



Appeal Decision

Site Visit made on 8 March 2021

by Steven Rennie BA (Hons), BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/Y1945/W/20/3255357

123 Whippendell Road, WATFORD, WD18 7NH

- 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 Kalpesh Lakhani against the decision of Watford Borough Council.
 - The application Ref 20/00091/FUL, dated 22 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is the conversion of an existing dwelling into 2 self-contained residential apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwelling into 2 self-contained residential apartments, at 123 Whippendell Road, WATFORD, WD18 7NH, in accordance with the terms of the application, Ref 20/00091/FUL, dated 24 January 2020, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - MD3081A-01/SP
 - MD3081A-02/SP
 - MD3081A-03/SP Rev A
 - MD3081A-04/SP
 - MD3081A-05/SP
 - MD3081A-06/SP

Costs Application

2. An application for costs is made by Mr Kalpesh Lakhani against Watford Borough Council. This costs application is set out with a separate decision.

Main Issues

3. The main issues are the effect of the development on (1) the living conditions of future occupiers; (2) the balance of housing type for the local community; (3) the character and appearance of the area; and (4) parking provision for the area.

Reasons

Living Conditions

4. The proposal is for a conversion of a terraced dwelling to two flats. In terms of the internal arrangement, this has been assessed against the criteria for the overall size of the flats and the room sizes, for example, against the adopted Residential Design Guide (2016).
5. The Council states that the ground floor bedroom has a width of 2.08m, whereas the minimum width for a single bed space bedroom should be 2.15m. Whilst under this standard width, it is only by several centimetres. Furthermore, being a conversion rather than a new build dwelling the room dimensions are set. I also note that the overall size of the flat is acceptable, which could allow for some flexibility of use by future occupants, which mitigates the narrowness of the bedroom sufficiently in this case.
6. The proposed bin storage is to the front of No 123 in the small yard. This is not ideal as it would be adjacent to the window of the ground floor flat. However, this arrangement appears to be as currently used and so would not change with the conversion, with the bins near the front window which serves a habitable room. The front yard also appears to be of sufficient size for the bins needed and should not have a significant impact on outlook quality.
7. In terms of amenity space there is a rear garden of approximately 20sqm. This is a small garden and I recognise that the Residential Design Guide recommends 50sqm. However, I accept that there is no scope for the garden to be extended with the conversion. It also currently provides all the amenity space for the occupiers of the existing house and any families that may have lived here. As such, whilst a small garden area, I do not regard this being unacceptable for use by the ground floor flat occupants.
8. There would be no access for those who would live in the larger of the two flats in the upper floors. Occupants would have no access to amenity space, even on a communal basis. There does not appear to be any other external area such as a terrace which could be used as an alternative either. Despite this the appeal site is located within close proximity to public open space and other facilities in the area. It is also not uncommon for flatted development to have limited access or no direct private garden space.
9. Overall, the living conditions of future occupants would be of sufficient quality and therefore this proposal would be in general accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31, which seeks to ensure that development is of a high design quality.

Loss of a family size home

10. Watford District Plan 2000, (saved policies) Policy H13 (Conversions) provides specific advice on conversions, such as that proposed with this appeal. Policy H13 seeks to restrict the number of properties in a street block converted to flats, houses in multiple occupation and/or guest houses to 10% of the frontage. This is in the interests of seeking to retain family housing and protect the character of the area. I also note that policy HS2 seeks to provide a suitable mix of housing types, sizes and tenures at a local level.

11. The Council define the 'block' within the street for the purposes of the H13 test as being between Durban Road East and Harwoods Road. An update from the Council states that there are 90 properties in this block, of which 19 are commercial at ground floor, which are either long established with this use or purpose built as such. Therefore, there are 71 original dwellings in the block, of which 2 have been converted. The Council also state that there are no registered HMOs in the street block and no evidence of unregistered HMOs. With the conversion as proposed there would be only 3 of the 71 dwellings that have been converted, which equates to 4.2%. This is below the 10% threshold. On this basis, with the updated figures provided, the Council confirm that they cannot justify the relevant reason for refusal.
12. I would concur that based on conversions, most of the original dwellings appear to remain as single houses rather than conversions. The proposed change of No 123 to two flats would not therefore undermine the character of the street or result in a significant loss of family sized houses. The two flats proposed would not be an overdevelopment of the site, with there being sufficient space for both residential units. In this regard the proposed development is in accordance with Policy HS2 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H13 of the Watford District Plan 2000.

Character and Appearance

13. The appellant has stated that there are no external alterations proposed with this development. They have also stated that the property benefits from an existing planning permission (18/01628/LDC) for a loft conversion with rear 'L' shape dormer and front roof windows.
14. It is apparent that the dormer as built was not the same as submitted with the details for the Lawful Development Certificate and it would not in fact have been permitted development. However, the appeal before me is not for this dormer and the Council state that this matter has since been closed. They therefore do not want to pursue this reason for refusal. I have given this matter no further consideration as a main issue. In general, the proposal would not harm the character and appearance of the area and on this matter would accord with policy UD1 of the Watford Local Plan Core Strategy 2006-31 or the Residential Design Guide 2016.

Parking Provision

15. As I observed on site, this section of Whippendell Road appears as a busy local high street, with busy flows of traffic and high demand for parking both to access the houses and also the shops and other businesses on this street. The high demand for parking is also stated as being typical by the Highways Officer comments. The proposed conversion to two flats would also likely generate more need for parking than exists, although I would consider it unlikely to be by a significant extent.
16. The Council state that it is necessary to exclude the proposed development from the local controlled parking zone, in order that future residents would not be entitled to resident parking permits. However, I would assume that the existing occupiers of the house would be able to obtain a permit, so it would be unlikely that many more permits than existing would be required after the proposed conversion. I would also regard this as a particularly accessible location within Watford which may also reduce car ownership of future

occupiers. Furthermore, whilst there was a high demand for parking that I observed, there was some on-street parking available at the time of my visit and I have no substantive evidence before me that the additional permitted parking would result in any discernible impact to parking provision or indeed highway safety levels on this street.

17. As such, I do not conclude that it would be necessary to exclude the proposed development from resident parking permits to prevent additional on-street parking pressure. The proposal thereby accords with policy T24 of the Watford District Plan 2000, which require development to provide on-street parking unless the site is in a suitable town centre location with good public transport access, for example.
18. As the proposed development is not to be car-free then policy T26 of the Watford District Plan is not particularly relevant to this appeal.

Other Matters

19. An interested party has raised the issue of soundproofing. However, I have no substantive evidence that the change to two flats would result in noise issues above existing levels if it was used as a single dwelling. Furthermore, as there are no external extensions proposed with this appeal scheme there would be no significant impact to the amenities of neighbours over and above those which already exist.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
21. I have attached the standard time limit condition and a plans condition as this provides certainty.
22. As described above, the proposed formation of two flats would not result in it being necessary to exclude the proposed development from resident parking permits to prevent additional on-street parking pressure. As such, a condition for a legal agreement to this effect is not necessary.
23. There are no external alterations proposed and so a condition requiring details of materials and finishes is not required.
24. Finally, the plans show the bins to the front of the property, which is not uncommon in this terraced street. I therefore do not find it necessary for a bin enclosure structure to be incorporated and required by condition.

Conclusion

25. For the reasons given above and in considering all matters raised I conclude that the appeal should be allowed subject to the conditions set out above.

Steven Rennie

INSPECTOR

