
Appeal Decision

Site visit made on 10 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/Y1945/W/20/3254246
16 Rosslyn Road, Watford WD18 0JY

- 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 N Hussain, Nash Developments Ltd, against the decision of Watford Borough Council.
 - The application Ref 19/01042/COU, dated 06 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is change of use of the ground floor B1 office to a C3 two bedroom flat, including a new parking space at the front of the building.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of the ground floor B1 office to a C3 two bedroom flat, including a new parking space at the front of the building, in accordance with the terms of the application Ref 19/01042/COU, dated 06 September 2019, at 16 Rosslyn Road, Watford WD18 0JY, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RRW/19/LP01, RRW/19/EX01, RRW/19/EX02, RRW/19/L01B, RRW/19/L02B, RRW/19/L03B, RRW/19/L04B.
 - 3) The parking space shown on approved plans RRW/19/L01B and RRW/19/L02B shall be provided prior to the flat hereby approved being first occupied. Thereafter, the space provided shall be retained and maintained, without obstruction to its intended purpose, for the lifetime of the development.

Main Issue

2. The main issue is whether any affordable housing, or financial contribution towards off-site affordable housing provision, should be provided.

Reasons

3. The site comprises a B1 Office located on the ground-floor of a 3-storey building located within an area of mixed residential and commercial uses. The rest of the building is in C3 residential use (9 No. flats). I note the planning history of the building referred to by the Council, especially application

Ref 15/00625/FL, which gave permission for 9 No. flats (C3) and one office (B1). This permission has been constructed and people are evidently residing in the building. Regardless of the motivations of the applicant in respect of application 15/00625/FUL, the fact is that planning permission was granted for 9 No. flats (C3) and one office (B1).

4. Policy HS3 of Watford's Local Plan: Part 1-Core Strategy 2006-31 (2013), (CS), requires 35% affordable housing to be provided on major applications of 10 residential units and above or on sites of more than 0.5 ha. Paragraph 64 of the National Planning Policy Framework (the Framework) states that for major development involving provision of housing, 10% of the available homes should be for affordable ownership (with exemptions in certain circumstances). Paragraph 63 of the Framework states that the provision of affordable housing should not be sought for residential developments that are not major developments (other than in the exception of designated rural areas noted in the Framework).
5. The current proposal is not an amendment to approved application Ref 15/00625/FL. The appeal site is identified as a separate planning unit. The proposal is not major development that includes 10 or more residential units, nor is the site area more than 0.5 ha, nor is the exception referred to in paragraph 63 of the Framework applicable. I note that there is no requirement in Policy HS3, or guidance in the Supplementary Planning Document: Commuted Sums for the Provision of Affordable Housing (2020), that allows for residential development to be aggregated over time, thereby triggering a requirement for affordable housing, or financial contribution towards off-site affordable housing provision. Consequently, I conclude that no affordable housing, or financial contribution towards off-site affordable housing provision, is required for the proposal to accord with Policy HS3 of the CS or paragraph 64 of the Framework.

Other Matters

6. I note that a resident of one of the flats in the building, the flat positioned above the proposed parking area, has raised concerns about noise disturbance and fumes resulting from a car using the proposed parking space, and the effect of the proposal on the value of their property. Although the proposal would result in a car parking space being located where there currently isn't one, the extent of noise and/or fumes generated would be very limited and not of a scale that would warrant withholding planning permission. As regards property values, the courts have generally taken the view that planning is concerned with the use of land in the public interest, rather than the impact of development on individual property values. As such, the property value of an individual is not determinative in this instance.

Conditions

7. I have attached a condition specifying the approved plans, to identify the approved development. I have attached a condition requiring the car parking space to be provided prior to the approved flat being occupied, and for it to be retained thereafter, in the interest of highway safety.

Conclusion

8. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR