



Appeal Decision

Site visit made on 6 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/Y1945/W/20/3248413

31 & 31A St. Johns Road, Watford, Hertfordshire WD17 1QB

- 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 Gary Moore of NEBS property services against the decision of Watford Borough Council.
 - The application Ref 19/01227/FUL, dated 22 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the conversion of building into 5-bedroom House of Multiple Occupation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From the evidence before me, the Council have granted planning permission historically for the building to be used as two flats, and more recently permission¹ was granted for extension works which also included a storage/gym/games room area in the basement.
3. From my site visit the extension works have largely been completed. However, the basement area was being used as a self-contained flat. The Ground and first floor accommodation also had a total of 4 self-contained flats, with the area identified as being the common kitchen/living area being used for the storage of building materials. As such, the internal layout of the extension and the overall building are materially different from that granted planning permission.
4. From the Officers' report, the Council have determined the application on the basis that the proposal is for 5 independent flats. However, the proposal before me is to use the accommodation as a five-bedroom house in multiple occupation (HMO). As such, despite the Council's contrary consideration, I have therefore determined the appeal on this basis that the proposal is for a five bedroom HMO.
5. The Council have also stated that there are inaccuracies in respect of the submitted plans. This includes differences between the elevation and roof plans, and the layout of the building as it exists on the ground. Whilst the flat roof to the single storey rear element is not shown on the roof plan, this is abundantly clear from the other plans. In short, I consider that the submitted

¹ Reference 18/00324/FUL

plans are sufficient to be able to make a meaningful determination of the proposal.

Main Issues

6. The main issues are

- (i) whether the proposal provides for suitable living conditions for the occupiers of the accommodation;
- (ii) the effect of the development on the living conditions of the occupiers of the adjoining residential accommodation; and
- (iii) the effect of the development on highway safety with particular regard to parking.

Reasons

Living conditions – future occupiers

- 7. Each of the proposed 'bedrooms' in the HMO would include three elements, a shower-room and two living areas with a door between them. The exception to this is bedroom 3 in the basement which has a more open plan aspect. The Appellant has set out that the current kitchen facilities in each of these rooms would be removed and cooking facilities would be provided through the communal kitchen area.
- 8. As noted above, the previous planning permission indicated that the basement area was to be used as a storage/gym/games room area which would not be primary habitable accommodation. In contrast to that, the appeal proposal includes primary residential accommodation (bedroom 3) in the basement area of the building. Access to this area would be via an external staircase to the street and via a re-instated staircase which would give direct access to the communal living and kitchen area.
- 9. However, the only light to the basement bedroom would be via the external access door to the street and via the glass stairwell enclosure to the rear. To my mind, this arrangement would provide a very poor environment for the occupiers of this bedroom given the limited levels of natural light and outlook. To that end, this area would not provide suitable living conditions for the occupiers of this room in the HMO.
- 10. Furthermore, there is a potential privacy issue as the glazed stairwell would be adjacent to the small external amenity area to one of the units at 33 St. Johns Road. Furthermore, it would not be possible to provide any screening to prevent such overlooking without further exacerbating the light issue to bedroom 3.
- 11. In respect of the other four bedrooms, all of these have multiple windows facing the street and these allow for a great deal of light and outlook from these rooms. As such, given the size of each of these rooms, together with the common kitchen and living area, the internal accommodation for these rooms would provide for a good standard of living conditions for their occupiers.
- 12. Turning to the amount of external space, there is very little space within the appeal site. However, I am also conscious that this would also be the case in respect of the existing lawful situation. In addition to the above, there is a rear garden area at the rear of No.33 which the Appellant has indicated could also

be used by the occupants of the appeal property. With the above in mind, I consider that there would not be an unacceptable level of amenity space for the occupants of the HMO.

13. The Council has also referred to Policy SS1 of the Watford Local Plan Part 1 – Core Strategy (2013) (CS), the Technical housing standards – nationally described space standard (THS), and the Residential Design Guide Supplementary Planning Document (2016) (RDG).
14. Policy SS1 is a general spatial strategy policy and has little relevance to a living conditions issue. Additionally, the THS and the RDG do not particularly apply to HMO proposals and I therefore give them little weight in my decision.
15. For the above reasons, bedroom 3 would not provide its occupiers with suitable living conditions and would be contrary to Policy UD1 of the CS which amongst other matters seeks to ensure that there is a good standard of amenity for all occupants of buildings. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Living conditions – neighbouring occupiers

16. The Council's principle concern in this respect centres on increased activity at the rear of the property and the potential loss of privacy to the occupiers of No.33. However, I consider that the level of activity would not be increased to such an extent that would give rise to any significant concern in respect of noise and disturbance.
17. The appeal proposal would have windows to the common living and kitchen areas which would face the rear elevation of one of the units in No.33 (close to the lightwell) and towards the external garden space. However, any overlooking potential from these windows could be easily dealt with by means of obscure glazing which could be secured via a suitably worded planning condition should I be minded to allow the appeal.
18. I have also had regard to the possible increased level of activity to the rear garden area of No.33. However, should privacy be a concern here, a suitable screen could be erected so that there was not any direct overlooking to the ground floor accommodation in No.33. Again, this could be secured via a planning condition.
19. Having said that, I am conscious that the glazed stairwell would also provide some overlooking opportunities into the adjacent room at No.33 and this could not be easily remedied without harming the living conditions of the occupiers of bedroom 3. To that end, I find that there would be an unacceptable loss of privacy to the occupiers of No.33.
20. For the above reasons, the proposal would result in the loss of privacy to the occupiers of the accommodation adjacent to the glass stairwell in No.33 contrary to Policy UD1 of the CS which amongst other matters seeks to ensure that there is a good standard of amenity for all occupants of buildings. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Parking

21. The appeal property has a lawful use as two flats and as I understand it each flat is entitled to two parking permits. There are also two garage spaces within the appeal site.
22. As acknowledged by the Council, the site is located within a sustainable town centre location with easy access to a range of facilities without the need for a private motor vehicle.
23. The Council have not identified how many parking spaces would be required for a 5-bedroom HMO. In the absence of such guidance, I consider that the existing garage spaces, together with the existing entitlement to parking permits, would provide for a sufficient level of parking provision for the occupants of the HMO.
24. As a result, there would not be any additional on-street parking demand and therefore there would not be a need to make a financial contribution towards a variation of the Borough of Watford (Watford Central Area) (Controlled Parking Zone A) (Consolidation) Order 2010.
25. For the above reasons the proposal would not result in increased on-street parking demand and would accord with the aims and objectives of Policies T22 and T24 of the Watford District Plan 2000 (2003) which amongst other matters seek to ensure that adequate parking provision is made for developments. It would also accord with the overarching transportation aims of the Framework.

Other matters

26. The Council have also raised some concern over the likely increase in the number of bins and movements from the property and assert that this would be very noticeable in the street. However, I consider that there is adequate space to provide refuse storage and given the busy nature of the street any such increase in activity would be barely perceptible.

Conclusion

27. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR