



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: 23 April 2021

Appeal Ref: APP/Y1945/W/20/3254398

Land adjacent to 132 Estcourt Road, Watford WD17 2PZ

- 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 Mrs Bhatti, M Services, against the decision of Watford Borough Council.
 - The application Ref 19/01279/FUL, dated 04 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is demolition of existing store building and construction of a new building comprising 1x 2 Bedroom Flat, 2x 1 Bedroom Flats and 1x Studio Flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reason for refusal 7 on the Council's decision notice states that "*the documents and drawings submitted with the application are incomplete and inconsistent. The submitted documents do not therefore form a valid application from which planning permission can be granted.*" Additionally, the decision notice refers to a "non-exhaustive" list of "errors/omissions".
3. Notwithstanding such concerns, the application was accepted by the Council as a valid application, and Council Officers had ample opportunity to rectify such concerns during the planning application process.
4. The appellant has submitted amended plans with the appeal, Refs 3223 RPPA and 3223 RPPA 2 and a site location plan. The key differences between these plans and those which the Council made its decision on are as follows: the site location plan identifies other land in the ownership of the appellant, edged blue; the floor plans include storage areas, with figures provided for these and for the Gross Internal Floor Areas (GIA); and the proposed dormer windows have been reduced in size. I am satisfied that no one would be prejudiced if I accept the amended plans at this stage. I have therefore made my decision on this basis.
5. However, that is not to imply that planning permission could be granted based on the plans. I note this as I have not been provided with any evidence that the strip of land immediately east of the concrete base within the site and the existing green wire mesh fence sited towards the western edge of the adjacent public play area, lies within the site edged red or the ownership of the appellant. The appellant's agent was unable to clarify this matter for me during

my site visit. Should I have been allowing the appeal this matter would have to have been resolved.

6. Considering the matters discussed above, I note that should a further planning application be submitted to the Council, both parties would need to ensure that the associated plans were complete and accurate.

Application for costs

7. An application for costs was made by Mrs Bhatti, M Services, against Watford Borough Council. This application is the subject of a separate Decision.

Main Issues

8. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Estcourt Conservation Area (CA), with particular regard to siting and design;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal space, storage, outlook and light;
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, in particular numbers 15 St John's Road and 132 Estcourt Road;
 - whether the proposal would provide satisfactory refuse storage arrangements, and
 - the effect of the proposal on the surrounding highway network and highway safety, with particular regard to parking.

Reasons

Character and appearance - Estcourt Conservation Area

9. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 193 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of heritage assets when considering the impact of development on the significance of a designated heritage asset.
10. The CA has a mixed-use character with terraced housing interspersed with small workshops, yards, public houses, shops, and public buildings. The streets and roofscapes are small scale, having mostly two-storey buildings with dual-pitched roofs. There is much consistency in building heights, elevational detail, and external materials. Brick chimneys, timber doors and sliding sash windows are common. The brick-built buildings predominantly use yellow London stock bricks, with red bricks used for decoration. Roofs are generally covered in slate or plain clay tiles. There is a tight urban grain. The area has retained its Victorian character. Such features contribute to the heritage significance of the area.
11. The character and appearance of Estcourt Road reflects that of the wider CA, ie two-storey, terraced residential properties with dual-pitched roofs; many are

constructed of yellow brick, though several are constructed of red brick and others have rendered front elevations; roof coverings are slate or clay tiles; several of the properties have bay windows at ground-floor level; most have chimneys, and although many have had timber doors and window frames replaced with non-timber materials, a good number have retained their traditional style doors and fenestration in timber.

12. Immediately south of the site are two-storey, terraced residential properties. Immediately north of the site, on the corner of St John's Road and Estcourt Road, is a two-storey property, 15/15a St John's Road (which is higher and has wider elevations than the terrace properties), recently converted to residential use, with basement and rooms in the roof space. A small church is located opposite the site and to the rear is a public open space (children's play area).
13. The proposed building would be two-storey above ground level with accommodation in the dual-pitched roof and a basement below. It would be sited such that its front elevation would be marginally forward of the front elevation of number 132 Estcourt Road. I consider this to be an improvement over the existing situation, as the existing building projects further towards the pavement. The proposed building would also be in line with the western facing elevation of the immediate neighbouring property to the north. I consider this would also be an improvement, as at present when one travels in a northerly direction along Estcourt Road the existing building blocks the view of the western facing elevation of No. 15/15a at ground-floor level; and, when viewed from the northern end of Estcourt Road, from the junction with St John's Road, the existing building blocks the view of the ground-floor bay window on the front elevation of No. 132.
14. The width of the front elevation of the proposal would be similar to the width of the western facing elevation of No. 15/15a St John's Road. Gaps would be retained between the proposed building and the immediate neighbouring properties either side. Although the gaps would not be extensive, they would be in keeping with many such gaps between properties in the area and the tight urban grain. There are significant differences between the design of the terrace to which No. 132 belongs and the design of No. 15/15a St John's Road. I consider that having the gaps either side, a bay window at ground-floor level on the proposed building close to No. 132 but not having any bays on the other 2 ground-floor windows close to No. 15/15a, would enable the building to sit comfortably between the different designs of the 2 neighbouring properties, providing a suitable transition between the 2 buildings. Additionally, I consider the revisions to the proposed dormer windows would result in dormers of an acceptable siting, design, and scale. Door and window details and external materials could have been secured by condition, should I have been allowing the appeal.
15. Overall, I consider the removal of the existing building and the siting, design and scale of the proposed replacement building would have an acceptable impact on the street-scene and would protect the character and appearance of the CA. As such the proposal accords with saved policy U18 of the Watford District Plan-2000 (2003), (WDP), and policies UD1, UD2 and SS1 of Watford's Local Plan, Part 1, Core Strategy 2006-31 (2013), (CS), and the Residential Design Guide (2014; amended 2016), (RDG). Collectively, and among other things, these policies and guidance seek to ensure new development in CAs

achieves a high standard of design, respects and enhances local character and safeguards and conserves (or enhances) the historic environment.

Living conditions - future occupiers

Internal space and storage

16. As noted above, the amended plans submitted with the appeal include the provision of internal storage areas. The internal space standards outlined in the Council's RDG are the same as the standards outlined in the Technical Housing Standards-Nationally Described Space Standards (NDSS). The required and proposed Gross Internal Floor Areas (GIA) and storage areas are outlined in Table 1, below. As can be seen, each of the proposed flats meet the recommended standards for both GIA and storage.

Table 1

Accommodation	GIA Standard	GIA Proposed (above 1.5m high)	Storage Standard	Storage Proposed
Basement	61 sqm	69.1 sqm	2 sqm	2 sqm
Ground-Floor	50 sqm	54.5 sqm	1.5 sqm	2.5 sqm
First-Floor	50 sqm	54.5 sqm	1.5 sqm	1.54 sqm
Second-Floor	37 sqm	40.5 sqm	1.0 sqm	10.8 sqm

Outlook and light

17. The outlook from all rooms in the proposed basement flat would be directly onto the walls of the proposed lightwells, and the lightwell walls would be sited very close to the windows. The outlook from all windows in the proposed basement flat would therefore be restricted, even though the outlook in 2 of the rooms would be dual aspect. To my mind, with particular regard to windows serving habitable rooms, the proposed basement flat would not provide a satisfactory outlook for future occupiers.
18. The appellant has referred me to other residential properties within the immediate vicinity of the site, in particular Numbers 15 and 17-19 St John's Road, which, it is claimed, have been granted planning permission based on the current development plan, even though flats in the basements have limited outlook. I do not know the full details of the respective sites. As such, I cannot be certain that either are directly comparable to the scheme before me. Additionally, I must assess each proposal on its own merits. Nevertheless, I acknowledge that such examples do exist, and that consistency in decision-taking is important within the planning system. However, I may have reached a different decision to the Council on the examples referred to, and also the examples do not alter my opinion on the proposal before me.
19. Notwithstanding the Council's concerns regarding accuracy of plans, and therefore the validity of the findings of the submitted BRE Report, I have no substantive grounds for challenging the Report's findings. The Report concludes that the bedroom and living/kitchen/dining room of the proposed basement flat would receive the recommended amount of daylight; and these rooms would

also receive the recommended amount of year round and winter sunlight, cumulatively via windows facing different directions.

20. Bearing the above in mind, I conclude that the proposed development would provide satisfactory living conditions in respect of light. However, notwithstanding my conclusions regarding light, I conclude that the outlook from, in particular, habitable-room windows in the proposed basement flat would not be satisfactory; I also consider that the light levels would not mitigate against the poor outlook. For this reason, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers. As such, the proposal does not accord with guidance in the RDG or sub paragraph 127 (f) of the Framework which, among other things, require development to provide living conditions of a high standard for future occupiers which promote the well-being of occupants. I note that Policy UD1 of the CS does not refer to living conditions.

Living conditions - existing occupiers

21. The sole bedroom window of flat No. 15 St John's Road faces south. The outlook from the window is currently onto a lightwell wall with a restricted view of sky, an arrangement which I consider to be a poor standard.
22. The proposed development would erect a fence along the northern boundary of the proposed cycle storage area. This fence would be closer to the bedroom window of No. 15 than the existing fence along the southern boundary of the property's small outdoor area. Moreover, the proposed building would be positioned such that around half of its northern facing gable end would be facing the elevation within which the bedroom window referred to is located. The gable would also be sited at a relatively close distance from the said window. At two-storeys above ground level the proposed building would tower above the proposed fence, making an already sub-standard arrangement worse, resulting in the proposed building having an overbearing relationship with the existing bedroom window.
23. With regard to light levels and the basement bedroom of No. 15, the BRE Report found that the percentage of the room area with a view of the sky would be reduced from 77.7% to 59.5%, and therefore concluded that the movement of the 'no-sky line' would be marginally outside the BRE guidelines. Given that the bedroom receives a restricted level of light at present, I consider any loss of light would be unacceptable. I note that the BRE Report states that daylight distribution is less important in bedrooms than it is in living or dining rooms. However, even if I accepted this proposition, it does not mean that bedroom windows are not important. In my opinion, as the basement flat has restricted light all around, any light to any of its rooms is important.
24. The southern gable end of the proposed building would be sited along the northern side boundary of number 132 Eastcourt Road, a two-storey end of terrace dwelling with a two-storey outrigger at the rear and a single-storey outbuilding in the rear garden located towards its north-eastern corner. I accept that the proposal would include habitable room windows on the rear elevation at ground, first and second-floor levels. However, these windows all face directly east. Further, no part of the rear garden of No. 132 would be visible from the windows that would be on the ground-floor due to their height and the existence of a side boundary fence, a wire fence and wall in the grounds of the adjacent park, and small trees/bushes up to 5 m high close to

the boundary. Also, given the presence and positioning of the outrigger on the rear of No. 132 and the outbuilding in its garden, both of which are close to the northern boundary of the site, and what would be an oblique angle between all of the windows and any part of the rear garden of No. 132, I consider that any views of the private outdoor space at the rear of No. 132 from the proposed first and second-floor windows would be very limited.

25. Notwithstanding my conclusions regarding No. 132 Estcourt Road, I conclude that the proposal would harm the living conditions of existing occupiers of flat 15 St John's Road, due to the overbearing relationship with the southern-facing bedroom window and the, all-be-it limited, reduction in daylight distribution to the room. Consequently, the proposal does not accord with guidance in the RDG or sub paragraph 127 (f) of the Framework which, among other things, require development to protect the living conditions of occupants of existing properties. I note that policies UD1 and SS1 of the CS do not refer to living conditions.

Refuse storage

26. The plans show that the proposal includes a refuse storage area that would accommodate 2 x 1100 L and 1 x 280 L bins, which would serve all the 4 flats proposed. I note from the Council Officer Report that consultee comments were provided from 'waste and recycling', stating that 1100 L bins were for developments of 6 or more properties and therefore were not applicable for the proposal. However, the appellant has provided an extract from a document produced by the Council and its partner Veolia, up-dated in February 2020, which provides guidance to developers regarding the size of bins required for each type of waste and the frequency of collection. The guidance is clear in that for 1-5 flats or 4/5 flats there are options. One of the options is to provide 1 x 1100 L bin for recyclable waste and 1 x 660 L bin for non-recyclable waste. Provision for, and collection of, garden waste is optional. As there would be no garden associated with the development there would be no need for a bin for garden waste. Hence, the refuse storage area proposed would accommodate more than the minimum number and size of bins suggested in the guidance document.
27. I note that the Council has not commented on, or challenged, the information provided by the appellant. From the evidence before me, as outlined above, I conclude that satisfactory refuse storage would be provided on site, the provision of which could be secured by condition should I have been allowing the appeal. As such, the proposal accords with saved Policy SE7 of the WDP and policies UD1 and SD4 of the CS. Collectively, and among other things, these policies seek to ensure that sufficient provision is made for waste storage, recovery, and recycling within the site and secure sustainable waste management.

Highway matters

28. As noted above, the site comprises an area of hard-standing and an outbuilding; there is a gated access, wide enough for a vehicle, located on the western boundary of the site adjacent to Estcourt Road.
29. I note that the Council claim to have evidence to support the view that the hard-standing area has been used for parking. However, the Council has not stated when such parking may have occurred; furthermore, I have not been

provided with such evidence. From my observations on site, and as suggested by the appellant, it is evident that most of both sides of Estcourt Road are designated as parking for residents, including the stretch of road directly in front of the access to the site. Consequently, whatever the hard standing may have been used for in the past, it would now be very difficult for vehicles to enter and exit the site, due to cars being parked in front of the access. As such, I consider that any displacement of vehicles from the site onto the surrounding streets will have already occurred and would not be a consequence of the proposed development.

30. The proposal would create 1x 2 bedroom flat, 2x 1-bedroom flats and 1x studio flat. I have not been provided with details of the Council's parking standards and no on-site parking would be provided. However, the Council accepts that the site is within proximity of a range of services and facilities that would meet the day-to-day needs of future occupiers of the proposed flats and that the site is close to public transport options. Additionally, should I have been allowing the appeal details of on-site cycle parking could have been secured by condition.
31. For the above reasons, I conclude that the proposed development would not create any issues in respect of the surrounding highway network or highway safety. I also note that the Local Highway Authority did not raise any objections. I consider the proposal accords with saved policies T22 and T24 of the WDP, which together, and among other things, require new residential development to provide on-site car parking, unless the site is in a location with good access to passenger transport.

Other Matters

32. A Unilateral Undertaking (UU) has been submitted with the appeal which seeks to prevent future occupiers of the flats from obtaining parking permits for the surrounding roads. I note that the Council confirmed that, should the appeal be allowed, the UU could be attached to the permission. However, as I am dismissing the appeal for other substantive reasons, it is not necessary for me to consider whether or not this obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

Planning Balance and Conclusion

33. Notwithstanding my conclusions regarding character and appearance of the CA, living conditions of future occupiers in terms of internal space and storage standards and light levels to the basement flat, living conditions of existing occupiers of No 132 Estcourt Road, refuse storage and highway matters, I have found substantial harm in respect of living conditions of future occupiers of the proposed basement flat and occupants of the existing flat, No. 15 St John's Road. The proposal therefore conflicts with the development plan and there are no other considerations that justify setting aside that conflict. Consequently, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR