

Appeal Decision

Site visit made on 8 February 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/Y1945/D/21/3288355

39 Capel Road, Watford, WD19 4FE

- 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 Ian Davis against the decision of Watford Borough Council.
 - The application Ref 21/01109/FULH, dated 21 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is to repaint front exterior wall and half of rear exterior wall.
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Application for Costs

1. An application for costs was made by Mr Ian Davis against Watford Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for repaint of front exterior wall and half of rear exterior wall at 39 Capel Road, Watford, WD19 4FE in accordance with the terms of the application, Ref 21/01109/FULH, dated 21 July 2021, and the plans and photos submitted with it.

Main Issue

3. There is one main issue which is the effect of the proposed repainting in Spanish Serenade 3 on the character and appearance of the host dwelling and the surrounding area, including the Oxhey Conservation Area.

Reasons

4. The appeal dwelling is a modest, traditional, detached, two storey house situated within the Oxhey Conservation Area (CA) which is a designated heritage asset. It and its neighbours are subject to an Article 4 Direction made in 2012 which withdraws, amongst other permitted development rights, the right to re-paint an existing external wall in a new paint colour.
 5. The front and one side elevation of the dwelling are rendered and painted, as is part of the rear. Until August 2020 the paint was of a pale yellow colour. At this time, the appellant re-painted the dwelling in Spanish Serenade 3, a pale lilac. This appeal is against the Council's refusal to grant retrospective permission for the new paint colour.
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6. Capel Street is mainly residential with a small number of commercial uses. Dwellings are predominantly small, traditional, 19th century properties although some are more recent. The Oxhey Conservation Area Character Appraisal (OCACA), adopted in 2014, notes that the CA is characterised by strong small-scale streetscapes with spaces at the junctions of roads. Architectural character is varied with terraced houses interspersed with detached and semi-detached villas, as well as public houses and shops. The CA appraisal does not appear to refer to any particular paint colours as being characteristic of the area.
7. Capel Road and its junction with Villiers Road exhibit a number of buildings constructed in the locally characteristic yellow London stock brick but these do not noticeably dominate with other properties of red brick, painted render and unpainted pebble dash appearing in the mix. Overall, the street is characterised by a variety of finishes. Whilst most of the painted rendered properties are off-white or cream I saw within the same view as the appeal dwelling examples of grey, strong yellow and, on the nearby pub which is noted in the OCACA as being a landmark feature, dull green. The area is thus characterised by a varied palette of colours and finishes.
8. The appeal dwelling sits forward of its immediate neighbours behind a small front garden, making it prominent in the street scene. It is an attractive house which, despite UPVC replacement windows, retains much of its original character such that it makes a positive contribution to the character and appearance of the street scene and the CA.
9. The Spanish Serenade 3 paint colour does not detract from that positive contribution. Although different from other colours nearby it is a pale and neutral lilac/grey tone which is sympathetic to and harmonises with the palette of other colours and finishes in the immediate area. Moreover, the contrast with the white painted detailing around the front door and windows subtly emphasises these original elements.
10. The Council suggests that the colour would be inappropriate to the period of the building but the appellant's evidence points to a number of examples of historic dwellings, including smaller dwellings comparable with the appeal property, in urban locations being sympathetically painted in a wide variety of colours. Whilst in some locations where there is existing uniformity of palette it may be necessary to prescribe a colour range in order to preserve that character and appearance, such uniformity is not present in this case. Moreover, the Council does not seek to impose any particular range of shades through either the OCACA, the Conservation Areas Management Plan (CAMP), 2013, or the Article 4 Direction.
11. It is therefore concluded on the main issue that the proposed paint colour, Spanish Serenade 3, would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area and the character and appearance of the Oxhey CA, including its significance as a heritage asset, would be preserved. In consequence, it would comply with Policies UD1 and UD2 of the adopted Watford Local Plan (Core Strategy) 2006-31, saved Policy U18 of the Watford District Plan 2000, the National Planning Policy Framework, 2021, or the Council's supplementary planning documents. Taken together, these expect new development to deliver high quality design which respects and enhances the local character of the area and responds to

features of historic value such that, amongst other things, the character and appearance of conservation areas is conserved and, where appropriate, enhanced.

12. I agree with the Council that as the development has been carried out a commencement condition is not necessary. For the same reason I do not find it necessary to require the development to be carried out in accordance with the approved plans or for any other condition to be imposed.
13. For the reasons set out above and having regard to all other matters raised, including third party representations supporting the development, I conclude that the appeal should be allowed.

KE Down
INSPECTOR