



Appeal Decision

Site visit made on 13 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/Y1945/W/20/3251922

Land adjacent to 5 Gladstone Road, Watford, Hertfordshire WD17 2QZ

- 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 Octane Property Limited against the decision of Watford Borough Council.
 - The application Ref 20/00189/FUL, dated 17 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is the construction of 4 x 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has included a reason for refusal based upon inconsistent plans, but this is disputed by the Appellant. That said, I find that there is an error on the floor plans of the submission, although this error is limited to the position of the upper floors on the existing property¹, 5 Gladstone Road, and not to the appeal proposal itself.
3. From the suite of plans before me, it is clear what is proposed and this minor error is not something which prevents a considered assessment of the development. Furthermore, this does not present a barrier to the granting of planning permission as the error does not relate to the proposal itself. I have therefore determined the appeal in full knowledge of this.

Main Issues

4. The main issues are
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) whether the development provides for suitable living conditions for its future occupiers with particular regard to light, internal space, and noise disturbance; and
 - (iii) the effect of the development on highway safety with particular regard to parking.

¹ The first and second floor plans show the ground floor passageway at 5 Gladstone Road as opposed to the part of the building which exists above the passageway.

Reasons

Character and appearance

5. Gladstone Road is a residential street of generally traditional design. That said, there is a more recent flat block on the opposite side of the road, and commercial uses including the Intu Watford shopping centre on the other side of the ring road.
6. The appeal site itself is a vacant piece of land to the side of 5 Gladstone Road. As I understand it, previously the site had two residential properties on it which were demolished to make way for the ring road (Beecham Grove). The land levels of the site fall away from Gladstone Road and also Beecham Grove. A Tree Preservation Order also covers several trees on the site which, together with other unprotected trees, provide visual value to the site and the wider area.
7. Whilst the principle of residential development is acceptable, the key issue is whether the design and scale of the proposal successfully integrates with the existing built form. The appeal proposal is a four-storey contemporary flat roofed building. Given the differing land levels, only three storeys would be readily visible from Gladstone Road. From the submitted plans, the top of the flat roof would be slightly higher than the ridge line of No.5 adjacent.
8. The Council have set out that a contemporary design approach (rather than a pastiche) is acceptable in principle and I concur with that view. However, it is significant that the building would appear as a boxy addition to the streetscene of Gladstone Road principally as a result of its flat roof. This is clearly at odds with the prevailing development along Gladstone Road. Whilst the set back and use of contrasting materials at second floor level helps to reduce the harm to the streetscene, it does not provide for an acceptable form of development.
9. The harm to the streetscene is exacerbated by the fenestration to the building which bears little resemblance to that of No.5 adjacent, to the extent that in combination with the shape of the building draws attention to the incongruity of the development.
10. Furthermore, the side elevation is also bland and uninviting with little design relief to add interest to the building. Given that this fronts onto Beecham Grove, and is also the main entrance to the flats, I consider that this adds to the harm I have identified.
11. I have also had regard to the overall width of the development. However, I consider that this is not a factor which is objectionable in principle as it would not result in a development which would appear to be squeezed into the available space. However, the fenestration on the Gladstone Road elevation in particular gives the impression of an overly wide building compared to the existing built form.
12. Section 12 of the National Planning Policy Framework (the Framework) sets out the aim of achieving well designed places. Specifically, at paragraph 127, it is recognised that planning decisions should ensure that developments are sympathetic to local character. However, for this proposal, I cannot conclude that this is the case.

13. In coming to the above views, I acknowledge that design matters are somewhat subjective and that there are other developments which do not mirror the style of surrounding properties. However, neither of these factors alter my view that the proposal would harm the streetscene of Gladstone Road.
14. Turning to the impact of the development on trees, it is acknowledged by the Council that the loss of some trees would be acceptable to allow the site to be developed. I agree.
15. The Council have not objected to the loss of any of the trees which would be removed to facilitate the proposed development provided that suitable replacement planting is made.
16. Whilst the group of trees on site provides some amenity value, the Appellant has provided an arboricultural report which classifies all of the trees on site as being in Category C2. From what I observed on site, the amenity value is clearly as a result of the group of trees, not all of which are protected by the Tree Preservation Order. Taking this into account, I consider that the loss of the trees necessary to facilitate the development is acceptable.
17. In respect of replacement planting, this is clearly desirable to ensure that the amenity value of the group of trees is maintained. With that in mind, the proposal includes details of some replacement planting. This includes trees to the side of the proposed building and to the rear of the site adjacent to the railway line.
18. The Council have set out that the main area where on-site replacement planting could realistically take place is within an access easement relating to a proposed sub-station. However, this access is already obstructed by other existing trees closer to the location of the substation. Furthermore, there was no sign of a substation on site, nor has the Council presented evidence to indicate that this would occur in the future.
19. With that in mind I consider that, on balance, the loss of the trees identified for removal to facilitate the development should not be a barrier to the granting of planning permission. The proposal would therefore be broadly consistent with the aims of Policy SE27 of the Watford District Plan 2000 (2003) (WDP).
20. For the above reasons the proposal would harm the streetscene of Gladstone Road and the wider character and appearance of the area contrary to Policy UD1 of the Watford Local Plan Part 1 – Core Strategy (2013) (CS); and the Residential Design Guide Supplementary Planning Document (2016) (RDG) which amongst other matters seek to deliver high quality design which respects and enhances the local character of the area. It would also be at odds with the overarching design aims of the Framework.

Living conditions

21. The appeal proposal includes a basement flat (flat A) which would have two bedrooms to the property frontage. However, these bedrooms would be well below the street level and as such would have very limited light and outlook despite the proposed light well.
22. The rear aspect of this flat would be a living & kitchen area and would have a large window/door opening which has the potential to provide a great degree of light and outlook. However, as noted above, the rear of the site has tall trees,

and the canopies of these would restrict the amount of light to this rear aspect particularly when in leaf.

23. In my opinion, and in the absence of any significant evidence to the contrary such as a daylight and sunlight assessment, the basement flat would have poor levels of light to both the front and rear aspects and would not provide for a suitable living environment as a result.
24. In coming to that view, I acknowledge that when the Council sold the land to the Appellant, it was indicated that a house with a basement and front lightwell could be accommodated. However, as noted by the Council, the current proposal is for a single unit of accommodation at basement level whereas the pre-planning advice for a single dwelling had habitable room accommodation over multiple floors. Therefore, the two types of development are materially different. I also acknowledge that lightwells are not an uncommon feature in the area. However, this does not justify the proposal before me.
25. In respect of the top floor flat (Flat D), this would have a gross internal floor area of 64 square metres. The Appellant has set out that this flat is intended to be for three persons, whilst the Council considers that this would be a four-person flat.
26. The Technical housing standards – nationally described space standard (THS), and the RDG set out that the minimum floor areas for a 2-bedroom 3-person flat should be 61 square metres whilst a 2-bedroom 4-person flat should be a minimum of 70 square metres.
27. The key area of difference between the parties in effect relates to the size of the bedrooms to this flat and whether they should be counted as a single bedroom or a twin/double bedroom. It is common ground that the bedrooms are 12 and 12.7 square metres in size respectively and both bedrooms exceed the minimum width for a double bedroom.
28. Whilst the THS does not imply actual occupancy, given the size of both of these bedrooms they could easily accommodate a double bed. Furthermore, the smaller bedroom also would have direct access to the balcony which suggests that this could be the main bedroom.
29. Taking these factors into account, I consider that both bedrooms must be considered to be double bedrooms and therefore the flat should be assessed on the basis that it is a two-bedroom/four-person unit. With that in mind, the flat sizes are significantly smaller than the THS and RDG standard and would not provide a good standard of accommodation as a result of its overall size.
30. Turning to potential noise disturbance, the appeal site is located adjacent to Beecham Grove which is a busy road, and adjacent to the Watford Junction to London Euston Overground line. Further away, there is also the main West Coast mainline railway.
31. From my site visit I was able to ascertain that the main source of noise was from passing traffic on Beecham Grove. Nevertheless, there was also some noise from passing trains from both railway lines.
32. Whilst the application has not included a noise impact assessment or a detailed noise mitigation scheme, given what I heard on site, I consider that this should not be a barrier to developing the site in principle.

33. However, in order to ensure that the future occupiers of the development are not subjected to undue noise, and resultant disturbance, it is necessary for such an assessment to be completed and an appropriate mitigation strategy formulated.
34. Whilst a mitigation scheme may well include the use of Air Handling Units, it may also be necessary to provide other mitigation measures such as acoustic ventilation and glazing which helps reduce noise from outside sources.
35. On balance, and given that each flat has more than one aspect, I consider that such noise mitigation measures could be adequately controlled by means of a suitably worded planning condition should I be minded to allow the appeal. Therefore, the development would accord with the aims and objectives of Policy SE22 of the WDP.
36. In addition to the above, the Council has also raised some concern over the effect of the development on the living conditions of the occupiers of the lower floor flat at No.5. Whilst this was not included in the Councils' reasons for refusal of the application, I have considered this matter as part of my decision.
37. I have noted that the appeal building would project slightly beyond the main rear wall of No.5. However, the lower ground floor flat of No.5 also has a small single storey projection. The appeal drawings indicate that the main rear wall of the appeal development would not project beyond the lower ground floor flat projection and as such I consider that the proposal would not result in any significant level of harm to the occupier of that flat, or any of the other flats.
38. Furthermore, I consider that a building of a similar scale to that at No.5 would not result in an unreasonable level of overshadowing, or an overbearing impact, when the occupiers of No.5 utilise the rear garden space.
39. Taking into account all of the above living conditions matters, the proposal would not provide for suitable living conditions for the future occupiers of flats A and D contrary to Policy UD1 of the CS and the RDG which amongst other matters seek to ensure that proposals promote social inclusion and 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 Framework.

Parking

40. 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. However, it is also located within a controlled parking zone. The Council have advised that should the development be acceptable then a financial contribution towards a variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 is required to prevent the future occupants from applying for parking permits and this could be secured via a Section 106 agreement.
41. Whilst it is highly likely that the development would result in an increase in parking demand on street, the Council have provided very little evidence to suggest that there is parking stress in the area. Furthermore, I saw that there were ample parking spaces available in the vicinity of the appeal site. Whilst my visit was only a snapshot in time, I have no reason to conclude that this was not a typical situation.

42. Policy T24 of the WDP sets out that planning permission will only be granted for residential development where the full parking needs generated can be met on site unless the site is in a suitable town centre location with good access to passenger transport. Given the location of the site, this clearly applies in this case.
43. In addition to the above, there is little evidence to suggest that an increase in demand for on-street parking would result in an unacceptable impact on highway safety.
44. I am also conscious of the requirements of the Community Infrastructure Levy Regulations 2010 (as amended). Given that there is little evidence to suggest that there is a pressing need to prevent the future residents from applying for parking permits, I am unable to confirm that this is necessary to make the proposal acceptable in planning terms. Consequently, I consider that the lack of a legal agreement does not weigh against the development.
45. For the above reasons the proposal would not result in an unacceptable impact on highway safety and would accord with the aims and objectives of Policies T22 and T24 of the WDP 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

46. I have also had regard to the other matters raised by the Appellant including that the site was purchased from the Council with pre-planning advice for a single family dwelling, the current proposal was in response to other previous refusals of planning permission, and that it is currently wasteland which is used for anti-social activities. However, none of these factors provide a compelling reason why planning permission should be granted.
47. I also acknowledge the apparent lack of communication from the Council in the processing of the application. However, this is an administrative matter away from the planning merits of the case.

Conclusion

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

Chris Forrett

INSPECTOR