



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: 15th April 2020.

Appeal Ref: APP/Y1945/W/19/3238624
76 High Road, Watford WD25 7LJ

- 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 Hayden Grossman, Newgen Property Services Ltd against the decision of Watford Borough Council.
 - The application Ref 19/00765/FUL, dated 10 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is for the demolition of existing dwelling and erecting 6 new 3-bedroom dwellings with accommodation within the roof with associated enlarged cross over, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal site visit, the Government has published their Housing Delivery Test (HDT) 2019 results. The main parties were given the opportunity to comment on these results, and I have had regard to the responses received in my assessment of the appeal.

Main Issues

3. The main issues of this appeal are:
 - The effect of the proposed access and bin store arrangements on highway safety within the site and on High Road;
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of No 74 High Road, with regard to outlook.

Reasons

Highway Safety

4. The appeal site comprises the dwelling and rear garden of No 76 High Road. High Road is a residential street comprising low density housing built in a mix of architectural styles. Traffic speeds along the road are controlled by speed humps and a 20mph limit. The appeal site's landscaped rear boundary faces onto Redheath Close, a residential street containing bungalows and two storey semi-detached and terrace properties.

5. The proposed development would involve the demolition of a detached garage and rebuilding of No 76 to make way for a 4.8m wide access road off High Road. This would lead to a proposed terrace of five two-storey dwellings towards the rear of the site and close to its frontage with Redheath Close.
6. The proposed access road is long and L-shaped. Parking for the proposed dwellings is laid out in a line along the main length of the track, and in the western corner of the appeal site. There is no apparent turning area for vehicles shown on the submitted site plan, while no tracking details have been submitted to demonstrate that vehicles can enter and leave the site in a forward gear. I have noted that the "dog-leg" in the proposed access road adjacent to the terrace of dwellings appears in my view to be the widest part of the road. However, the shape and alignment of the road at this point along with the close proximity of parking spaces and the terrace frontage creates a confined area for turning and manoeuvring larger vehicles such as delivery vans or refuse carts. Without more detailed information as to whether this can be achieved I am unable to conclude with any certainty that there would not be resultant impacts on highway safety, as larger vehicles may be forced to reverse out of the site and onto High Road, making unsafe manoeuvres with restricted visibility and awareness of surrounding vehicular traffic and pedestrians.
7. I acknowledge that due to the width of the access road, smaller cars could reverse and manoeuvre out of the parking spaces to enable egress from the site in a forward gear. However, the access road would be expected to be used by a range of longer vehicles, such as delivery vans, and their manoeuvring in and out of the site would require more space.
8. Policy SE7 of the Watford District Plan 2000 (Adopted 2003) (the WDP) requires development proposals likely to generate waste to have regard to the extent to which on-site provision is made for waste collection, source separation, recovery and recycling facilities. The policy's explanatory text indicates that separate storage areas for waste and recycling should be enclosed and easily accessed for collection purposes. No waste management details have been provided by the appellant.
9. There is a requirement that each dwelling unit has three bins to contain general waste (140 litres), recycling (240 litres) and green/garden waste (240 litres). Due to the alignment of the proposed access road and the limited space in front and to the side of the proposed dwellings I cannot be sure that there would be an area for the storage of up to 18 bins, while also ensuring footways and roads remain clear and that bins do not obstruct highway visibility, for example at the access with High Road.
10. I have considered the use of planning conditions to obtain waste management and turning area details, however, due to the lack of certainty of the effect of such changes, I do not consider it would be reasonable to require these details by a planning condition.
11. Accordingly, I conclude that there is insufficient information before me to provide certainty that the proposed development would have appropriate access and bin storage arrangements so as not to have an unacceptable effect on highway safety within the site and on High Road. There would be conflict with Policies SS1, T4 and UD1 of Watford's Local Plan, Part 1 – Core Strategy 2006-31, adopted 30 January 2013 (the WLP) and Policies SE7 and T21 of the

WDP. These amongst other matters require developments to provide adequate provision for access/egress and servicing arrangements, ease of movement through the site and on-site facilities for the collection of waste. There would also be conflict with the National Planning Policy Framework (the Framework), which require developments to be refused if there would be an unacceptable impact on highway safety.

12. Lastly, the Council's refusal reason included Policy T24 of the WLP which relates to parking provision. However, I have not referred to this in my conclusion above as the Council raised no specific objection to the proposed parking arrangements in their officer's report.

Character and Appearance

13. The proposed dwelling at Plot 1 with its deeper roof profile would have a greater physical mass in contrast to the shallower roof spans and subservient projecting wings pertaining to the properties either side at Nos 74 and 78. Notwithstanding this, I noted during my site visit a mix of roof styles and shapes along High Road, some of which, particularly Nos 72, 79 and 81 are similar to Plot 1. The side elevation of Plot 1 where it faces the proposed access road would be blank and devoid of windows. Although featureless, this is not uncommon for a flank wall in this area. Granted, there would be a greater visibility associated with this elevation compared with the existing dwelling, as the proposed access road would open up views of the proposed flank wall from High Road. However, the dwelling's set back position and the screening afforded to it by frontage trees would ensure it is relatively concealed in the context of the street. The dwelling's rear elevation would contain a number of small window openings, as well as rooflights and rear entry doors. Although some of the windows proposed would be small, I noted a range of windows sizes and arrangement on the rear of neighbouring dwellings, and as such Plot 1 would not be discordant or appear particularly out of keeping in this respect.
14. Sited at the far end of the proposed access road, the terrace of five dwellings (Plots 2-6) would be screened by existing dwellings facing High Road as well as the proposed Plot 1. Glimpsed views from High Road would be obtained, albeit through the gap created by the proposed access road. However, the rear elevation of the terrace would have a limited visual presence due to the considerable distance from High Road, whilst views from rear windows and gardens of neighbouring dwellings along High Road would be obscured by landscaping along the boundaries of the appeal site. From within the site and particularly the proposed access road the rear elevations of Plots 2-6 would be more visible. Ground and first floor windows, although distinctive by their squat dimensions would be equally arranged and well-proportioned in the context of the whole terrace and would not appear incongruous or out of kilter in relation to rear windows relating to adjacent properties on Redheath Road in terms of design and arrangement.
15. Dwellings facing onto Redheath Road are primarily set back from the road with either driveways or short forecourt gardens occupying the intervening area. Spacing between properties is close but often broken up by small gaps of varying distance, while dwellings do not follow a rigid or uniform building line. The siting of Plots 2-6 would be slightly forward of the front building line of No 21 and behind the rear building line of No 32. Whilst this would make for an uneven alignment of dwellings, it would be relatively consistent with the

existing layout of properties in the street and would not look incompatible in the context of the prevailing pattern of development along the road. Notwithstanding this, the tall boundary trees along the appeal site's rear boundary would largely screen Plots 2-6 from the road ensuring it has a discreet presence along Redheath Road.

16. Whilst I note that details of the location and appearance of bin storage facilities have not been provided, and notwithstanding, my concerns in respect of the previous main issue, an inconspicuous location along with appropriate screening could be provided for bin storage within the site without causing visual harm to the surrounding area.
17. I therefore find no harm to the character and appearance of the surrounding area and as such no conflict with Policies SS1 and UD1 of the WLP which together seek to protect and enhance the character of an area. The proposal also accords with the Council's Residential Design Guide, Adopted July 2014, Updated August 2016 (the RDG), where it requires proposals to understand the site's context and to ensure they reinforce local characteristics. Finally, I have found no conflict with the Framework where it requires development to be sympathetic to local character.

Living Conditions

18. The neighbouring dwelling at No 74 High Road has a long rear garden in excess of 30m that extends up to the appeal site's north western boundary. I observed a patio and seating area close to the rear of the dwelling that was accessed by patio doors. Beyond this was a lawned garden and a grouping of shrubs and trees close to the rear boundary.
19. It is acknowledged that the terrace of proposed dwellings would maintain a short distance from the rear boundary of No 74. This would have an imposing presence upon a smaller neighbouring garden. However, the private amenity space of No 74 is long and expansive and has areas closer to the house, such as the rear patio, that would maintain sufficient distance from the proposed terrace such that these areas would not be unduly enclosed or experience any harmful physical effect.
20. I, therefore, conclude that the proposed development would not harm the living conditions of occupiers of No 74, with regard to outlook. In that it would comply with the overall aims of Policies SS1 and UD1 of the WLP in respect of protecting residential amenity. The proposed development also accords with the RDG where it seeks to protect amenities, in addition to the Framework's requirement to safeguard the amenities of existing occupiers.

Other Matters

21. The Council's submission includes the listing details of the grade II dwellings at No 79 and 81, located on the opposite side of the road to the appeal site. These large dwellings are set back from the road and enclosed by a short front boundary brick wall with a manicured privet hedge above, while imposing mature trees are located close to the front boundary. Given the domestic scale of the building the setting of these dwellings is considered to be largely confined to the building's curtilage and the existing boundary features that surround it. Given the scale of the proposed development, the separation distance that would be maintained from the listed buildings, and a design that

- is largely consistent with the surroundings, I do not consider that it would harm the setting of Nos 79 and 81.
22. The detached dwelling at No 74 is a non-designated heritage asset (NDHA). The Council have not raised any specific concerns with regard to the effect of the development on the significance of the NDHA. I also have no concerns with the proposed development in this respect.
23. Details of the location of cycle storage for each dwelling have not been provided, however, I consider that each dwelling would have sufficient space around it to accommodate this provision without harmfully encroaching into outdoor amenity areas or obstructing circulation around the house. I therefore consider that this is a detail that could be agreed through a planning condition and as such would accord with Policies SS1 and UD1 of the WLP and Policy SE7 of the WDP. It would also meet the requirements of the Framework where they relate to encouraging journeys by bike.
24. I note there are neighbouring concerns in respect of the appeal scheme's impact on noise and disturbance, congestion and traffic speeds, the construction phase of the development and land drainage. However, as I am dismissing the appeal on other grounds, I haven't considered these further.
25. I recognise that the HDT results 2019 indicate an under-supply of housing delivery in the Borough over the last 3 years. This results in a 20% buffer being applied in calculating the Council's 5-year housing land supply (5YHLS). Based on this calculation, the Council indicate they have more than a 5YHLS, however, the appellant has questioned the way in which the Council has reached this figure and whether their assertion of a 5YHLS is valid.
26. The Framework supports new housing in sustainable locations that represents an efficient use of land, whilst the Government policy objective of significantly boosting the supply of housing would be assisted by the proposal. However, whilst the delivery of housing has been below the housing requirement over the previous 3 years, and even if I was to accept that the Council did not have a 5YHLS, given the small contribution of dwellings before me, the benefits in terms of housing delivery would be limited. In light of the degree of harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Consequently, there are no material considerations which indicate that my decision should be taken otherwise than in accordance with the development plan.

Conclusion

27. I have found that the proposed development would not harm the character and appearance of the surrounding area. It would also be acceptable in relation to the effect on neighbouring outlook. However, this is outweighed by the appellant's failure to demonstrate the effect of the proposed access and bin storage arrangements on highway safety. Without this information I cannot conclude with any certainty that the proposed development would not have a harmful effect on highway safety.
28. For the above reasons the appeal should be dismissed.

R.E. Jones

INSPECTOR