
Appeal Decision

Site visit made on 2 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 June 2021

Appeal Ref: APP/Y1945/W/20/3246045
140 Pinner Road, Watford WD19 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J. Patel (Pinner Road Project UK Ltd) against Watford Borough Council.
 - The application Ref: 19/01278/FUL, is dated 2 November 2019.
 - The development proposed is the demolition of existing house and outbuildings and redevelopment with a flatted building and associated infrastructure.
-

Decision

1. The appeal is dismissed and planning permission for the demolition of existing house and outbuildings and redevelopment with a flatted building and associated infrastructure is refused.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area;
 - whether appropriate living conditions would be secured for the future occupiers of the proposed development, with particular regard to refuse storage;
 - the effect of the development on the living conditions of the occupiers of neighbouring property, with particular reference to outlook and light; and
 - the effect of the development upon the setting of the Oxhey Conservation Area.

Reasons

Character and appearance

3. The appeal site consists of a single storey dwelling set back from Pinner Road. To the rear of the property is a garden. Buildings within the surrounding area are typically of two storeys with a pitched roof. In addition, they are generally set back from the highway edge.
4. The proposed development would feature flats within the roof space. In order to facilitate this, the proposed development would feature projecting front

gables, which would have a height close to the overall height of the proposed development. The development would also include bay windows. The development also features a large rear outrigger that would add to the massing of the building.

5. By reason of this form, the proposed development would have a significantly greater form and massing than the existing development and many of the buildings within the surrounding area. In addition, the development would diverge from the character of the adjoining street of Firbank Drive. The section nearest the appeal site has a more open character. In consequence, the proposed development would appear incongruous.
6. This causes a concern given that the appeal site is prominently located. In particular, the development would be readily viewable from Firbank Road, in addition to sections of Pinner Road. This is a concern as it renders the proposed development very prominent within the surrounding area.
7. This level of prominence would be exacerbated by reason of the appeal site being located on a corner in Pinner Road. This increases the prominence of the proposed development from sections of Pinner Road, such as the junction between it and Bucks Avenue.
8. Therefore, the proposed development would be experienced by a significant number of people. At the time of my site visit, I noted that Pinner Road appeared to be well trafficked. Whilst I acknowledge that my site visit is a single snap-shot in time, should this occur on a regular basis, it would exacerbate my concerns as it would increase the overall level of prominence of the development.
9. Whilst I acknowledge that the proposed development could be constructed from materials that are complementary towards the surrounding area, which could potentially be secured by a suitably worded planning condition, that would include details such as the roof and quoins. However, this would not overcome my concerns arising from the massing of the proposed development.
10. The existing dwelling does not appear to be the subject of any historic designation; however, this does not overcome the adverse effects arising from the design of the proposed development.
11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies UD1 and SS1 of the Watford Core Strategy (2013) (the Core Strategy) and the Residential Design Guide (2014) (the Design Guide). Amongst other matters, these seek to ensure that new developments are of a high standard of design and respect and enhance the local character

Living conditions of future occupiers

12. The proposed development comprises several separate dwellings. An access from the development exists to the rear garden. From the shared rear garden, an access point exists to Firbank Drive. The development includes refuse storage and parking areas that are accessed from Firbank Drive.
13. By reason of this arrangement, any residents would have a lengthy walk from their dwelling, in addition to navigating any internal stairs and hallways. This

means that it would be relatively difficult for residents of the proposed development to access the refuse storage area, particularly as some trips may need to be made on a regular basis.

14. In addition, the layout of Firbank Drive is such that there is a pavement on one side of the road only, which is opposite the appeal site. Whilst the proposed development includes a walkway that would run in front of the car parking spaces, this is relatively narrow. Therefore, should two residents meet, one would need to walk in the road to pass.
15. This lack of convenience is likely to encourage residents to walk in the road. Such a likelihood is likely to place pedestrians in conflict with vehicle movements in Firbank Drive. I also note that simultaneously, a vehicle might be attempting to enter or leave the proposed development's parking area.
16. In result of this lack of convenience, there is a likelihood that residents of the development would utilise other areas of the site for the storage of refuse and materials for recycling. This would not be conducive to securing appropriate living conditions for the future occupiers of the development.
17. I therefore conclude that the development would not provide suitable living conditions for the future occupiers of the development due to lack of appropriate access to refuse storage. The development, in this regard, would conflict with Policies UD1 and SS1 of the Core Strategy. Amongst other requirements, these seek to ensure that new developments are easy to navigate and are of a high standard of sustainability.

Living conditions of the occupiers of existing property

18. The appeal site is near to Villiers Road. Dwellings are arranged in a terraced formation that runs perpendicular to the appeal site. The closest to the appeal site is No. 142 Villiers Road. This neighbouring property is located on land that is lower than the appeal site.
19. The appeal proposed includes an outrigger to the rear. By reason of this and particularly its height, the development would have an enclosing and overbearing effect upon the rear garden of the neighbouring dwelling. This would prevent residents of the neighbouring property from having an appropriate level of outlook within their garden.
20. In addition, by reason of the form of the proposed outrigger and its orientation relative to the neighbouring property at No. 142, the proposed development would result in a loss of light to the garden. Whilst this might occur comparatively infrequently, the loss of light would be such that the proposed development would have a significant adverse effect upon the occupiers of the neighbouring property's living conditions. This effect would be exacerbated due to the appeal site being located on land that is higher than the neighbouring property.
21. Whilst the proposed outrigger would be set back from the shared boundary, the distance is relatively small and therefore would not overcome or mitigate the previously identified adverse effects.
22. These matters are of concern as the rear garden, by reason of the layout of the neighbouring property, is the only area where residents of the dwelling might undertake private recreation, or outdoors play. In consequence, the erosion of

the living conditions of the occupiers of the neighbouring property would be readily apparent and significant.

23. Owing to the position of the neighbouring dwelling, any views of the proposed development would be made at an oblique angle. Due to this and the general relationship between the neighbouring dwelling and the proposed development, there would not be any adverse effects upon the rooms served by the rear elevation windows of No. 142.
24. I also note that some of the neighbouring rear elevation windows are fitted with obscure glass. This reduces the effect of the proposed development upon the neighbour's outlook. Whilst these are matters of note, they do not overcome, or outweigh, my previous concerns in respect of the adverse effect upon the occupiers of the neighbouring property.
25. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the neighbouring property as a result of the loss of light and outlook to the adjoining garden. The development, in this regard, would conflict with Policies UD1 and SS1 of the Core Strategy and the Design Guide. Amongst other matters, these seek to ensure that new developments avoid an unacceptable effect on light levels to neighbouring properties; protect residential amenity; and are sustainable.

Effect on the setting of the Conservation Area

26. The appeal site is located adjacent to the Oxhey Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is derived, in part, from the presence of traditional designed buildings in a relatively dense pattern and enclosed urban form. Several buildings are set back from the highway and arranged in a linear form.
27. Whilst the proposed development would not replicate the form of architecture most prevalent in the CA, the development would not be a prominent addition when viewed from the CA owing to the street pattern. In consequence, it would not be overly visible.
28. In addition, the proposed development would maintain the character of the CA in that the proposal would be set back from the highway edge by a similar amount to other buildings sited in Pinner Road. This would ensure that the proposed development would harmonise with the character of the CA.
29. Furthermore, the proposed development includes an area of landscaping that would be located at the front of the site. This would also ensure that the proposal would harmonise with the character and appearance of the CA. Had I been minded to allow this appeal, I could have imposed conditions that have required the submission, agreement and implementation of a landscaping strategy. Such conditions could also have included a mechanism by which the landscaping could be retained for a reasonable period of time.
30. Therefore, although the proposed development would be visible from the CA, it would not harm its character and appearance, including its setting. The development, in this regard, would comply with the requirements of Policy UD2 of the Core Strategy; and Policies U17 and U18 of the Watford District Plan (2003). Amongst other matters, these seek to ensure that new developments do not adversely affect the setting of Conservation Areas; and conserve heritage assets.

Other Matters

31. My attention has been drawn to some other developments within the surrounding area. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that these are generally constructed in different locations and with a different character of surroundings. Therefore, they do not have the same effects as the appeal proposal. In consequence, they do not overcome my findings in respect of the main issues.
32. I note that the appellant has made several revisions to the proposal during the evolution of the design process. However, this does not outweigh my previous conclusions.

Planning Balance and Conclusion

33. Although the proposed development would not have an adverse effect on the CA, the proposed would development would have an adverse effect on the character and appearance of the surrounding area; the living conditions of the occupiers of the neighbouring property and would not provide appropriate living conditions for the occupiers of the proposed development. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR