



Appeal Decision

Site Visit made on 1 June 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2021

Appeal Ref: APP/Y1945/W/21/3267442

Land Adjacent to 136 Balmoral Road, Watford WD24 4ET

- 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 Miss D Hughes against the decision of Watford Borough Council.
- The application Ref 20/00522/FUL, dated 26 May 2020, was refused by notice dated 22 July 2020.
- The development proposed is construction of a 3 bedroom/4 person single family house adjoining No. 136.

Decision

1. The appeal is allowed and planning permission is granted for construction of a 3 bedroom/4 person single family house adjoining No. 136 at Land Adjacent to 136 Balmoral Road, Watford WD24 4ET in accordance with the terms of the application Ref 20/00522/FUL dated 26 May 2020 subject to the conditions in the attached schedule.

Procedural Matter

2. Although expressed differently on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the planning application form has been agreed. I have therefore used this original description in the banner heading and my formal decision above.

Background and Main Issue

3. The Council's second reason for refusal concerned the effect of the removal of parking for the existing dwelling at 136 Balmoral Road. However, in its appeal evidence, the Council advised that this matter was no longer disputed given a subsequent appeal decision in August 2020 where a similar arrangement was found to be acceptable¹. I have considered the appeal on this basis.
4. The main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located at the junction of Balmoral Road with Devon Road. The previous appeal decision describes the site as containing *'a detached garage and area of hardstanding which were formerly associated with the adjacent dwelling at 136 Balmoral Road. Nearest to the site, these streets are for the most part characterised by semi-detached dwellings of a few similar designs. Roof forms are predominantly hipped, although some include front*

¹ Appeal reference APP/Y1945/W/20/3249585

gable features and there are also a number of gable or dormer alterations visible. Buildings are generally arranged on strong building lines fronting the road with comparatively deep rear gardens. There is some variation in the separation between individual buildings, particularly around corners where spacing to their side is often greater but gardens may be shorter. Nevertheless, the typically similar layouts and appearances of the buildings results in an overall sense of coherence and a fairly distinctive local character.' From the evidence before me, I have no reason to take a different view now.

6. The proposed dwelling would adjoin the side of 136 Balmoral Road, and with its semi-detached neighbour at 134 Balmoral Road would create a small terrace. This would be somewhat unusual given the predominantly semi-detached form of nearby dwellings, and I further note that the dwelling would be wider than Nos 134 and 136. However, while nearby buildings are of generally similar original designs with repeated arrangements of central chimneys and front bay windows positioned between front doors to each dwelling of a semi-detached pair, I observed that the symmetry to many of the buildings has been eroded by varied extensions and alterations. These include two-storey side extensions and hip-to-gable roof alterations which have resulted in a number of pairs of dwellings of contrasting individual proportions, and which have altered the degree of spacing between buildings. In addition, there is an existing terrace of 3 dwellings to the opposite side of Devon Road from the site at 138, 138A and 140 Balmoral Road. The Council advise that this was allowed prior to the adoption of the Residential Design Guide in 2014 (amended in 2016) (RDG), but it nevertheless forms part of the context to the site.
7. I also note comments within the RDG that proposals should respect, but not necessarily replicate, the height and scale of adjoining or nearby buildings. Given the diversity that exists in the scale and pattern of buildings in the vicinity of the appeal site, I find that the formation of a terrace would not be striking or incongruous, and that the overall sense of coherence locally would not be harmfully diminished. While the dwelling would be wider than its attached neighbours, the difference would not be great, and would not stand out as unusual or jarring against the surrounding street scene. Moreover, the hipped roof design of the dwelling would mirror the form of No 134 at the other end of the terrace. In my view, this relationship would result in a more sympathetic and balanced appearance overall to the development on this corner than the existing contrasting gable end to the side of No 136. In combination with the comparable height, depth and front building line of the dwelling to the two-storey part of its attached neighbours and its similar architecture and detailing, I am satisfied that it would therefore sit comfortably in the Balmoral Road street scene.
8. The side of the dwelling facing Devon Road would have a different orientation to 4 Devon Road to the rear of the site, and would extend forward of the front elevation of this neighbour approaching the junction of Devon Road with Balmoral Road. However, the closest part of the dwelling would be set back from Devon Road a similar distance to the front elevation of No 4, and the modest difference in their orientation would provide for a gradual transition that would not be visually jarring. Even at the narrowest point, there would also remain generous separation to the side of the dwelling. This would be sufficient to avoid an undue sense of enclosure around the junction and would not be out of keeping with spacing that I saw to the side of other buildings on corners locally. The garden to the rear of the dwelling would be of lesser depth

than is typical nearby. However, it would be supplemented by the space wrapping around to its side, and taken together with the space to the front of the dwelling, I am satisfied that there would be a suitable setting for the development.

9. There would be only a single window to the rear of the dwelling at first floor level, and I acknowledge that this would be apparent from Devon Road. However, the extent of rear wall would for the most part be seen together with windows to the side of the dwelling, offering some balance and helping to break up the built form. The set in of the dwelling from the street would also help to reduce the visual impact, and views would be localised. Accordingly, I do not consider the lack of rear windows would be unduly prominent or obtrusive.
10. For all of these reasons, I find that the dwelling would assimilate appropriately with its surroundings and that the distinctiveness of the area would not be harmfully undermined. I therefore conclude that the development would not cause unacceptable harm to the character or appearance of the area and it would comply with Policies UD1 or SS1 of Watford's Local Plan Core Strategy 2013. Amongst other things, these policies require high standards of design and development that respects and enhances the local character of the area in which it is located. For similar reasons, I find no conflict with guidance within the RDG seeking development that responds to the characteristics of its surroundings, nor with the National Planning Policy Framework (the Framework) which includes requirements for development that is sympathetic to local character and the creation of high quality buildings and places.

Other Matters

11. In response to comments by an interested party, the appellant has confirmed details of the ownership of the site and there is no firm contrary evidence before me to indicate that the details given are inaccurate.
12. Notwithstanding the Council's confirmation that it was no longer disputing the effect of the proposal on parking, I have considered concerns raised by an interested party referring to parking problems locally and parking by existing residents of No 136 on the appeal site and in nearby roads. At the time of my visit, there were no vehicles parked on the appeal site, and I saw a number of spaces available on street on Devon Road, Balmoral Road and other nearby streets. While I accept that this represents a snapshot, there is no substantive evidence of existing parking stress in the area that would be exacerbated by any additional on-street parking as a consequence of the proposal, nor that the development would harm highway safety. Although I have also noted concerns regarding existing instances of inconsiderate parking by residents neighbouring the site, this is not a matter that affects the planning merits of the appeal proposal. Any effects from the construction period would be short-term and could be mitigated by careful construction management.

Conditions

13. I have considered suggested conditions having regard to the tests set out at paragraph 55 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, clarity or to avoid duplication.
14. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of

certainty. In order to ensure a satisfactory appearance and in the interests of promoting sustainable travel, conditions requiring details of the external materials and landscaping of the site and provision for the storage of cycles, refuse and recycling are necessary. To safeguard the living conditions of neighbouring occupiers, I have imposed a condition to require the use of obscure glazing to the first floor window to the rear of the dwelling.

15. I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. However, given the relationship of the proposed dwelling with its plot and neighbouring buildings, I am satisfied that a condition suggested by the Council to prevent extensions or alterations to the dwelling or its roof and the construction of outbuildings is necessary in this case in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.
16. I note an additional condition suggested by the Highway Authority but not proposed by the Council to require swept path details to show manoeuvring to and from No 136 with vehicles parked on the appeal site. However, there would be no change to the existing highway access, and given that fencing along the site boundary up to the edge of the footway would restrict vehicles crossing the appeal site to access No 136 currently, I do not consider that the condition would be reasonable or necessary and I have not imposed it.

Conclusion

17. I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: BRW-PL-01, BRW-PL-02, BRW-PL-03, BRW-PL-08, BRW-PL-09, BRW-PL-10 and BRW-PL-11.
- 3) No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the building, including bricks, render, roof, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
- 4) The development hereby permitted shall not be occupied until a detailed soft landscaping scheme based on drawing number BRW-PL-08 has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall be carried out no later than the first available planting and seeding season after the completion of the development. Any new plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
- 5) The development hereby permitted shall not be occupied until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.
- 6) The development hereby permitted shall not be occupied until the first floor rear facing windows have been fitted with obscure glass and the part of the window less than 1.7m above internal floor level shall be fixed closed. The windows shall be permanently retained as such thereafter.
- 7) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development permitted under Schedule 2, Part 1, Classes A, B, C, D or E of the Order shall be carried out without the prior written permission of the Local Planning Authority.