



Appeal Decision

Site Visit made on 9 August 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2021

Appeal Ref: APP/Y1945/W/20/3261681

9 - 19 Monmouth Road, Watford, WD17 1QW

- 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 Santok Homes (Monmouth) Limited against the decision of Watford Borough Council.
 - The application Ref 19/01471/FULM, dated 3 October 2019, was refused by notice dated 26 May 2020.
 - The development proposed is the demolition of the existing buildings and erection of a part 3, part 5, part 7 storey building comprising 57 residential units (Use Class C3), landscaping, access and servicing, car parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.

Main Issues

3. The main issues are the effect of the development on (i) protected species, and (ii) the character and appearance of the area.

Reasons

Protected species

4. The appeal scheme would result in the demolition of six existing dwellings within the site in order to accommodate the proposed development. In support of the proposals, the appellant undertook an ecological survey of the existing buildings. This survey did not find any evidence of bats within the interior of the buildings.
5. However, the survey also identifies that a number of the buildings had features that were suitable for crevice dwelling bats, these included lifted lead flashing around chimneys, gaps in the roof along valleys and hips, uneven tiles, minor cracks, and crevices, render peeling away from walls, as well as gaps around rooflights, soffits and areas of missing mortar.

6. As a result of these findings, the recommendations of the survey include that further presence/likely absence surveys are required in respect of five of the existing buildings. While three of the buildings are considered to have low potential for bats to be present, two are considered to have moderate potential.
7. This matter has not been advanced as a reason for refusal by the Council and I note that in the event that the appeal is allowed, the Council recommend a planning condition, which requires the undertaking of the further survey work, together with details of any mitigation that may be required in respect of protected species, be submitted for approval before the buildings are demolished. The views of the main parties have been sought as to the acceptability of such a condition, were I minded to allow the appeal.
8. While I note comments provided by the parties that it is appropriate to deal with this matter by way of condition, I am also mindful of the guidance of Circular 06/2005 - Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system (the Circular). The presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Otherwise, all relevant considerations may not have been addressed in making the decision.
9. In light of the findings of the survey and the recommendations, I consider there to be a reasonable likelihood of protected species being present. Accordingly, detailed surveys establishing this, or otherwise, should be completed, and any necessary mitigation secured, before any permission is granted. The Circular further advises that the need to ensure that ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I am not convinced that any such circumstances exist in this case.
10. I acknowledge that it has been suggested that to deal with the matter by condition is a pragmatic and reasonable approach. However, in light of the contents of the Circular I cannot agree with this approach.
11. Therefore, I have insufficient information to be able to be satisfied that the development would not have a harmful effect on protected species. Thus, I am unable to find that the proposal would accord with policy SE31 of the Watford District Plan (2000), insofar as it seeks to ensure that development does not have an adverse impact on protected species.

Character and appearance

12. The appeal site currently accommodates six dwellings, a mix of semi-detached and detached units. The dwellings are two-storey in height which is reflective of the remainder of the dwellings in the street as well as those located along the nearby Albert Road. The street along which the appeal site is located is a no-through road, truncated by the presence of a dual lane highway, Beechen Grove, to the south.
13. To the east of the appeal site, there are notably larger buildings present which provide a backdrop to views of the dwellings, albeit that this is somewhat

softened by the presence of large trees to the rear of the site. The transition between Monmouth Road and Beechen Grove is also softened by the presence of large trees, as well as other vegetation. As a result, the immediate vicinity of the site has a suburban character, but one that is influenced by large buildings and road infrastructure located nearby.

14. The site is located within Character Area 7H, which is defined within the Watford Character Area Study – Supplementary Planning Document (2011). This identifies areas within Character Type 7 comprising of pre-dominantly two storey heights, with narrow and deep plot sizes. There is also a typical use of yellow stock or red brick. Specifically, Area 7H is identified as a residential character area, which is bordered by larger scale development, that retains its Victorian character, due to amongst other things the scale of buildings being fairly consistent.
15. The Character Area within which the site is located is also directly bordered by two further areas, 30B and 36C. Area 30B is located directly to the rear of the site and is a mixed-use character area, that is dominated by buildings that are relatively large and modern. Area 36C lies to the south, which is separated from the site by Beechen Grove, and is also a mixed-use character area. The construction of the ring road necessitated the demolition of the part of Monmouth Road that once sat within this area.
16. The appeal site lies along Monmouth Road, which due to its alignment and layout, results in a large part of the site not being generally visible from the nearby Albert Road. Due to this, the site shares little affinity with the remainder of the Character Area. The buildings along Monmouth Road positioned close to Albert Road are more readily appreciated. That the site is located at the end of a no-through road with no pedestrian link through also reinforces the degree of disconnection with the surrounding area.
17. The appeal scheme proposes the erection of a new building within the site, that would rise to a height of 7 storeys at its highest extent. The massing of the building would be broken down into three distinct elements. To the north of the site would be two pitched roof blocks comprising one element, rising to three-storeys in height. Adjacent would be a five-storey block with the seven-storey element located to the southern extremity of the site, each of which would have a flat roof.
18. The three-storey element of the building would be visible in views to observers when passing the entrance to Monmouth Road and thus would share the closest relationship with the remainder of the Character Area. While this element would be a storey taller than the surrounding development, it would not appear out of proportion with the immediately surrounding built form.
19. The seven-storey element would be positioned such that it would be at the innermost extremity of Monmouth Road where there would be a reasonable degree of separation between it and the existing dwellings. The differentiation between the proposed and existing heights would be strengthened by the steps in the height of the building, which would successfully mediate the height of the proposed between that of the surrounding dwellings as well as that of the larger buildings nearby.
20. It is likely that there would be views of the taller elements above the existing buildings in Monmouth Road. However, they would be clearly distinct from the

existing buildings and would not appear overly dominant. The taller elements would be viewed as larger structures behind more modest development; a situation that is not uncommon in the surrounding area.

21. The elevations of the proposed building include appropriate articulation, in that they are broken down into differing elements, which through the use of materials and detailing, breaks down its massing and allows the elements to be appreciated individually. In this respect, the form of the building would be reminiscent of the urban grain found in the wider area. I acknowledge that the seven-storey part of the building would be viewed as a larger element, however, given its location at the end of Monmouth Road, it can be viewed as a feature distinct from the nearby two-storey units, including those in the wider area, and thus its presence would not be a discordant addition at this location. This is particularly so given the position at the very edge of the Character Area. Moreover, there would be little effect on the Victorian character of the remainder of the Character Area.
22. I accept that the varying heights of the proposed building would be above those seen in the Character Area within which the site lies. However, as is identified above, there are character areas adjacent which contain larger and more modern buildings. Given the position of the site at the end of a truncated road, which is somewhat distinct from the remainder of the two-storey development in the wider area, the increase in height at this location would be acceptable. That in the wider area I observed larger buildings positioned near to two-storey buildings reinforces my view that structures of a taller height can be assimilated into the area.
23. The larger elevation and massing of the building would be particularly visible from the adjacent ring road (Beechen Grove). However, this would be softened by the presence of substantial trees along the highway verge, as well as its setback from this road. Furthermore, from this vantage point the development would be viewed within the context of what is a key thoroughfare into Watford that is lined by larger buildings.
24. I note that the Council contend that there is no reason why the appeal site should act as a transitional area between the Character Areas. However, given my findings above, there is nothing before me that persuades me that it is incapable of performing as such. There is a level of distinction between the site and the remainder of the Character Area within which it lies, and there is a relationship in terms of proximity to the larger buildings within the nearby Character Areas.
25. In respect of the building line, I note that the front elevation is stepped, with the larger seven-storey element being positioned closest to the road. In light of the layout of the development and the separation from nearby buildings, this would be an appropriate element of the scheme.
26. I have had regard to the Character Area Study – Supplementary Planning Document, insofar as it seeks to describe the characteristics of the various areas. Nonetheless, as the Council highlights within its statement of case, the study does not set policy or guidance on how new development should respond to the specific character area within which it would sit. As I set out above, I find that the appeal proposal is an appropriate design response at this location, having regard to its context.

27. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area. Thus, it would accord with policy UD1 of Watford's Local Plan – Core Strategy (2013), insofar as it seeks to ensure that development respects local character. The scheme would also accord with the design aims of the Framework.

Planning Balance

28. Whilst I have found above that the proposal would not be harmful to the character and appearance of the area, there is insufficient information to conclude that there would not be a harmful effect on protected species. Given the level of protection afforded to protected species, I consider this to be a high level of harm and attribute significant weight to it.
29. There would be a range of social and economic benefits resulting from the proposal. These include the provision of jobs during the construction of the development, wider economic benefits through household expenditure and a small contribution towards the provision of affordable housing, together with a contribution to housing in general. These attract moderate weight.
30. Overall, I consider that the package of benefits that would result from the development should be given moderate weight in the planning balance. However, as I have identified above, I accord significant weight to the harm that would result. Accordingly, in my judgement the negative factors resulting from the proposals are sufficient to significantly and demonstrably outweigh the positive ones. Thus, the planning balance does not indicate that a decision should be taken other than in accordance with the development plan.

Other Matters

31. I note that a completed Unilateral Undertaking has been provided by the appellant, securing contributions towards the variation of a Controlled Parking Zone Order, the administration of the undertaking and monitoring of a Travel Plan. In addition, it secures the three units of affordable housing. While this is noted, given that I am dismissing the appeal I have no need to address this matter further.
32. Concerns have been raised by interested parties in respect of additional matters including, but not limited to, the effect of the proposal on living conditions of nearby occupiers, highway safety and parking, loss of family homes, low provision of affordable housing, lack of communal space, effect on trees and the setting of a precedent. I note that the Council raise no objection to the development on any grounds other than those stated in the reason for refusal. Nonetheless, as I am dismissing the appeal for reasons following from the main issues above, it is not necessary that I address these additional concerns.
33. It has been contended that the dwellings that are proposed to be demolished comprise non-designated heritage assets. However, the Council has not indicated that it considers them to be such. Furthermore, there is no evidence that convinces me that they should warrant such a classification. As such, this matter has little bearing on my decision.

Conclusion

34. I have found that there would be no harm to the character and appearance of the area. However, I am unable to find that there would be no harm to protected species; this matter is decisive.

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

Martin Allen

INSPECTOR