



Appeal Decision

Site visit made on 14 July 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/Y1945/W/20/3245837

Rear of 297 St. Albans Road, Watford, Herts WD24 6PD

- 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 Ali against the decision of Watford Borough Council.
 - The application Ref 19/01305/FUL, dated 11 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is for the construction of new detached studio living unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - the effect of the proposed dwelling on the living conditions of No 297 St Albans Road (No 297) in terms of external amenity space provision;
 - the effect of the proposed dwelling on the living conditions of Nos 295 and 299 St. Albans Road (No 295 and No 299) in respect of outlook; and
 - the effect of parking arrangements at No 297 on highway safety on St Albans Road.

Reasons

Character and appearance

3. The appeal site comprises No 297, a mid-terrace two storey property in a short terrace of four dwellings that have rear gardens which back onto Maude Crescent. These rear gardens along with that of No 3 Lea Road creates a short gap in the frontage along Maude Crescent where there are no dwellings facing the street. The gap is characterised by a series of connecting rear gardens that are spacious and, in some cases, partially developed by ancillary outbuildings seen rising above the roadside fences and walls along Maude Crescent. The outbuildings are primarily utilitarian in their design and appearance having few window openings or architectural detail.
4. The dwellings along Maude Crescent and this part of St Albans Road are two storeys in scale and follow a consistent design theme that incorporates unifying architectural features such as chimneys, projecting gables and symmetrical window and door openings.

5. Although there are existing outbuildings in gardens in the vicinity of the appeal site, none are as tall or have the same excessive plot coverage as the proposed dwelling, which would extend right across the plot and be built tight to the side boundaries with Nos 295 and 299. The proposed dwelling would have an expansive roof profile in the context of the smaller outbuildings along the frontage.
6. Consequently, the proposed dwelling would be seen from Maude Crescent and Lea Road rising above smaller ancillary buildings within the gap and appearing as an incongruous and dominant structure. Moreover, the proposed dwelling, with its squat and utilitarian design would also fail to respect the surrounding architectural design and scale of dwellings on Maude Crescent and St Albans Road. There are some roadside trees along Maude Crescent, however, the proposed dwelling would not be effectively screened by these as it would be seen through the large spaces either side of them. The proposed dwelling would therefore appear discordant and incongruous in its setting and at odds with the prevailing pattern of development.
7. I note the appellant's comments that the proposal would comply with the council's Residential Design Guide¹ (RDG) in contributing towards a variety of house types. However, this would be at the expense of the harm to the surrounding area which I have identified.
8. The appellant refers to the removal of the existing unsightly outbuildings as a positive aspect of the scheme and that the introduction of the proposed dwelling would enhance the character of the area. Yet these outbuildings are smaller in scale compared to the appeal proposal and appear less dominant within the plot. The proposal would also have a harmful presence in the context of the street. Accordingly, this is not a reason to allow the appeal.
9. I therefore find that the proposed dwelling would harm the character and appearance of the surrounding area. It would conflict with Policies SS1 and UD1 of Watford's Local Plan, Core Strategy 2006-31, Adopted 30 January 2013 (the Local Plan) which require amongst other matters, that development proposals protect and enhance the local character of the area. It would also fail to accord with the RDG where it requires proposals to achieve good quality design through an understanding of its wider context which includes amongst other considerations forms of buildings and spaces. The proposal would also be contrary to Paragraph 127 (c) of the National Planning Policy Framework (the Framework) which requires development proposals to be sympathetic to local character.

Living conditions

10. According to the appellant, the proposed dwelling would result in the host property at No 297 having a smaller external amenity space of some 50m². The submitted evidence indicates that the dwelling has 3 bedrooms and for a property of this size the Council's RDG states that new residential developments should be expected to provide a minimum of 65m² of private outdoor amenity space. Even though these standards relate to new residential developments, I consider they would still be a useful guide in a scenario where existing dwellings have their plots reduced through garden development. Albeit in a strict sense the RDG is not written with this context in mind.
11. The proposed residual external amenity space would fall well below the prescribed standards for a 3-bedroom dwelling. However, as indicated this standard is not strictly applicable to this case. Also, the existing patio and remaining lawned area would provide functional and private space for the host property sufficient for

¹ Residential Design Guide, Adopted – July 2014, amended – August 2016

activities such as seating, clothes drying and some external storage. There would also be opportunities nearby at Nichols Close and The Harebreaks to utilise larger areas of public open space. The Council has not raised any concerns with regard to the amenity space earmarked for the proposed dwelling, and I have no reason to disagree with them on that matter.

12. I acknowledge that a Lawful Development Certificate² has been obtained to extend the existing property and provide a fourth bedroom. This would necessitate 85m² of external outdoor amenity space under the terms of the RDG if we were referring to a new dwelling as opposed to considering the residual garden in this case. Whilst there was no evidence of that development at the time of my site visit, I nevertheless consider that the residual external space for No 297, as a result of the proposed dwelling, would still be acceptable if it were to serve the extended property.
13. The proposed dwelling, according to the appellant, would have a pitched roof rising to approximately 4.1m in height at its apex. From No 299's rear garden and habitable rooms, the proposal's roof would be seen rising above the existing boundary fence. The proposal would maintain an acceptable distance from the rear elevation and the part of the garden closest to No 299. In light of the proposal's scale, shallow roof pitch and separation distance from those areas it would ensure that the outlook from that property would not be unacceptably harmed.
14. The neighbouring dwelling to the south, No 295, has a series of connecting outbuildings along its boundary that would partially screen the gable wall of the proposed dwelling when viewed from No 295's ground floor habitable rooms and garden area. The proposed dwelling would maintain an acceptable distance from the rear elevation of No 295, while its sloping roof and angled position relative to neighbouring rooms and the external amenity area, would ensure that there would be no significant overbearing impact upon those spaces. Accordingly, there would be no unacceptable loss of outlook from this neighbouring property.
15. I conclude that the proposed dwelling would have an acceptable effect on the living conditions of existing occupiers at No 297 in terms of external amenity space provision, and Nos 295 and 299 in respect of outlook. Consequently, I find no conflict with Policies SS1 and UD1 of the Local Plan, which amongst other things require new developments to consider spatial relationships and protect residential amenity. The proposal would also accord with Paragraph 127 (f) of the Framework where it requires developments to provide a high standard of amenity for existing and future users.

Highway safety

16. The proposed dwelling's garden and parking area would remove the ability of existing residents at No 297 to park at the rear of the site. Nevertheless, the appellant indicates that parking arrangements for existing residents will remain unchanged, by using the established front forecourt area off the busy St Albans Road, albeit requiring access over the existing kerb and pavement, while having to negotiate between existing street furniture. This is not an ideal arrangement as cars have to mount the kerb and enter the forecourt at an angle through the existing street furniture on the pavement making this a challenging manoeuvre off St. Albans Road. I also note that there are similar parking arrangements along the road where cars have to mount the kerb to access a front forecourt area.

² 17/00385/LDC

17. The appellant indicates that the parking spaces on the forecourt have been in use for many years, whilst the Council has not taken any action to have the spaces removed. Nevertheless, I have not been presented with any specific details of how long this access arrangement has been in use, nor is there any evidence that it is lawful and acceptable while having received the relevant consent from the Council.
18. The absence of sufficient information that demonstrates that the existing parking arrangement is acceptable, means I cannot rule out the prospects of significant harm to highway safety on St. Albans Road. Therefore, the proposal would conflict with Saved Policies T22 and T24 of the Watford District Plan 2000. These policies, amongst other things, require developments to have acceptable on-site parking provision. It would also fail to comply with the Framework where it requires there to be no unacceptable impact on highway safety.
19. The Council mentions Local Plan Policies SS1 and UD1 in their refusal notice, however, there are no specific highway safety or parking requirements in these policies. It would therefore appear that these policies are not relevant to the main issue.

Other Matter

20. Paragraph 59 of the Framework sets out the Government's objective to significantly boost the supply of homes. The proposal would provide one additional home in a generally accessible location, which would bring about modest social and economic benefits. There is no significant evidence to indicate that the Council cannot demonstrate the requisite housing land supply. However, its housing delivery has only been at 70% of its housing requirement over 3 years, based on the 2019 Housing Delivery Test results. While this indicates a significant delivery shortfall, and small sites can make a meaningful contribution to housing supply, one additional dwelling would have only a limited effect on housing supply and delivery in the borough. Moreover, the harm I have identified above would outweigh the benefit of one additional dwelling in this instance.

Conclusion

21. I have found that the proposed development would not harm the living conditions of neighbouring occupiers in terms of outlook and the provision of external amenity space. However, this is outweighed by the proposed dwelling's harmful impact on the character and appearance of the surrounding area and the concerns I have raised in respect of highway safety.
22. For the above reasons the appeal should be dismissed.

R. E. Jones

INSPECTOR