



Appeal Decision

Site Visit made on 10 August 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/Y1945/W/21/3272321

211 Sheepcot Lane, Watford, Hertfordshire WD25 7DD

- 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 Nirav and Kalpana Desai and Patel against the decision of Watford Borough Council.
 - The application Ref 20/01358/FUL, dated 25 November 2020, was refused by notice dated 29 January 2021.
 - The development proposed is demolition of existing dwelling and sheds. Construction of 6 x 2 bed flats, associated car parking, cross over relocation on Sheepcot Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case, and while neither did, I have assessed the appeal in the context of the revised Framework.
3. The appeal submission includes an amended ground floor layout plan. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. However, the amendments in this case concern only the internal layout of the 2 ground floor flats, essentially swapping the position of some rooms. In my view, the alterations put forward would not materially alter the proposal from that considered by the Council and interested parties, and because I am satisfied that it would not prejudice the interest of any party, I have taken the amended plan into consideration.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 213 Sheepcot Lane with particular regard to light and outlook;
 - iii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to privacy and outlook; and
 - iv) the effect of the proposal on trees.

Reasons

Character and Appearance

5. The appeal site includes a detached dwelling at the corner of Sheepcot Lane and Haines Way which the appeal proposes would be replaced by a building containing 6 flats. Other buildings on this side of Sheepcot Lane vary in form and architectural style, but are typically of one or two storey height and positioned on relatively consistent building lines set well back from the street. Gaps between buildings vary in width, but nevertheless afford views from the street to a backdrop of generous rear gardens which in many cases include established vegetation. Despite the presence of some areas of hardstanding, this results in a fairly spacious and verdant character to the area which is reinforced by mature street trees, hedging and soft landscaping to the front of dwellings, and at the appeal site by dense vegetation to the boundaries with Sheepcot Lane and Haines Way.
6. The development would face towards Haines Way. This would contrast with the other buildings around the junction which front Sheepcot Lane. However, I observed other instances of buildings facing in different directions to either side of streets joining Sheepcot Lane, including at Valley Rise and Farmers Close. The relationship would not therefore stand out against the surrounding pattern of development, and I do not share the Council's concerns that the orientation of the building would be discordant.
7. Given the variation in heights of buildings nearby and views from the appeal site of three-storey development at Lincoln Green Court on Haines Way, I am similarly satisfied that the height of the development in itself would not necessarily be incompatible with its surroundings. Even so, the building would be taller than others in the immediate vicinity, an impression that would be strengthened by the provision of three full storeys of accommodation, irrespective of the second floor being partly within the roof. The roof design with a large flat section would further add considerable bulk to the upper part of the building, and in combination with the unusually deep footprint, these factors would result in a building manifestly larger than its more modestly proportioned neighbours. The relatively limited fenestration to the side and rear elevations of the building would further do little to break up its significant depth or add interest, exacerbating the visual impact of its greater scale,
8. In addition, much of the remainder of the plot around the building would provide for parking and access. The extent of hardstanding would be unlikely to be fully appreciable from the street scene. Nevertheless, it seems to me that the access would give an indication of the presence of at least some parking to the rear of the building, and while I note that many nearby properties include hardstanding to their fronts, this would be unusual. Notwithstanding the suggested retention of vegetation to the boundaries and new planting, areas of soft landscaping would also be relatively limited, even more so in comparison to the large scale of the building. In my judgement, the overall coverage of the site by built form and surfacing would be at odds with its surroundings, and I find that there would be a marked reduction in openness on the site.
9. Moreover, while the building line to this part of Sheepcot Lane is not uniform, differences in the positions of adjacent dwellings relative to the street are generally of modest size. The side of the development would be notably closer to Sheepcot Lane than the front of nearby dwellings, with the difference particularly

pronounced when seen against 213 Sheepcot Lane adjacent. No 213 has a garage to its front, but at the time of my visit this was largely obscured to views from the street scene by vegetation, and it is in any case of limited visual impact as a modest single-storey structure. The development would be of much greater height and scale, and though vegetation would provide some screening, there would still be views of it including along the access from Sheepcot Lane, as well as from further to the north west across the frontage of neighbouring buildings. In these views, I consider that the disruption to the more gradual building line would be visually jarring, compounding the prominence of the development in the street scene.

10. I note examples of other developments referred to by the appellant in support of the appeal. However, both Lincoln Green Court and Lyndon Court are much more substantial developments situated on sites that are significantly larger than other dwellings in their vicinity. As a consequence, I do not consider that they are directly comparable to the appeal proposal which entails development of a plot of similar size to neighbouring individual dwellings. Moreover, given the differing context and street scenes around the cited examples, I do not find that they offer significant support for development that would result in harm to the character and appearance of this part of Sheepcot Lane.
11. For these reasons, I find that the proposal would relate poorly to the general pattern of development nearby. Irrespective of the use of sympathetic materials, it would appear as an intrusive and incongruous feature in the street scene, and would detract from the distinctive spacious and verdant qualities of its surroundings.
12. Accordingly, I conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area, contrary to Policies UD1 and SS1 of Watford's Local Plan Part 1 - Core Strategy 2013 (CS) which together broadly seek high standards of design and development that respects and enhances the local character of the area in which it is located. It would also conflict with requirements within the Framework seeking development of high quality design which is sympathetic to local character and which adds to the overall quality of an area, as well as advice within the Residential Design Guide 2016 (RDG) that development should reinforce local characteristics.

Living Conditions – Neighbouring Occupiers

13. The appellant's Daylight, Sunlight and Overshadowing Assessment suggests that the proposal would result in a minor improvement in levels of daylight reaching the windows of 213 Sheepcot Lane. It also indicates that there would be no harmful overshadowing or loss of sunlight, including to the garden of this dwelling, and I have no firm basis to disagree with these conclusions.
14. Be that as it may, the development would be substantially deeper than the existing dwelling, extending to the front of No 213 which is currently set slightly forward, as well as much further beyond its rear than the existing building. It would also be of greater height at both eaves and ridge level, and while I appreciate that the set in from the boundary would be increased in comparison to the existing dwelling, separation would still be fairly small relative to the much larger depth and overall bulk and mass of the building.
15. There is existing vegetation to the boundary with No 213, but cover is more limited to the section alongside the dwelling, and suggested tree planting would

be unlikely to fully screen the building given its scale. In any event, vegetation coverage is likely to vary somewhat throughout the year, and cannot be relied on long-term to provide screening of the development. The building would be the main component of views from windows facing the site to the side of No 213, and in my judgement it would also be a conspicuous presence in views from the closest rear window and its private garden. There would also be some views from the front of No 213, albeit of a lesser depth of the building, and while outlook in this direction may already be affected to some extent by the garage, this does not prevent the appeal development from causing further harm. When seen at such close range in these views, I consider that the scale of the building would result in a dominant and intrusive feature.

16. For these reasons, I conclude on this main issue that the development would be overbearing, and the proposal would cause unacceptable harm to the living conditions of the occupiers of 213 Sheepcot Lane through loss of outlook. Consequently, the development would conflict with Policies SS1 and UD1 of the CS which require, amongst other things, high quality design and that residential amenity is protected. There would also be conflict with advice within the RDG requiring consideration for outlook for neighbouring occupiers.

Living Conditions – Future Occupiers

17. The submitted plans indicate paving around part of the building, including along the front where it would provide a route from the site access and the rear parking area up to the building's entrance. This walkway would pass immediately alongside windows to the 2 ground floor flats, affording any passers-by direct views into the rooms served. The plans considered by the Council indicated that these windows would serve bedrooms and an open plan kitchen/living/dining room to each flat. Under the amended layout submitted with the appeal, 2 of the windows would serve bathrooms, but there would still be 2 windows to each flat which would serve the kitchen/dining/living areas where occupiers are likely to spend a significant proportion of their time. In my view, this relationship would be invasive and would result in a wholly unacceptable lack of privacy for occupiers of the ground floor flats.
18. The appellant has drawn my attention to Lincoln Green Court where there are windows to habitable rooms facing a public footpath. However, landscaping and planting beneath the windows provide for some separation to the path. Views are not therefore in such direct proximity as would be the case on the appeal site where movements may be less numerous but would still include occupiers and visitors to different flats within the building. I have also considered the appellant's suggestion that blinds or curtains could be used. However, these would need to be closed at all times to provide for privacy. In view of the limited separation to the boundary to No 213, I consider that outlook for other windows to the rear of the flats would already be constrained, and any further restriction on outlook, or natural light, would exacerbate the poor quality of the internal environment within the flats.
19. Taking the above factors into account, I conclude on this main issue that standards of privacy for the ground floor flats would be inadequate, and in combination with limited outlook for windows to the rear of these dwellings would unacceptably compromise the living conditions of future occupiers. That occupiers would be aware of this situation is not to my mind a compelling justification to allow development that would result in a poor quality of life. I

therefore find that the proposal would conflict with Policies SS1 and UD1 of the CS which seek to ensure high quality design and that residential amenity is protected. It would also be contrary to the Framework insofar as it requires a high standard of amenity for existing and future users.

Trees

20. The appellant's Arboricultural Implications Assessment (AIA) identifies that 3 trees would be removed to facilitate the development, and that there would be conflict with the Root Protection Areas (RPA) of 2 trees to be retained on land adjacent to the site. However, the AIA notes that special engineering methods are being designed to facilitate the proposals while retaining the trees.
21. The Council's Tree Manager comments that the proposal is likely to impact negatively on the visual amenity of the local area in the short-term, but subject to new planting and suggested conditions to require a detailed landscaping scheme and method statement, has not objected to it. In reaching this view, they note measures identified in the AIA for development within the RPAs, and have not raised concerns that the retention of the indicated trees would be impractical or infeasible. Neither the Tree Manager nor the AIA comment specifically on the proposal for parking at the rear part of the site where land levels rise slightly towards a large Sycamore. Nevertheless, the AIA sets out that ground levels should not be altered within the RPAs, and given the fairly small gradient, I see no reason that this would be unachievable. The Council raises additional concern that the AIA does not consider hedgerows, but the trees on the site are not protected, and there is no firm evidence before me to indicate that removal of existing vegetation would be restricted in the absence of the appeal.
22. The trees which would be removed add to the generally verdant character of the area, but are generally of lower height than the more substantial trees to be retained which limits their contribution to the character and appearance of the area beyond the appeal site. There is also no substantive evidence before me to suggest that trees or hedgerows are of particular ecological value. I appreciate that opportunities for replacement planting would be somewhat limited by the extent of hardstanding, but there would still be some provision for landscaping within the site. In this context and taking into account the absence of any statutory protection, I find that the effect of the proposal on trees, vegetation or biodiversity more generally would not be sufficient to warrant the withholding of planning permission.
23. For these reasons, I conclude that the proposal would not cause unacceptable harm to trees so as to conflict with saved Policies SE36, SE37 or SE39 of the Watford District Plan 2000. These policies together broadly seek consideration for the retention and protection of trees and hedgerows as part of development, and outline a requirement for replacement planting where tree retention is not appropriate. Nor do I find conflict in this regard with the Framework which includes requirements to contribute to and enhance the natural environment.

Planning Balance

24. The appellant comments that housing supply within the borough has fallen well short of requirements, and the Council has not disputed that it is unable to demonstrate a 5 year supply of deliverable housing sites. In accordance with the Framework, the policies which are most important for determining the

proposal are therefore considered to be out-of-date, and the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

25. The proposal would make efficient and effective use of the site to deliver 6 new dwellings within an existing built-up area. The Framework refers to boosting significantly the supply of housing, and highlights that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It also indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes. In light of these objectives, and with regard to the past housing undersupply against requirements and in the absence of clear evidence demonstrating that this is likely to be addressed in the near future, the provision of additional homes for which there is an acknowledged need is a benefit of considerable importance, and I afford it great weight. However, the extent of the benefit and the contribution made to the mix and supply of housing overall would be limited by the modest scale of the proposal.
26. During construction, there would be temporary economic and social benefits including through job creation and additional expenditure. Longer term, there would be support for the local economy and services by future occupiers with related social benefits to the community, and residents would benefit from access to nearby services, facilities and public transport, encouraging travel by means other than private vehicles. There would also be taxes and revenues associated with the development including Council Tax and New Homes Bonus payments to the Council. The proposal's contributions in these regards would be constrained by its relatively small scale though, and I give them modest weight overall. I also note the suggested inclusion of photovoltaic panels and a ground source heating system and that the development would exceed building regulation requirements for sustainable construction. However, no further details have been provided to demonstrate the proposal's environmental credentials in this regard, limiting the weight that I afford to this factor.
27. The site is not within the Green Belt or identified as being at risk of flooding, but given the small scale of the development and the evidence before me it seems unlikely that the proposal would significantly affect any need to identify alternative land for housing within more sensitive designated areas. This matter therefore attracts limited weight in my decision.
28. The development would contribute to the provision of infrastructure in the area through the Council's Community Infrastructure Levy, but this would address impacts arising because of the development and is a neutral factor. Similarly, the lack of objections to the proposal from consultees including for highways, environmental health, refuse and recycling and trees and that the development would meet requirements for provision of amenity space are neutral factors and weigh neither for nor against the proposal.
29. Balanced against the benefits of development, the Framework identifies achieving well-designed places as a key aspect of sustainable development and the proposal would conflict with requirements seeking development that is

sympathetic to local character and a high standard of amenity for existing and future users. I afford these matters significant weight. The proposal would also conflict with Policies SS1 and UD1 of the CS. The appellant asserts that policies of the development plan are out of date given their age and the more recent Framework as well as other Government statements and legislation, but insofar as these seek development that is sympathetic to local character and which protects residential amenity, they are consistent with the expectations of the Framework. I therefore give full weight to the conflict with these policies.

30. In the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. The proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

31. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR