



Appeal Decision

Site visit made on 11 February 2020

by Edward Cousins BA, BL, LLM, Barrister

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/Y1945/W/19/3239780

Rear of 103-109 Longspring, Watford, WD24 6PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M A Karim against the decision of Watford Borough Council
 - The application 19/00941/OUT, dated 25 July 2019, was refused by notice dated 30 September 2019
 - The development proposed is described as: Outline planning permission with all matters reserved - demolition of existing disused garages and construction of four one-bedroom flats, with gardens and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the site has been wrongly recorded in the documentation as "Longsprings", when in fact the correct postal address is "Longspring". I have used the latter in the banner heading.
3. Further, the decision notice refers to the appeal site as "land to the rear of 103-105 Longspring", when the application made refers to "103-109 Longspring". I consider this reference to be a typographical error and treated this as such. The banner heading therefore records the appeal site as 103-109 Longspring.
4. The appeal was submitted in outline form with all matters reserved. Accordingly, I have dealt with it on that basis and that the plans are for illustrative purpose only.
5. On 29 April 2019 a previous appeal made under reference PP/Y1945/W/18/3215451 was dismissed by Inspector Roy Curnow for the reasons stated. The current application has made a number of changes to the original (refused) application in height, location and access. In particular there is a proposed reduction in the height of the building from three floors to two floors; a proposed reduction in the number of flats from six to four; and the provision of a gated covered arcaded pedestrian access route from Longspring to the appeal site.

Main Issues

6. The main issues in this appeal are:

- (1) The effect of the development on the character and appearance of the area;
- (2) The effect of the development on the living conditions of future residents, having particular regard to the means of access to the site, floorspace, amenity space and privacy; and
- (3) The effect of the development on the living conditions of the occupants of neighbouring properties, having particular regard to outlook, light and privacy.

Reasons

Character and appearance

7. Longspring is a busy feeder road lying to the north east of Watford serving both Watford and the local community. Nos 103-109 lie on the north west side of Longspring and form a mixture of commercial shops and restaurant premises on the ground floor, above which there are two floors of residential accommodation.
8. The appeal site lies to the rear of 103-109 Longspring. The site currently comprises 14 single-storey garages and a parking/turning area. Vehicular and pedestrian access to the site can be gained from a long and narrow rear service lane to the rear of the appeal site which runs at its southern end from Beechwood Rise. It emerges at its northern end at Leggatts Wood Avenue. The service lane also provides access to parking and garaging for properties fronting Longspring and St Albans Road on one side, and Hazel Tree Road, a residential street on the other. In addition to this route, there is a pedestrian access to the appeal site along a narrow path that runs between 109-111 Longspring and 401-403 St Alban's Road and emerges at its north eastern corner.
9. Abutting the appeal site, at its south eastern side are the rear gardens to 2-8 Beechwood Rise which comprise four flats set in a pair of two-storey, semi-detached dwelling houses. On the north eastern side of the appeal site is the shared amenity space to a development of flats on St Alban's Road.
10. The pattern of development over the decades in the area in the vicinity of the site, and in particular Beechwood Rise and Hazel Tree Road, is outward facing in that the properties present their principal elevations to the public roads. Their rear elevations and gardens adjoin the service lane at the back. There are a number of outbuildings such as garages situated along the service lane and, apart from one or two exceptions, these are small single-storey constructions.
11. I consider that the introduction of a building to the rear of these various dwellings, albeit now of a reduced height, and length, would still constitute an unacceptable form of backland development that would be at odds with the prevailing form of development in the area.
12. Although the plans are illustrative despite the reduction in height from a three-store to a two-storey building, in my view such a construction would be out of scale, out of context and out of harmony with its surroundings. It would appear prominent, insensitive and incongruous rather than complementing the area. As

such, in this backland context it would therefore be an inappropriate location for a building of this nature.

13. For the above reasons, I find that the scheme shown on the submitted plans would be harmful to, and would have an adverse effect upon, the character and appearance of the area.
14. Accordingly, in my judgment, the proposed development would be at variance with Policies SS1 and UD1 of Watford's Local Plan Part 1 - Core Strategy 2006-31, January 2013, ('Core Strategy') which require high standards of design and that development should respect and enhance the local character of the area. I further consider that the proposed development is contrary to paragraph 130 the Framework (Achieving well-designed places).

Living Conditions – Future Occupants

15. The scheme before me seeks to address matters raised in the earlier decision, and in particular by the proposal to introduce a new two metre wide, three metre high, secured arcaded pedestrian access route along an existing pathway between 105-107 and 109 – 111 Longspring. However, the fundamental point is that the proposed development could still only be served by two access routes, one pedestrian only, and the other for vehicles by means of the service road to its rear.
16. In so far as the proposed newly identified pedestrian access route from Longspring is concerned, in principle this does go some way to eliminate concerns as to the safety of future occupants in gaining access to and egress from the proposed development by the introduction of illumination and CCTV, together with a secure entry door and an entry phone system. However, it is apparent that the harm that has not been addressed is access by this route will not be for the exclusive use of the occupiers of the four flats in the proposed development. As extended to serve the proposed development, it would continue to provide rear access along various pathways for the occupiers of a number of buildings in Longspring, notably 105-107 and 103. The occupants of the proposed development might well feel a sense of unease as to how the use of this access route by others is to be policed and possible ramifications as to lack of security. There is also a further concern as to how this new proposed route is to be achieved in view of the existing configuration of the buildings in Longspring, and in particular at the rear of 105-107.
17. Further, it is proposed that at the rear of the proposed development adjoining the service lane there would be full security with entrance gates and fences. However, the rear service lane is long and narrow, and there is no natural surveillance from adjoining buildings. It is quite possible that pedestrians and cyclists could still use this space for access to the proposed development.
18. Furthermore, I reiterate the point that the lack of any street lighting along the length of the service road would place persons using it at night in some potential concern for their safety.
19. I therefore consider that despite attempts to address the earlier concerns expressed, the appellant has failed alleviate the potential concerns as to the living conditions for future occupants of the proposed development. In my view these concerns remain unsatisfied.

20. The proposed development therefore would be contrary to Core Strategy policies UD1 and SD1 which require development to be integrated and provide and easy and safe means of access thereto. Further, I consider that the proposed development would be in breach of policy SS1 that seeks to avoid developments that would result in serious harm to amenity. It would also conflict with the terms of paragraph 7.2.6 of the Design Guide.

Living Conditions – Neighbouring Properties

21. Even in its truncated form the scheme would be insensitively scaled and results in a cramped and overlooked aspect in close proximity to residential properties particularly to 103-111 Longspring which currently manifest an open outlook. This would also be the case in the proximity between the proposed development and the boundary of the appeal site with 2-8 Beechwood Rise. This would further result in a loss of an open outlook from within those properties and from their rear gardens to the north. Despite the fact that the proposed development has reduced the height of the building by one floor, the windows at first floor level would still directly look into the gardens and rear of the houses at 2-8 Beechwood Rise. This would create a loss of privacy for the occupants of those houses.
22. In such circumstances, I consider that the proposed development as demonstrated on the illustrative plans would result in the living conditions of the occupants of 103-111 Longspring, and 2-8 Beechwood Rise being significantly adversely affected by a loss of outlook, and in particular as regards to the latter by a loss of privacy. I therefore consider that the proposed development would be contrary to Core Strategy policy SS1 in this regard.

Conclusion

23. Therefore, for the reasons set out above the appeal should be dismissed.

Edward Cousins

INSPECTOR