The Planning Inspectorate

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/20/3248298
7 Park Avenue, Watford WD18 7HR

- 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 Gary Sewell, Clovercourt Limited against the decision of Watford Borough Council.
- The application Ref 19/01443/FUL, dated 12 December 2019, was refused by notice dated 10 February 2020.
- The development proposed is removal of existing dwelling and erection of six semi-detached three bedroom dwellings with car parking and gardens.

Decision

1. The appeal is dismissed.

Procedural Matters

2. At appeal stage, the appellant submitted a signed Unilateral Undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 17 July 2020 ('the UU'). This secures a financial contribution towards variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from the entitlement to resident parking permits for controlled parking zones in the vicinity of the site. I return to this matter in my decision below.

Main Issues

3. The main issues are:
   i) the effect of the proposal on the character and appearance of the area; and
   ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to privacy.

Reasons

Character and Appearance

4. Buildings on Park Avenue and Mildred Avenue near to the appeal site differ in their form, scale, design and appearance but generally sit comfortably on fairly sizable plots with long gardens to their rear. Spacing between buildings is for the most part reasonably generous, particularly at first floor level and above. As a result, there are views from the street scene towards garden backdrops, and an appreciable and attractive sense of spaciousness to the area overall.

5. The appeal site includes a large detached dwelling which extends across much of the width of the site frontage to Park Avenue at ground floor level, although the upper part of the building is set in from the boundaries with the neighbour at 9 Park Avenue and from Mildred Avenue which runs to the side of the site. The appeal proposes to replace 7 Park Avenue with 3 pairs of semi-detached dwellings.

6. The development would not have a frontage to Park Avenue, facing instead onto Mildred Avenue. Although the site is fairly prominent given its location on the corner, the arrangement would be similar to development at the nearby junction of Park Avenue with Whippendell Road where buildings front Whippendell Road with their side elevations along Park Avenue.

7. Dwellings at 6 and 10 Park Avenue opposite front Park Avenue, but the access to West Herts Sports Club which runs between these dwellings is of limited width and lacks a footway. Together with the broad landscaped strips to either side and the building at the end of the access which is visible from the junction, this appears as a driveway serving the Sports Club site rather than a highway forming a crossroads here. In addition, while the neighbouring building at 10 Mildred Avenue faces Park Avenue, it is largely obscured in this street scene by a dense hedge of some height along most of this boundary while the vehicular access and door along the Mildred Avenue frontage are visible. The development would face towards this and the adjacent building which fronts Mildred Avenue.

8. Given this surrounding context, I see no reason that the proposed orientation of the dwellings or absence of a frontage to Park Avenue would be incongruous or out of keeping with the general pattern of development nearby. The windows to the side of the dwelling closest to Park Avenue would also provide for some visual interest to this elevation, and I am satisfied that a contemporary design approach and the suggested materials would not be incompatible with the varied street scene in the vicinity of the site.

9. However, although their height would not be dissimilar to the eaves and ridge heights evident nearby, the inclusion of flat roof sections and the fairly deep side dormers would add considerable bulk to the upper part of the buildings. This would contrast noticeably against nearby buildings where second-floor accommodation is generally accommodated largely within the main roofslopes which are often broken up by the inclusion of setback sections, or within subordinate dormers. The appearance of bulk would be further exacerbated by the lack of rear glazing to the upper parts of the buildings which would be apparent in views from Park Avenue with sections of recessed brick providing only limited visual relief. These factors would cause the buildings to appear top-heavy and ill-proportioned against the surrounding built form.

10. Furthermore, gaps between the buildings would be very limited at ground and first-floor levels, with little increase at roof level given the dormers to the side of both roof slopes. Views of the gaps would be largely limited by the bulk and proximity of the buildings to one another to directly aligned vantage points on Mildred Avenue, with the narrow width of the gaps against the depth of the buildings additionally inhibiting opportunities for views through to rear gardens. This would be markedly at odds with the spaciousness generally apparent within the street scenes to both Park Avenue and Mildred Avenue near to the site, and would lead the buildings to appear cramped on their plots.

11. Notwithstanding the gabled roof forms, the bulk and lack of spacing between the buildings would additionally give the impression of a more or less solid block of considerable overall scale and mass in most views, reinforced by the matching designs of the buildings and their uniform positioning along the street. The imposing mass of development extending along most of the frontage to Mildred Avenue is well-illustrated by the appellant's CGI image of the development from Park Avenue, and would cause the development to appear excessive and oversized, dominating the junction.

12. I recognise that the site is close to Watford Town Centre. Increasing the density of development on the site would reflect objectives within the National Planning Policy Framework (the Framework) and Watford's Local Plan Part 1 - Core Strategy 2013 (CS) seeking the effective use of land to meet the need for homes, particularly in town centres and other locations that are well served by public transport. Nevertheless, the Framework and CS qualify this against the need to ensure that development is also sympathetic to local character and delivers well-designed places.

13. I note examples of higher density development in the surrounding area referred to by the appellant, including on the opposite corner of Mildred Avenue, as well as flats and a care home along Park Avenue. However, I was not directed to any examples exhibiting such close relationships between buildings as would occur on the appeal site. Instead, the examples that I saw generally maintained spacing between the buildings and neighbouring properties, particularly above first floor level. As a consequence, I found that they do not significantly erode the prevailing spacious character of the area and do not therefore offer a direct comparison or justification for development that would cause harm to the distinctive spacious character of the area.

14. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area. This would be contrary to Policies UD1 and SS1 of the CS which together broadly seek high standards of design which should respect and enhance the local character of the area in which it is located. The proposal would also be contrary to requirements within the Framework seeking new development of high quality design which is sympathetic to local character and which adds to the overall quality of an area.

Living Conditions

15. Apart from the dwelling closest to Park Avenue, the first-floor level rear bedrooms would each be served by an obscure glazed window and an inset angled window. The angled windows would be orientated away from the rear of 9 Park Avenue, and as a result would have outlook broadly over the rear garden of the neighbouring dwelling.

16. Chapter 7 of the Council's Residential Design Guide 2016 (RDG) provides guidance on relationships between buildings and separation distances which should generally be achieved in the interests of privacy. However, the guidance within the RDG is just that. While it may provide an indication of harm, it is still necessary to consider the specific circumstances of any proposal.

17. In this case, the angled windows are fairly narrow, and their orientation and position means that views from them would be broadly towards the rear part of the adjacent garden, with views to the closest part of the garden partly

obscured by the inset section of wall. The deeper ground floor sections of the buildings themselves would also provide additional screening for the patio areas closest to the rear of the dwellings. These factors mean that in practice, views towards neighbouring gardens are unlikely to be significantly different to those commonly available from windows aligned with the rear elevations of buildings. Accordingly, I am satisfied that there would not be an unusual or unacceptable degree of overlooking to gardens either within or adjacent to the development, and that privacy for occupiers would be suitable.

18. I therefore conclude on this main issue that living conditions for future occupiers of the development would be acceptable, and in this regard, I find no conflict with Policies UD1 or SS1 of the CS which seek high quality design and require, amongst other things, that new development protects residential amenity. The proposal would also ensure no significant loss of privacy to neighbouring houses or gardens as sought by the RDG, and would comply with requirements within the Framework seeking a high standard of amenity for existing and future users of development.

Planning Balance

19. The Council has not challenged the appellant's statement that it is unable to demonstrate a 5-year supply of deliverable housing sites, with a supply of just over 4.5 years. In accordance with the Framework, the policies which are most important for determining the proposal are therefore considered to be out-of-date. In these circumstances, paragraph 11 of the Framework indicates that planning 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.

20. The Framework refers to boosting significantly 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.

21. The appeal proposal would make more efficient and effective use of the site to deliver a net gain of 5 dwellings, providing smaller family-sized homes within an existing built-up area. Future occupiers of these dwellings would benefit from access to nearby services and facilities within the town centre as well as public transport services, encouraging travel by means other than the private vehicle. These are objectives which are strongly supported by the Framework, and the provision of additional homes for which there is an acknowledged need in this location is a benefit that carries considerable weight, although the contribution the development would make is moderated by its relatively small scale.

22. There would also be some further short-term economic benefits during the construction period as well as support for the local economy by future occupiers, and associated social benefits to the community. However, the contribution has not been quantified, and is likely to be constrained by the small scale of the development. The weight that I afford to these benefits is therefore limited.

23. I recognise that the Framework advises that where there is an existing shortage of land to meet housing needs it is important that decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Nonetheless, it requires any assessment in this context to take into account the policies within the Framework. These identify good design as a key aspect of sustainable development and highlight that development should be sympathetic to local character and add to the overall quality of the area. I have found that the development would significantly harm the character and appearance of the area. It would therefore be contrary to these requirements of the Framework which weighs against the proposal.

24. The harm I have identified to the character and appearance of the area would be significant. In the context of paragraph 11(d) of the Framework, I find that 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).

Other Matters

25. The appeal site is within a Controlled Parking Zone (CPZ), and the development would result in the loss of a section of existing on-street parking bays along Mildred Avenue. The Council has confirmed that the UU submitted as part of the appeal would overcome its third reason for refusal of the application which related to the effect of the proposal on parking around the site. Given though that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in any further detail as it could not alter the outcome of the appeal.

Conclusion

26. Although I have found that living conditions for future occupiers of the development would be acceptable, this does not outweigh the significant harm that would be caused to the character and appearance of the area. 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.

27. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR