



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: 14 September 2021

Appeal Ref: APP/Y1945/W/21/3272224

Land to the side of 12 Nascot Street , Watford WD17 4RB

- 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 A Aka, Adivo Nascot Street Limited against the decision of Watford Borough Council.
 - The application Ref 20/01260/FUL, dated 12 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is construction of a new-build one bedroom dwelling with mezzanine sleeping area with undercroft access and bin and bike storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The Council's fourth reason for refusal concerned a failure to secure financial contributions towards variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exempt the development from entitlement to parking permits for controlled parking zones in the vicinity of the site. During the course of the appeal, the appellant submitted a signed Unilateral Undertaking (UU) dated 23 August 2021. The UU is made pursuant to Section 106 of the Town and Country Planning Act 1990, and provides for the requested financial contribution, as well as for monitoring of the obligation. The Council has confirmed that it is satisfied with the UU, and I have framed the main issues accordingly.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Nascot Conservation Area;
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings at 12 Nascot Street with particular regard to privacy, outlook and light; and
 - iii) whether or not living conditions for occupiers of the development would be acceptable with particular regard to the provision of internal space.

Reasons

Character and Appearance

5. The appeal site is located within the Nascot Conservation Area (CA). The Nascot Conservation Area Character Appraisal 2015 (CACA) records that the majority of buildings within the CA date from the mid to late nineteenth century resulting in general similarities in terms of materials and features. However, the area developed in phases, and there is variety in the architectural style and detailing present to buildings, as well as in urban form which varies between different parts of the CA. In my view, the significance of the CA derives in large part from the mostly intact Victorian suburban form and character of the area together with the variety of architectural styles which demonstrate the gradual development of this part of the town.
6. The appeal site is part of an area generally characterised by two-storey buildings which are for the most part set close together on regular building lines behind shallow front gardens resulting in fairly enclosed street scenes. The appeal site however is predominantly open, and currently provides for access from Nascot Street through to the side and rear of No 12, as well as to Darvill Yard which runs behind 4-12 Nascot Street. The main parties refer to approvals at both No 12 and Darvill Yard for the formation of dwellings, and at the time of my visit, building works were ongoing on these sites.
7. The appeal proposes a dwelling which would attach to the side of No 12 at first-floor level, maintaining access beneath it to the rear part of the site. The Council suggest that the undercroft form of the development is not found elsewhere in the Nascot CA, but at my visit, I observed an access, albeit gated, set beneath first-floor development between 6 and 8 Nascot Street, as well as an access running beneath part of the building at 24 Langley Road nearby. While it may be unusual, the undercroft would not therefore be an isolated or exceptional example locally. The development would infill the majority of the space to the side of No 12, but this is not identified within the CACA as an important space or gap. Moreover, while it may historically have always been here, both the gap itself and the presence of an access to a rear yard development are fairly unusual features in this part of the CA where the relationship between buildings is typically close. In this context, I do not find that the undercroft approach would necessarily be conspicuous or that the distinctiveness of the CA would be undermined.
8. The building would be taller than No 12, but the difference would be fairly small and it would be of similar height to 14 Nascot Street. The roofline along Nascot Street is varied, with many instances of steps in the roof heights of adjacent properties in the same terrace, and in this context, I am also satisfied that the building would not be jarring or conspicuous on account of its height.
9. However, where rear projections are present to other buildings nearby, they are in many cases shared between properties, and of subordinate appearance through their much lower height and width spanning only part of the host buildings. In contrast, the gable to the rear of the appeal development would extend across nearly the full width of the building. It would additionally be of greater height than other projections nearby with much taller eaves and only a fairly small set down from the main roof. The shallow angle of the roofslopes to the gable, and the limited spacing between the first-floor windows, would also be atypical, and would give further vertical emphasis to the development.

Although not visible from the Nascot Street street scene, the uncharacteristic form and proportions of the gable would be apparent including from Darvill Yard and neighbouring sites, and I find it would comprise a visually jarring and unsympathetic feature that would dominate the host building.

10. To the front of the building, the proposed white through coloured render, sage green timber windows and slate tile roof would reflect No 12 adjacent. However, the proposal additionally includes a red stock brick stringer course, pre-cast lintel to the undercroft and pre-cast cills and lintels to the windows. While found elsewhere in the street scene, these are not features of No 12. Despite the architectural variety within the wider area, I find that the building's combination of materials and detailing would be uncomfortable juxtaposed against No 12 given their very close relationship and otherwise similar appearances, further exacerbating the incongruous nature of the development.
11. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Nascot CA. I do not dispute the appellant's comments that No 12 would remain of greater prominence in the street scene, but having regard to the rear gable feature and mix of external finishes and detailing to the building, I find that the development would nevertheless be discordant. As a consequence, it would detract from the character and appearance of the CA, causing some harm to its significance. The scale of the development and localised nature of the impact means that I find that harm to the CA would be less than substantial in the terms of the Framework which goes on to advise that this harm should be weighed against the public benefits of the proposal.
12. The proposal would make effective use of a previously developed small site in an accessible location, and would provide an additional dwelling to the supply of housing locally. In these regards, it would align with objectives within the Framework seeking efficient use of land and to significantly boost the supply of housing and I give significant weight to this public benefit. Given the small scale of the proposal however, the contributions would be modest. Conversely, I give considerable importance and weight to the less than substantial harm that would be caused to the significance of the CA in accordance with the Framework. Even taken together, I do not find that the public benefits of the proposal would be sufficient to outweigh this harm.
13. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the character and the appearance of the Nascot CA. It would accordingly conflict with Policies SS1, UD1 and UD2 of Watford's Local Plan Part 1 Core Strategy 2013 (CS) which together broadly seek development that respects or enhances local character and require that the historic environment is conserved and where appropriate enhanced. It would also be contrary to guidance within the Residential Design Guide 2016 (RDG) which notes that development should reinforce local characteristics.

Living Conditions – Neighbouring Occupiers

14. The platform at the top of the external staircase providing access to the first-floor entrance of the dwelling would be adjacent to a first-floor window to the rear of the closest part of the neighbour at No 12. The appellant suggests that the closest pane of the window would be obscure-glazed, but it was not in this condition at the time of my visit, and this change may affect living

conditions within the room served which is outside of the appeal site. In any event, the second pane is shown to remain as clear-glazing affording anyone approaching or leaving the dwelling views into the room served at very close range. In my judgement, this would be exceedingly intrusive, and even on the basis of the relatively low levels of pedestrian traffic that I accept may be generated by a one-bedroom property, I find that there would be a wholly unacceptable loss of privacy for occupiers of this neighbouring dwelling.

15. The RDG notes that loss of sunlight and overshadowing can occur where a building is sited to the south east, south or south west of another. Given the position of the development broadly to the south of No 12 and its height, I am concerned that quality of life for occupiers of the closest neighbouring first-floor room could be further diminished through harmful overshadowing and/or loss of light. The appellant indicates that the development would sit outside of a 45 degree line taken from the centre of this window in plan, but the same has not been shown in elevation and I am not satisfied that the information before me adequately demonstrates the relationship would be acceptable.
16. In addition, the development would be to the south of a lightwell adjacent to the rear of No 12 which the main parties indicate is to serve a basement-level bedroom. In view of the position of the lightwell below the adjacent ground level as well as provision of guard railing around it and the overhanging part of the building above, light levels to this room may already be somewhat restricted. However, it seems to me that this would be likely to increase sensitivity to any further reduction in light levels, and that even a small change could have a significant effect on living conditions for the occupiers. In this context, and from the limited evidence before me, I am unable to ascertain whether or not any change effected by the development would be meaningful.
17. Turning to consider outlook, I am satisfied that the relatively limited depth of the development beyond the closest first-floor window to No 12 would not be an overly dominant or enclosing feature. Outlook for first-floor windows to the side of the deeper part of No 12 which face towards the appeal site would also be maintained given their position relative to the proposed building and height above the external staircase. However, the staircase would rise partly across a neighbouring ground-floor window in very close proximity and would be a prominent element of views. Irrespective of the suggested perforated treads, its presence projecting across and above the window at such close range would also cause a sense of enclosure. The appellant comments that this is one of many windows serving the room, and given the form and scale of the stair I consider that the overall impact on the quality of life of occupiers of the dwelling would be modest overall. Nevertheless, there would be some loss of outlook detrimental to their living conditions.
18. For these reasons, I conclude on this main issue that the development would cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings at 12 Nascot Street through loss of privacy and some modest harm to outlook, and it has not been demonstrated that there would not be further harm as a consequence of light loss. As a result, the proposal would conflict with Policies UD1 and SS1 of the CS which require, amongst other things, high quality design and that residential amenity is protected. It would also be contrary to advice within the RDG requiring consideration for light, outlook and privacy for neighbouring occupiers, and the Framework insofar as it seeks a high standard of amenity for existing and future users.

Living Conditions – Future Occupiers

19. The bedroom to the dwelling would be provided within a mezzanine level, requiring provision of a staircase and associated circulation space that would not be necessary if it was on one level. To accommodate this, I therefore agree with the Council that it would be reasonable to expect the internal floor area of the dwelling to exceed the minimum area for a single-storey dwelling. However, the proposal is for a one-bedroom, one-person dwelling, and this is what is shown on the submitted plans. The RDG does not specify a floor area for one-bedroom, one-person dwellings of two-storeys. However, the dwelling's internal area of around 50sqm would be significantly above the 39sqm minimum sought by the RDG for a one-storey, one-person dwelling, and the Council has not provided any persuasive evidence to justify its position that the dwelling should be assessed against the 58sqm minimum area sought for a two-storey, one-bedroom, two-person dwelling.
20. In any event, the standards within the RDG are only guidance, and are an indicator of what is likely to be acceptable. In my view, the shape and layout of the dwelling would provide a usable and functional area for future occupiers, and I am satisfied in this case that the floor area in excess of the minimum for a single-storey dwelling of this type would be sufficient to provide for necessary circulation space while maintaining comfortable living accommodation. I do not therefore find that the dwelling would offer a cramped internal environment.
21. The Council has additionally raised concern over the position of the bin store to the rear part of the site. However, there would be a bathroom and hallway to the rear of the dwelling at first-floor level, with the bedroom at second-floor level raised well above the height of the store. Given the relationship of the store to habitable rooms within the development, its scale and that it is proposed to be a covered structure, I see no reason that this layout would lead to unacceptable harm to occupiers of the dwelling including by reason of noise, odour or loss of outlook.
22. I therefore conclude on this main issue that living conditions for occupiers of the development would be acceptable, and in this regard the proposal would comply with Policies UD1 and SS1 of the CS which amongst other things, seek to ensure high quality design. Similarly, I find no conflict with the Framework insofar as it seeks high quality buildings and a high standard of amenity for existing and future users.

Other Matters

23. The UU is intended to exempt the development from entitlement to parking permits for controlled parking zones in the vicinity of the site. Had I found the proposal to be otherwise acceptable, I would need to consider whether the UU would be effective and meet the tests set out in the Community Infrastructure Levy Regulations 2010. However, given the harm identified above and that I am dismissing the appeal for other reasons, I have not pursued this matter further as it could not be determinative.

Conclusion

24. Notwithstanding my conclusion that living conditions for future occupiers of the development would be acceptable, this does not outweigh the harm that would be caused to the character and the appearance of the Nascot CA and to the

living conditions of neighbouring occupiers. In light of the unacceptable harm that I have identified to the CA, footnote 7 of the Framework also makes it clear that the presumption in favour of sustainable development at paragraph 11d) would not apply in this case.

25. The proposal would be contrary to Policies SS1, UD1 and UD2 of the CS. I find that it 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.
26. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR