outlook from it is unsatisfactory.

12. During my site visit I noted that there was nothing stopping other occupiers of the appeal building from accessing the side pathway, that passes the window of the rear bedsit room, as they access, from the front forecourt and rear garden area. Therefore, other occupiers will have uninterrupted views into the rear bedroom window that faces the side pathway, that will seriously impinge on the privacy of occupiers of this room.
13. I have considered imposing a condition requiring the window to be obscure glazed, however, this would diminish the outlook of occupiers further and as such would not, in my view, meet the test of reasonableness set out in the Planning Practice Guidance⁴.
14. Whilst the rooms within the appeal property comply with the space dimensions set out in the HMOG, the internal and external space arrangements of the appeal scheme harm the living conditions of its occupiers, with particular regard to outlook and privacy. It will therefore be contrary to Policy SS1 and UD1 of the Local Plan and the RDG, where they require the protection of amenities.
15. The Council have not referred to Policy SS1 of the Local Plan in the refusal notice, however, I have considered it to be relevant in my assessment and refer to it in concluding on this main issue. I have not referred to the space standards set out in the RDG and the national space standards in my conclusion, as I have attributed greater weight to the HMOG in this respect.

Parking

16. Including the appeal proposal, the collective uses at the appeal property will require 7.5 off-road parking spaces to meet the Council's standards. Consequently, the existing 6 forecourt spaces available falls short of this requirement.
17. Kingsfield Road and the surrounding streets are not subject to controlled parking, consequently I noted during my late morning site visit, that there was very few available on road parking spaces. I appreciate that this is only a snapshot of local parking conditions, but it is reasonable to assume that the limited availability of on-street parking would be similar during evenings and weekends. Furthermore, during my site visit I noted that a bus stop and train station were a short walk away, along with a wide range of local services that included shops, cafes, restaurants and a pharmacy.
18. Despite the appeal site's parking shortfall, the close proximity to a bus stop and train station, in addition to the accessibility to local services, will make non-car ownership likely for some residents of the HMO. This will therefore reduce the pressure to park on the already congested streets and consequently limit the harm to highway safety.
19. Therefore, the parking arrangements for the appeal scheme will be acceptable and will not harm the highway safety of surrounding streets. It will therefore accord with Saved Policies T22 and T24 of the Watford District Plan 2000, where they require developments to be in a location with good access to

⁴ Paragraph:001 Reference ID: 21a-001-20140306

passenger transport and encourage lower parking levels on developments to travel to the site by means other than the car.

Other Matters

20. I note that the appellant has referred to a previously refused scheme for a self-contained flat at the site which differs to the current proposal. However, I have not had full details of this scheme, and in any case, I have assessed this appeal on its individual merits.

Conclusion

21. Even though I have found that the appeal scheme will have acceptable parking arrangements and meet space standards set out in the HMOG, it will have an unacceptable effect on the living conditions of occupiers in terms of their outlook and privacy.

22. I therefore conclude that the appeal should be dismissed.

R.E. Jones

INSPECTOR