
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: 9 March 2020

Appeal Ref: APP/Y1945/W/19/3238675

1 Willow Lane, Watford WD18 0JA

- 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 Thornhill, Swirlbuild Ltd against the decision of Watford Borough Council.
 - The application Ref 19/00789/FUL, dated 4 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is described as: proposed two storey 58 sqm 1-bedroom dwelling house (C3 use class) with 52.3 sqm of amenity garden space and 135 sqm of communal garden space for 6 existing flats within the curtilage of the site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development description in the banner heading above, refers to communal garden space proposed for existing residential flats, that are outside of the appeal site. The Council did not refer to this in their assessment, and I have done the same in determining this appeal.
3. A signed and dated unilateral undertaking (UU) was submitted by the appellant following the submission of the appeal. This relates to the prevention of future residents of the proposed development from entitlement to residents parking permits for the controlled parking zones in the vicinity of the appeal site. The Council has been given the opportunity to comment on the UU.

Main Issues

4. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of parking arrangements on highway safety.

Reasons

Character and Appearance

5. The appeal site, a rectangular parcel of land, comprises a hardstanding used for vehicle parking and the rear domestic gardens of No 98 and 98a Vicarage Road, located in a residential part of the town.

6. The site has its frontage onto Willow Lane facing the uniform terrace dwellings that line the opposite side of the street. Willow Lane's north western frontage, which the appeal site forms part of, is lined by hedgerow and occasional trees, beyond which and clearly visible is the expansive Watford General Hospital site with its many tall buildings and wings laid out amongst large parking areas and landscaping.
7. When viewed from Willow Lane, the rear elevations of residential properties that front Vicarage Road, are clearly visible in context with the appeal site. This long terrace has a rigid eaves and roof line, and windows and chimneys that are evenly proportioned and distributed. The rear façade of the terrace, with the exception of the end property's rear extension (No 1 Willow Lane (No 1)), remains largely undeveloped by additions. I consider that the uniform appearance of these properties gives the terrace a rhythmical and balanced appearance when viewed from Willow Lane.
8. The appeal proposal, a one-bedroom dwelling would be set down in the plot below the level of the street and incorporate an asymmetrical roof. The dwelling's modest scale and distinctive roof would appear jarring against the taller, more symmetrical and uniform rear elevations of the Vicarage Road properties and those on the opposite side of the road to the appeal site. This would result in the appeal proposal having a disruptive architectural relationship in context with adjacent properties. Moreover, this incongruous association would be accentuated by the random arrangement of windows on the front elevation of the proposal, which would be inconsistent with the more balanced arrangement of fenestration of the surrounding terrace properties.
9. It is acknowledged that No 1 has an asymmetrical roof profile also, however, the proposal's roof would be a more dominant and discordant feature of the dwelling's overall design, and I do not consider that there is a similarity that would justify the appearance of the proposal in this context.
10. I have been referred to a number of residential developments approved by the Council in the locality. These developments occupy street corners, previous gaps in the road frontage and the infilling of vacant land. I have not been presented with the full details of these cases and under which policies they were determined against. Furthermore, whilst I note they are largely different to adjacent terrace dwellings, they differ significantly to the appeal scheme in terms of their scale and design. Therefore, I have attributed limited weight to the examples given as they do not bear any similarities to the proposed development.
11. The Council's Supplementary Planning Guidance¹ (SPD) states that in the case of infill development, it is important that proposals respect, but not necessarily in all instances replicate, the height and scale of nearby buildings. However, in this case, the proposal with its dominant asymmetrical roof profile, irregular windows and stout proportions differs markedly to the orderliness portrayed by the nearby terrace properties, such that the alternative design proposed would not, in my view, respect the prevailing character.
12. It is acknowledged that the proposal would use appropriate finishing materials that would be consistent with their surroundings, however, this aspect of the proposal's appearance would not overcome the harm I have identified.
13. I understand that a previous development at this site was refused by the Council, albeit one that was more consistent with the prevailing character, and which

¹ Residential Design Guide (Adopted, July 2014; Amended August 2016)

informed the Appellant's current scheme. I have not been presented with details of the previous scheme, nor have I had full details of the circumstances that led to its refusal by the Council. Accordingly, I have attached limited weight to this matter.

14. Consequently, I, conclude that the appeal scheme would harm the character and appearance of the area. It would therefore be contrary to Policy UD1 of the Watford Borough Council Local Plan, Core Strategy, 2006-31 (the Core Strategy). This requires, amongst other things that development respects and enhances the local character of the area. The proposal would likewise fail to accord with the SPD. I have also found that it would be contrary to the Framework which requires development proposals to be sympathetic to local character.

Parking

15. The appeal site is located in a controlled parking zone (CPZ) area, where local residents have to apply for parking permits. It was evident during my site visit, and whilst only a snapshot in time, that the availability of on-street parking in the streets surrounding the appeal site was limited.
16. In instances where there is no on-site car parking proposed within a CPZ, as in the case of the appeal scheme, Policy T24 of the Core Strategy, would permit such schemes providing they are exempt from entitlement to on road parking permits, to prevent additional on road traffic and congestion. In order to secure this, a unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (the Act) has been provided. This is a suitable mechanism that would meet the aims of Policy T24.
17. Section 106 of the Act has the effect of restricting the development or use of the land in a specific way, and an agreement such as a UU may be entered into which identifies the land in which the person entering into the obligation is interested.
18. However, in this case a title plan that relates to part of the land the obligation would pertain to has not been provided. Given the prescriptions of the Act, I do not consider that an acceptable UU is before me. As such with there being no binding restriction in place to limit on-street car parking in an already congested area I cannot be certain that the proposal would not result in unacceptable parking stress and lead to additional congestion as drivers seek a parking space, or park illegally.
19. I acknowledge that residents of the appeal building may not own a car and could utilise the nearby public transport provision. However, I cannot be certain that this would always be the case.
20. Consequently, the effect of parking arrangements associated with the appeal scheme would have a harmful effect on highway safety in the area. Therefore, the scheme would fail to accord with Policies T22 and T24 of the Core Strategy, in particular where they require to restrict eligibility for on street parking permits in controlled parking zones and have regard to highway safety.

Other Matters

21. The proposed development would meet the Council's amenity space standards, represent an effective use of underused land and ensure no harm to neighbouring living conditions. However, these combine to form neutral factors in my determination of this appeal and neither weigh for or against the proposal.
22. There are concerns that the appellant wasn't given the opportunity to amend the scheme by the Council during the determination of the application. This is unfortunate given that the guidance referred to by the appellant encourages the

opportunity to amend an application before it is decided. Nevertheless, this is a procedural matter between the parties and the apparent lack of discussion has been given limited weight in my determination.

Conclusion

23. For the reasons given above, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR