The Planning Inspectorate

Appeal Decision

Site visit made on 23 March 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/Y1945/W/20/3251655
Oak Yard, Rear Of 131 Queens Road, Watford, WD17 2QP

- 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 P Cronin (Pexton Searle CRM Services Ltd) against the decision of Watford Borough Council.
- The application Ref. 19/01037/FUL, dated 4 September 2019, was refused by notice dated 4 November 2019.
- The development proposed is the demolition of existing office building and construction of 5 new build mews houses with associated bin and cycle store.

Decision

1. The appeal is dismissed.

Preliminary matter

2. It appears that amended plans of the proposed scheme were submitted to the Council during the period when it considered the proposal. I have had regard to drawing 2010-2K as the last amendment submitted before the decision to refuse was issued on the 4 November 2019.

Main issues

3. The main issues are:

    - The effect on the living conditions of the future occupiers of the mews houses;
    - The effect on the living conditions of the occupiers of existing neighbouring properties; and
    - The effect on the character and appearance of the area including the future well-being of a protected tree.

Reasons

Background

4. The appeal site lies behind a frontage of houses in a late Victorian part of Watford and backs on to a high railway line embankment. There is a two storey building fronting a courtyard towards the rear of the site in use as business premises. The site contains a narrow undercroft access to Queens Road and it appears that neighbouring properties have rear parking areas served off this access although the proposed site plan indicates that such

parking would cease on completion of the proposal. The site also lies within the Estcourt Conservation Area and this also provides protection for the trees on and adjoining the site.

5. It is proposed to demolish the existing buildings and erect 5 three storey mews houses in a terrace. The main aspect of these would be both towards the internal courtyard at the front and the embankment at the rear where the living room is shown to be located on the third level with access to a small external terrace facing the railway line.

6. I note that a planning permission was granted on appeal under ref. APP/Y1945/W/20/3250553 for the removal of the existing garage store and its replacement with a new studio living unit. This site adjoins the courtyard of the present appeal site.

7. From my reading of the relevant policies in the development plan there is no policy objection in principle to the proposed redevelopment which turns on site specific aspects.

Living conditions for the future occupiers

8. In terms of the quality of the residential environment that the proposed houses would have, the Council's concern is about the scale of amenity space per flat, which would be below minimum standards, and the aspect that each flat would have. The flats themselves exceed minimum space standards and can be designed so that the occupiers need not suffer from noise and vibration. In considering this issue I have taken account of the findings of the Internal Daylight Assessment (IDA) (April 2019) by Hawkins Environmental.

9. At the rear of the proposed units, the kitchen windows would not be small or high level and therefore the ground floor of the units would not be single aspect as the Council alleges. Nevertheless, the ground floor rear windows would face directly into the embankment and boundary security fencing and this would result in a poor rear aspect for all of the proposed houses.

10. At the front, the main dining area window of the northern unit would be directly opposite the present parking and manoeuvring space in the courtyard and the aspect to the first unit could be dominated by the close proximity of parked cars. I have taken account of the letter of 5th March 2021 from Taylor Walker (Solicitors) about other parties' vehicle access rights to use Oak Yard. Nevertheless, while the site layout plan indicates that this parking is to cease and the development can be made 'car-free', the adjoining land appears to be beyond the appellant's control. I therefore have doubt over the use of a planning condition to require provision of a physical restriction to prevent vehicle access to the site and there is no other formal mechanism before me to achieve this 'vehicle-free' solution.

11. At the southern end of the proposed frontage the dining room windows in the final two units would face towards the bin store and cycle store. Although this building is shown to have a flat sedum roof it would be in close proximity (3.2m) to the aspect from the windows and the model in the IDA does not show that this structure has been taken into account in assessing its effect.

12. Taken as a whole, I find that the characteristics of the site are such that three of the proposed houses would have a poor residential environment where the aspect of the units for the ground floor habitable space would be severely

constrained at both the front and rear of the properties, and would not deliver a high quality design of residential environment, contrary to Core Strategy Policy UD1 or achieve a well-designed place as per section 12 of the National Planning Policy Framework (the Framework).

The effect on the living conditions of existing occupiers of neighbouring houses

13. In the main this issue concerns the relationship between the front of the proposed houses and the rear of No's 129-133 Queens Road. These properties have three floors of accommodation with windows in projecting gables and in the main rear wall of the properties, some of which relate to bathrooms as suggested by obscure glazed windows or emerging pipework.

14. The Council refers to the standard in the Residential Design Guide (RDG) which, in order to maintain privacy, puts forward a minimum distance of 27.5m between buildings where there are directly facing habitable windows at first floor level. In this case the gap ranges from 13m to 16.4m. Even allowing for the site being in a highly developed area and that some of the existing windows are not to habitable rooms, the distance between the proposed and existing properties and gardens would be substantially short. There would be direct overlooking and a loss of privacy.

15. The proposed scheme seeks to overcome this issue with the designation of the smaller room at first floor level as a dressing room which could be subject to a condition requiring obscure glazing in the window of each property. However, I have concerns about the enforceability of such a condition in the long term if there was pressure for the smaller room to be used as a bedroom.

16. Taking account of the present building on site which has limited fenestration at first floor level, I am concerned that the close juxtaposition of the new houses to the existing ones could give rise to direct overlooking or that the occupiers of these properties would have the perception of being overlooked, to the detriment of the their living conditions. The proposed scheme would therefore not accord with the specific guidance in the supplementary RDG.

Effect on character and appearance of the area

17. In general design terms I am satisfied that the form and appearance of the new terrace is appropriate for the area and, with the demolition of the existing building, would enhance rather than harm the character or the appearance of the Estcourt Conservation Area.

18. Regarding the trees on or adjacent to the site, it is not clear whether these are subject to a specific Tree Preservation Order or are protected by their siting in a conservation area. Nevertheless, the Council does not object to the loss of the tree which overhangs the railway embankment. The other tree on adjacent land to the south of the site is shown to be retained but would overhang the proposed bike shed and unit 5. While this is unlikely to affect the amenity value of the tree, its overshadowing effect adds to my concerns about the aspect available to the unit No.5.

Planning balance

19. The site lies in an area where the principle of redevelopment is generally acceptable. Moreover, I have found that the demolition of the existing building

and the general design of new build put forward would enhance rather than harm the character and the appearance of the Estcourt Conservation Area.

20. However, on the main issues in this case I have found that the constraints of the site are such that three of the dwellings proposed would have a poor residential environment. The aspect of these properties would be constrained by the railway embankment at the rear and parking and manoeuvring space or the proposed bin store and bike shed at the front and overshadowing from a retained tree. Moreover, the space between the proposed houses and the existing houses and gardens adjoining the site is much less than that specified in local design guidance giving rise to direct overlooking or a perception of being overlooked. As such the proposal would harm the present living conditions of the occupiers of these properties.

21. Taken together, these aspects constitute significant adverse effects with the proposal and indicate that the five dwellings in the manner proposed would be an overdevelopment of the site, and be contrary to relevant policy in the development plan which seeks to ensure that new development is of a high quality.

22. These adverse effects have to be balanced with the benefits of the proposal. The new houses would contribute to the supply of new housing which the government seeks to significantly boost. The scheme would also make better use of land already developed. However, the Framework also seeks to achieve well designed places with a high standard of amenity for existing and future users. For the reasons set out about above the proposed scheme would not achieve this nor take proper advantage of the opportunity available to improve the quality of the area.

23. Overall, I find that the benefits do not outweigh the adverse effects and that the other considerations that arise do not outweigh the conflict with the development plan. This indicates that the appeal should not be allowed.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR