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## Appeal Decision

Site visit made on 8 December 2020

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Wednesday, 16 December 2020**

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**Appeal Ref: APP/Y1945/W/20/3249245**  
**34 Market Street, Watford WD18 0PY**

- 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 J Marchant against the decision of Watford Borough Council.
  - The application Ref 19/01376/FUL, dated 28 November 2019, was refused by notice dated 28 February 2020.
  - The development is retention of alterations of existing ground floor layout.
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### Decision

1. The appeal is allowed and planning permission is granted for retention of alterations of existing ground floor layout at 34 Market Street, Watford WD18 0PY in accordance with the terms of the application, Ref 19/01376/FUL, dated 28 November 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 34MS/P200A, 34MS/P300B and 34MS/P400.
  - 2) Before first occupation of the development hereby permitted, the refuse storage facilities shall be provided in accordance with drawing number 34MS/P300B and the facilities shall be retained thereafter.

### Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the conversion of the ground floor layout and single storey extension at the rear of the property to form an office as shown on the submitted drawings had been completed, but is currently vacant and not occupied as now proposed as a self-contained residential studio. I shall determine the appeal on this basis accordingly.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the future occupiers of the ground floor studio with particular regard to light, outlook, privacy and standard of accommodation.

### Reasons

4. The appeal property is a mid-terrace two-storey building with a commercial use at ground floor level and residential use above. The self-contained ground floor studio has an open plan living/kitchen and bedroom area within a single storey

extension at the rear of the property served by a pedestrian accessway at the side. This area is served by three high level obscured windows on the side elevation, a small obscured window facing an internal courtyard and large full height glazed doors overlooking a small enclosed amenity area on the north-west rear elevation of the property enclosed by a high close boarded fence.

5. Whilst the outlook from the open plan living accommodation over the small enclosed amenity area is restricted by its narrowness and the high boundary fence, given the overall design and layout of the studio and the orientation of the building, the light available via the windows on the side elevation and over the small courtyard together with full height glazed doors over the enclosed amenity area is reasonably open and allows reasonable light penetration to the front and rear of the open plan living accommodation. Overall, I consider the development provides a satisfactory level of light and outlook for the future occupiers in the open plan living/kitchen and bedroom area.
6. Given the design and layout of the development, together with the boundary treatment and the separation distance between the properties, I consider that the development does not result in significant overlooking or harm to the privacy of the future occupiers in the living accommodation and amenity area at the rear of the ground floor studio. I therefore consider that the development results in a reasonable living environment and provides a satisfactory standard of accommodation for the future occupants of the self-contained ground floor studio in this particular case.
7. The Council's Reason for Refusal also indicates that the ground floor studio is provided with inadequate refuse storage capacity. However, the appellant's submissions indicate that these facilities were omitted on the original submitted drawing and a revised drawing (Ref. 34MS/P300B) has been submitted to show the refuse facilities adjacent to the rear amenity area. From my observations during my site visit, there appears to be ample opportunity for the refuse storage within the site and this could be controlled by planning condition.
8. Consequently, I conclude that the development does not result in an unacceptable impact on the living conditions of the future occupiers of the ground floor studio with particular regard to light, outlook, privacy and standard of accommodation. It is consistent with the overall aims of Policy UD1 of the Watford Local Plan Core Strategy 2013 that seek a high quality design for all development. It also accords with the National Planning Policy Framework that development should seek to create places with a high standard of amenity for existing and future users (paragraph 127).
9. Having regard to the National Planning Policy Framework and in particular paragraph 55, I have specified the approved plans as this provides certainty. A condition relating to the refuse storage facilities is appropriate in the interests of amenity.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR