



Appeal Decision

Site visit made on 11 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2020

Appeal Ref: APP/Y1945/W/20/3249585

136 Balmoral Road, Watford WD24 4ET

- 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 K Roache against the decision of Watford Borough Council.
 - The application Ref 19/00924/FUL, dated 9 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is 2 No. 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for occupiers of the proposed dwellings would be acceptable with particular regard to light, the provision of internal space, and the quality of external amenity space;
 - iii) the effect of the proposal on the living conditions of the occupiers of 4 Devon Road with particular regard to privacy; and
 - iv) the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site with particular regard to provision for parking.

Reasons

Character and Appearance

3. The appeal site is located at the junction of Balmoral Road with Devon Road and contains a detached garage and area of hardstanding which were formerly associated with the adjacent dwelling at 136 Balmoral Road. Nearest to the site, these streets are for the most part characterised by semi-detached dwellings of a few similar designs. Roof forms are predominantly hipped, although some include front gable features and there are also a number of gable or dormer alterations visible. Buildings are generally arranged on strong building lines fronting the road with comparatively deep rear gardens. There is some variation in the separation between individual buildings, particularly around corners where spacing to their side is often greater but gardens may be shorter. Nevertheless, the typically similar layouts and appearances of the buildings results in an overall sense of coherence and a fairly distinctive local character.

4. The appeal proposes 2 flats within a detached building. This would be of comparable depth to No 136, but would have a crown roof design. I note that there is a flatted development at 5-23 Devon Road which also includes a crown roof form. However, this is set between existing buildings and is not part of the immediate street scene of Balmoral Road or Devon Road near to the site, and I saw no other similar examples nearby. The corner-plot location of the development would enable views of both ridge lines of the building's crown roof simultaneously from the street scene, where it would look bulky and conspicuous against the predominantly hipped or pitched roof forms.
5. The building's first-floor level and the ground floor entrance porch and undercroft roof with supports would provide for some visual interest to the front elevation of the building as it faces Balmoral Road, but the majority of this ground floor elevation would include no openings. While the section of wall may be comparable in width to double garage doors, these are not a characteristic feature of dwellings in this area which have a fairly uniform arrangement of fenestration, often with generous glazing to front bay features. In this context, the lack of ground floor windows would be striking, and would not be mitigated by the addition of brick detailing or a blind window. Together with the incongruous crown roof, this would cause the development to appear uncharacteristic and jarring in this prominent corner location.
6. The prominence of the development would be further exacerbated by its position on the site. Given examples of other single-storey front extensions stepping forward of neighbouring buildings and the two-storey bays to many dwellings nearby, I do not find that the proximity of the building to Balmoral Road and relationship with No 136 would, in itself, be unsympathetic. However, the development would be set much closer to the Devon Road frontage than the front building line of adjacent dwellings fronting this street, and the limited separation to these buildings would draw attention to the difference. The orientation of the building against the angled boundary with Devon Road further means that the difference in position and visual impact would become especially acute towards the junction, where the building, and to a greater degree its undercroft roof, would be set very close to Devon Road. As a consequence, the development would be a prominent and intrusive interruption stepping notably forward of the established Devon Road building line. The proximity to the boundary would additionally enclose views along Devon Road towards Balmoral Road to an unusual degree.
7. The side of 138A Balmoral Road opposite also steps forward of the front of 1 Devon Road to its rear. However, the much longer rear garden to No 138A and spacing to the side of No 1 means that the contrast in building lines is much less apparent, softening the visual impact. Separation between the side of this dwelling and the Devon Road boundary is additionally noticeably greater than that which would be provided to the side of the proposed ground floor and undercroft roof form on the appeal site. Moreover, the closest part of No 138A to the Devon Road boundary is at the rear, and together with the increased set in of the building I saw that this provides for views which open up towards Balmoral Road on the approach from Devon Road, retaining a tangible sense of openness around the building which would be lacking on the appeal site.
8. I have also noted examples referred to by the appellant of extensions nearby including those to Nos 71, 87, 137, 151 and 188 Balmoral Road. However, these extensions are seen in the context of the buildings to which they attach

and are not directly comparable to the development which would introduce a new two-storey building. Moreover, I saw no examples of development with such a close relationship between two-storey extensions and buildings to their rear as would result on the appeal site, or of built form angled to approach the corners of sites on junctions. As a consequence, they do not justify the erosion of the character and appearance of the area.

9. Given the context surrounding the site, I see no overriding requirement for development to replicate surrounding buildings precisely. Nevertheless, for the reasons above I conclude on this main issue that the proposal would be unsympathetic and unacceptably harmful to the established character and appearance of the area. This would be contrary to Policies UD1 and SS1 of Watford's Local Plan Part 1 – Core Strategy 2013 (CS) which together broadly seek high standards of design which respects and enhances the local character of the area in which it is located. There would also be conflict with the National Planning Policy Framework (the Framework) which seeks new development of high quality design which is sympathetic to local character and adds to the overall quality of an area.

Living Conditions – Future Occupiers

10. The main parties disagree over the precise measurement of the internal area of the dwellings. However, even taking the appellant's figures, the area of the ground-floor flat would be around 3sqm less than the minimum gross internal floor areas for a single-storey one-bedroom two-person dwelling sought by the Residential Design Guide 2016 (RDG). Although the area of the first-floor dwelling put forward by the appellant would meet this standard, it appears that this measurement includes the entrance hall and stairs. Against the higher floor area sought by the RDG for a two-storey one-bedroom two-person dwelling, there would be a shortfall of around 7sqm.
11. The RDG is guidance and is not in itself determinative. Nevertheless, these standards provide a useful indication of the space suitable to allow varied domestic activities to take place comfortably and accommodate the needs of future occupiers. I note the appellant's view that the dwellings would have efficient layouts with little wasted space, but this is not a compelling justification in itself to set aside the minimum standards.
12. The bedrooms would be of unusual shape, and the lack of distinction between the combined kitchen, dining and living spaces would not in my view be desirable. Furthermore, the windows serving the kitchen areas would face the side of 4 Devon Road. Although there would also be windows facing Devon Road, these would be some way from the kitchen areas, and would not compensate for the poor levels of light and outlook for the kitchen windows which would result from their close proximity to the two-storey side of No 4 and tall boundary vegetation. Together with the shortfall in internal space, this would result in a poor standard of accommodation overall to meet the needs of future occupiers.
13. The dwellings would have some outdoor space, but this would be relatively modest in area. Moreover, the provision of evergreen hedging 1.2m high to the boundary of the space for the upper floor flat would not prevent views into it by passers-by on the adjacent footways, and the lack of privacy would limit the attractiveness and likely use of this space by future occupiers. There is existing fencing to part of this boundary, although the plans do not suggest it would be

retained. Nevertheless, while the appellant suggests it has a height of 1.8m, the fencing that I observed on site was lower and did not prevent views into the site. As a consequence, I find that the upper floor flat would lack suitable private outdoor space, and given the need to ensure appropriate visibility on this corner I am not satisfied that this is a matter that could be addressed by a condition to require further details of boundary treatment.

14. Given the limited depth of the outdoor space for the ground floor flat, the side elevation of 4 Devon Road and vegetation along the boundary as well as the appeal building would be dominant and imposing features. In combination, they would result in a significant degree of enclosure to the garden, causing it to feel confined and hemmed in. The proximity of No 4 and its orientation broadly south of the site would also be likely to restrict light levels to the space for a significant part of the day. These factors would severely constrain the functionality and usability of the outdoor space such that its value to future occupiers would be limited. I note there is some additional space in 2 areas between the building and Devon Road, but their small size and overlooking from the street would restrict the range of activities that they could be used for. Accordingly, they would not address the lack of suitable private outdoor space to serve occupiers of the development.
15. I therefore conclude on this main issue that the proposal would fail to provide acceptable living conditions for occupiers of the dwellings, and it would conflict with Policies SS1 and UD1 of the CS. These policies seek high quality design and require, amongst other things, that new development protects residential amenity. There would also be conflict with the RDG, and with the Framework which requires that in achieving well designed places, development should ensure a high standard of amenity for future users.

Living Conditions – Neighbouring Occupiers

16. The Council indicate that the window to the kitchen area of the first-floor flat would be set around 4.2m from the boundary at the side of 4 Devon Road, well below the 11m separation distance sought by the RDG to minimise overlooking of private gardens. However, views from the window towards the closest part of the neighbouring rear garden would be obscured by the two-storey building itself which is set very close to the boundary with the appeal site and which extends to a point beyond the rear of 136 Balmoral Road. Although the mass of the building may be visible from the rear part of the garden to No 4, any outward views from the development towards it would be far less than the direct views already available from the rear of No 136 such that there would be no significant loss of privacy. This is a material consideration which outweighs the guidance provided by the RDG in this case.
17. For these reasons, I conclude on this main issue that the proposal would not result in unacceptable harm to the living conditions of the occupiers of 4 Devon Road. In this regard, I therefore find no conflict with Policies SS1 or UD1 of the CS or the Framework which, amongst other things, seek to ensure a good standard of living conditions for existing as well as future occupants.

Parking and the Operation of the Highway Network

18. Each dwelling would be served by one parking space on the site which would accord with parking standards sought by saved Policy T22 and Appendix 2 of the Watford District Plan 2002 adopted 2003 (WDP).

19. The appellant advises that the site is in separate ownership to 136 Balmoral Road and that the garage and hardstanding which are currently present are not therefore available to occupiers of this dwelling. Nevertheless, both main parties indicate that the site was formerly associated with No 136.
20. At the time of my visit, there was a vehicle parked on hardstanding to the front of No 136, although there is no separate crossover from the one serving the appeal site. However, even if I were to find that the lack of a crossover meant there was no parking available to serve No 136, the standards within Appendix 2 of the WDP are expressed as maximum requirements. There is therefore no inherent conflict with Policy T22.
21. WDP Policy T24 advises that the full parking needs generated by residential development should be met on site, but goes on to note exceptions where a site is in a suitable Town Centre site or other location with good access to passenger transport. In this regard, the supporting text to this policy indicates that a location within 400m of a bus stop would be deemed good access, and I saw nearby bus stops to the front of 113 Balmoral Road and on Knutsford Avenue very close to the site.
22. No firm evidence has been provided of existing parking stress in this area. Nor has the Council explained how additional demand arising as a consequence of the proposal would be likely to result in unsafe or indiscriminate on-street parking so as to cause obstruction or otherwise harm the safe or efficient operation of the highway network.
23. Moreover, at the time of my visit, a significant number of spaces were available on-street near to the site, including on Balmoral Road and Knutsford Avenue. I accept that this was a snapshot and that the situation may be different in the evenings and overnight. Even so, many of the nearby dwellings have provision for off-street parking, and the site is not within a controlled parking zone which might point to a high degree of parking pressure locally.
24. Given these factors, I do not find that the proposed parking arrangements would cause harm to the safe or efficient operation of the highway network, and I find no conflict with saved Policies T24 or T26 of the WDP.

Planning Balance

25. The Framework establishes a presumption in favour of sustainable development. It provides at paragraph 11(d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. The Framework identifies a need to significantly boost the supply of housing, and highlights specifically that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It also indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes. The proposal would make effective use of the site to provide 2 new dwellings within

an existing built up area, but the contribution to the supply of housing and extent of these benefits is limited by the small scale of the development.

27. Weighing against the proposal, I have found that there would be harm to the character and appearance of the area and to the living conditions of future occupiers. This would be contrary to the Framework which highlights the importance of well-designed places and requires that development should be sympathetic to local character and provide a high standard of amenity for future users. I attach significant weight to the harm that would arise in this respect.
28. Even if the policies which are most important for determining the application were out of date with regard to paragraph 11 of the Framework, I find that overall, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework.

Conclusion

29. Although I have found that the proposal would not cause unacceptable harm to the living conditions of neighbouring occupiers or to the operation of the highway, this does not outweigh the harm that I have found would be caused to the character and appearance of the area and the failure to provide acceptable living conditions for future occupiers. The proposal would conflict with the development plan when it is read as a whole and material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.
30. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR