



Appeal Decision

Site visit made on 27 October 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2020

Appeal Ref: APP/Y1945/W/20/3252396
34 St Johns Road, Watford WD17 1QA

- 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 Nick Chada, AMC Capital Ltd against the decision of Watford Borough Council.
 - The application Ref 20/00124/COU, dated 31 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is the change of use from dwelling house to 2 flats. 1 x 2 bedroom flat with garden and 1 x 3 bedroom flat with garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Nick Chada, AMC Capital Ltd against Watford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Procedural Guide – Planning Appeals England states that if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. I have considered this request in light of the Wheatcroft Judgement¹. This supports the consideration at appeal of a revised scheme which is substantially the same as that originally proposed. However, it is necessary to ensure that those who should have been consulted on the changed development are not deprived of an opportunity of consultation.
5. The amended scheme shows revised arrangements for the gardens and upper storey fenestration. It is not in my view substantially the same as that originally proposed. As it has not been subject to formal consultation, I am concerned that the rights of interested parties would be prejudiced if I were to consider the amended scheme as part of the appeal. My decision is therefore based on the scheme determined by the Council.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main issues

6. The main issues are: whether the proposal would have an unacceptable effect on the housing mix of the area; the effect of the appeal scheme on the living conditions of the occupiers of 32 St Johns Road with particular regard to privacy and whether future occupiers of the proposed flats would have adequate living conditions with particular regard to outlook, privacy and access to private amenity space; and the effect of the appeal proposal on highway safety with particular regard to on street parking.

Reasons

Whether the proposal would have an unacceptable effect on the housing mix of the area

7. The appeal site is on the edge of Watford town centre from which St Johns Road leads into the suburbs. The predominate architecture of St Johns Road reflects a suburban character with largely two storey houses with bay windows, set back from the road allowing some gardens and vegetation. The proposal is on the corner of St Johns Road and an offshoot cul-de-sac Franklin Street.
8. Saved policy H13 of the Watford District Plan (LP) seeks to limit conversions of houses to flats of no more than 10% within a street block. Both parties agree that limit has been exceeded and the amount of conversions to flats is significant. Nonetheless, the proposal would result in an even greater presence of flats in St Johns Road as one house would be lost and 2 flats would be created, leading towards flats becoming a substantial proportion of the street block.
9. The policy has a clear intent to retain the perception of individual houses as dwellings and whilst its target has been breached that should not lead to a level of conversions which would wholly change its character. Some assemblance of individual houses in the street, even beyond the 10%, would still assert that character which would be different to widespread flats.
10. A 2004 case officers report for a proposal for flats at 33 St Johns Road suggested that the 10% limit had been breached and therefore its exceedance should be allowed to continue. This report summarised the aim of the H13 Policy Conversions, whereby they should not compromise the character of the area through the excessive concentration of such developments. However, this appeal proposal would result in an excessive concentration of flats. Furthermore, the H13 policy dates back to Watford's District Plan 2000 and the Council has continued with the policy and was indeed saved by the Watford's Local Plan Core Strategy in 2013. Thus, the aim of the policy is long standing and still has relevance to maintain the character where there is a predominance of individually occupied houses. Therefore, I consider that this 2004 case has not set a precedent particularly as the Council has continued with its policy long since. Moreover, I have not been made aware of all the specific circumstances in 2004 and therefore cannot conclude if all the circumstances are now comparable.
11. An appeal² was allowed in 2007 for the conversion of 22 St Johns Road. The circumstances before that Inspector appear to be different to that before me in that I note the Inspector was not provided with all the details of the housing

² APP/Y1945/A/07/2037231

mix and extent of conversions. Having been provided with such details, I conclude that this current proposal would change further the proportion of flats to houses so that if allowed the extent of flats would dominate the character.

12. The appellant disputes that the area has a residential character. However, on my site visit whilst I noted some commercial buildings, the presence of individual dwellings is still clearly evident.
13. Whilst both flats would use the existing front door, and the front elevation would remain as existing, the change would be perceptible particularly in the movements of occupants.
14. I therefore conclude that the proposal would result in an excessive number of flats which would harm the character of the area contrary to LP policies H13 and UD1 which seek to protect local character.

The effect on No 32 St Johns Road and the living conditions of the intended occupants

15. The appeal site includes a semi-detached dwelling which adjoins No 32. The proposal shows a side window on the upper storey dormer in clear glazing, which is in situ, but the Council state is unauthorised. This window faces the rear windows of No 32 and is in close proximity, leading to significant overlooking, harming its basic everyday living conditions.
16. The proposal also would subdivide the rear curtilage into separate gardens for each flat. However, the upper storey flat would only be able to access their garden by leaving the front door and using an alleyway along the width of the house. This arrangement would be very cumbersome and discourage the use of the amenity space. Additionally, the bedroom window of the ground floor flat would be very close to the proposed fence subdividing the gardens and would have a poor outlook. Furthermore, the proposed L shaped garden arrangement would be narrow and feel overly enclosed.
17. The proposal would jeopardise the privacy of the occupants of No 32 St Johns Road and fails to provide suitable living conditions for the occupants of both flats.
18. Policies UD1 and SS1 of the Watford Local Plan Core Strategy seek to deliver high quality design, protect local character, and provide for the needs of the occupants. Watford's Residential Design Guide provides detailed guidelines on living standards. The proposal would conflict with these policies and guidance.

The effect of the appeal proposal on highway safety with particular regard to on street parking.

19. St Johns Road is within a Controlled Parking Zone which restricts parking by permit to control parking and prevent indiscriminate use in favour of those in most need. The proposal would provide one parking space on site but that would be inadequate for two flats, leading to more demand and pressure on the street parking. To help alleviate the parking congestion and maintain highway safety an appropriate contribution would be warranted to the management of the controlled zone.
20. This matter is capable of being addressed by way of a planning obligation and I acknowledge that the appellant has indicated a willingness to sign such an

obligation. However, no obligation has been provided for me to consider in this appeal.

21. Accordingly, the proposal fails to make a contribution towards parking management. Saved Policies T22 and T24 of the LP require adequate parking provision. The proposal would be in conflict with these policies.

Other matters

22. The decision notice refers to the proposal jeopardising the prospects of No 32 St Johns Road for development, but I have not been given the details of any such scheme or an indication of the necessity for development or its materiality.
23. The proposal would lead to an additional dwelling which would contribute to housing land supply and have social and economic benefits. However, these benefits would not offset the harm that I have found above.
24. The appellant has referred me to a number of policies contained in the National Planning Policy Framework to which I have had regard. However, these do not lead me to a different decision. The appellant's comments regarding the Councils handling of the planning application are matters for local government accountability.

Conclusion

25. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR