



Appeal Decision

Site visit made on 1 April 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH April 2022

Appeal Ref: APP/Y1945/W/21/3283009

111 North Western Avenue, Watford WD25 0AQ

- 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 P and K Dhanani against the decision of Watford Borough Council.
 - The application Ref 21/00064/FUL, dated 15 January 2021, was refused by notice dated 16 March 2021.
 - The development proposed is demolition of existing detached building comprising 1x1 bedroom flat and 1x2 bedroom flat and construction of 2.5 storey building with lower ground floor comprising 3x2 bedroom flats and 1x1 bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is a detached property that is described in the appeal documents as No 111, it is in fact two flats numbered 111 and 111A North Western Avenue. For consistency I shall refer to it as No 111.

Main Issues

3. I consider that the main issues are the effect of the proposed flats on: -
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, No 113 and 113A North Western Avenue;
 - the living conditions of the future occupiers of two of the proposed flats; and
 - traffic and parking congestion.

Reasons

Character & Appearance

4. North Western Avenue (A41) is a busy main road and the appeal site is accessed via a spur off the main road. This section of road provides access for the appeal site and a small number of houses together with an access track running along the rear of a number of premises on North Western Avenue.

5. No 111 is a detached property located on an angle towards the rear of its plot. The land rises in levels from the road and so the house is in an elevated position but its prominence is lessened by its set back from the road. It is however poorly located within its plot being very close to the boundary with neighbouring properties, 109 and 113A. It has a small triangular area of amenity space to the rear with most of its amenity space located at the front of the property.
6. The proposal would involve demolishing the existing property and constructing a new building. The new building would be re-orientated so that it would be in line with No 109. It would also utilise the land levels and create a lower ground level enabling residential accommodation to be provided on four floors including the roof space.
7. Core Strategy¹ Policy SS 1 sets out the Council's spatial strategy for development across the Borough and amongst other things, establishes that the Council expect a high standard of sustainability and design and a positively integrated approach to development. Policy UD 1 requires all new development to adhere to a set of design principles which, amongst other things, requires new development to respect and enhance local character. The National Planning Framework² also seeks to achieve sustainable well designed development. Further guidance for residential development is also provided in the Council's Residential Design Guide³.
8. The position of the existing house does not especially follow the pattern of development in this area as generally the pattern is a linear one along North Western Avenue. There is only 109 and 111 on the western side of the spur off the main road and these are not aligned or follow any specific pattern. Similarly, those on the eastern side of the spur are parallel to the road the only difference being the angle of a pair of houses, Nos 103/103A on the eastern side of the spur closest to the main road. Houses angled on the corners of the northern side of North Western Avenue are too far away to create a specific visual characteristic given the busy carriageway separating them from the appeal site. Furthermore, as referred to above, the existing house is poorly located within its plot and so I do not consider the principle of re-positioning a building unacceptable.
9. Whilst the existing building is elevated, and angled to face the road, it is not unduly prominent mainly due to it being set so far back in its plot. The proposed building would be larger than the one it would replace and whilst it would still be domestic in scale, proportion and design, its proximity to what is a narrow road, would make it appear especially prominent. Also, for a property accommodating four dwellings, it would appear out of proportion to its plot. This is due mainly due to the lower ground level/basement accommodation and the need for lightwells and the limited parking and amenity space. These matters are addressed more fully below.
10. On this issue, I find that the general design of the building would be acceptable and I can find no harm in re-orientating the building. However, in this short stretch of road the proposal would be prominent and due to the limited parking

¹ Watford Borough Council Watford's Local Plan Part 1 – Core Strategy 2006 – 31, Adopted 30 January 2013.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

³ Watford Borough Council Residential Design Guide, Adopted – July 2014, Amended – August 2016.

and amenity space, it would appear out of character with the surrounding area and therefore conflict with policies SS 1 and UD 1, the Design Guide and the Framework.

Living Conditions – Nos 113/113A North Western Avenue

11. From my observations on site, it is clear that there is clear overlooking of Nos 113 and 113A from the appeal site; No 113A is closest to the appeal site but No 113 is attached to it. This is due to the unusual proximity between the properties. The angle of Nos 113/113A and 111/111A is such that rear windows are very close and the private amenity area and windows of the neighbouring properties which are directly overlooked at close quarters. The existing arrangement of these properties would not comply with the advice set out in the Council's Residential Design Guide.
12. Re-orientating the property would improve the relationship between Nos 111/111a and 113/113A and although some overlooking would still occur, it would not be at such close proximity or as intimidating as the existing arrangement. On this basis I can find no harm arising from the proposal in this respect.
13. Residents living in the properties opposite, in particular 105/105A would be affected to some degree given that the proposed building would be closer to these properties than the existing building. However, given the distance across the road, albeit a narrow one, any loss of privacy would not be such as to warrant resisting the proposal on this matter.

Living Conditions – Proposed Flats

14. The proposal would create 4 flats two of which would benefit from a modest area of designated private outdoor amenity space. The two upper floor flats would share an area of amenity space to the side of the building. This would be located between the proposed parking area and bin and bicycle store and the northern boundary of the site where it adjoins a grouping of trees. The Design Guide sets out the Council's standards for amenity space. The space for two of the flats would meet the standard required but for communal space, the Guide explains that the space required must be acceptable in terms of its location, size and shape.
15. The communal space for the two of the upper floor flats; units 3 and 4, would be limited in that it would be to the north of the building and separated from the building itself by the bin and bicycle store and the parking area. I appreciate that upper floor flats do not always have access to private amenity space and there is access to open space in the area that would be accessible for future occupiers. However, the provision would be minimal and contributes to my concerns about the suitability of the appeal site for four separate dwellings.
16. Whilst I do not consider that this alone would warrant resisting this development, it would not be consistent with the objectives of Policy UD 1 or the Design Guide.

Traffic / Parking

17. There is limited parking space available to existing residents in this area. There is space cut into the bank in front of No 111 which provides space for two cars. The road is narrow and from my site visit it seems that residents park mostly at the southern end of the road or off the track that runs behind houses. In any case I could see on my site visit that congestion could cause problems for residents generally in this area.
18. Watford District Plan⁴ policies T22 and T24 relate to parking provision. T22 indicates that all development will be expected to comply with the standards set out in Appendix 2. A copy of Appendix 2 has not been submitted. The Council also refer to a plan where the appeal site is located in 'Zone 4' which it describes as being the least accessible zone. However, a copy of this is also not included in the appeal documents. Policy T24 indicates that planning permission will only be granted for residential use where the full parking needs generated can be met on site and not on the public highway. It also states that significantly lower levels may be acceptable in certain circumstances.
19. The proposal would introduce a further two units of accommodation giving a total of four units for this site and two designated spaces would be provided along with a bicycle store. Notwithstanding that the Council describe the site as being in the least accessible of its identified zones, I consider that the site is in a reasonably sustainable location with access to transport links and a substantial retail area further along North Western Avenue to the west of the appeal site.
20. However, whilst, there is justification for requiring minimal parking space, this particular road is unusual in that it is a narrow spur off a busy main road and due to its narrow width parking for residents and their visitors is difficult. Whilst this is unlikely to have a harmful effect on highway safety in terms of affecting moving traffic on the main road, it would add to the existing congestion and limited provision. Given that I observed this as a problem at the time of my site visit, adding two more dwellings is only likely to exacerbate the problem.
21. Given that only two car parking spaces would be provided for four flats, the proposal is likely to add to congestion in this road. This adds to my concern about the scale of development on this site. In this respect it would therefore conflict with Policy T24.

Other Matters

22. The Council has a shortage of land for housing and the Housing Delivery Test⁵ identifies the shortfall in Watford to be as such that the presumption should be in favour of development. Whilst the proposal would be modest and add just two new dwellings, the Framework notes that even small or medium sized developments can make a contribution to the supply of new housing. This weighs in favour of the scheme.

⁴ Watford District Plan 2000 (Adopted December 2003) – Written Statement.

⁵ Housing Delivery Test: 2021 measurement.

Conclusion

23. Whilst the reasons for refusal and my assessment of this appeal addresses separate issues, these are interrelated. My main concern is the scale of the development on this plot. I have found that re-orientating the building would enable better use to be made of the site and the existing position of the building and its relationship to Nos 113 and 113A is particularly poor. This relationship would be improved by re-positioning the building.
24. The new units, especially flats 3 and 4 on the upper levels would have minimal access to private amenity space but there is access to other areas of open space in the area. I have also found that whilst the parking provision would be limited, the site is accessible to shops and other services but there is clearly already a shortage of parking provision which is exacerbated by the narrowness of the road. An additional two units would have the potential to add to the existing congestion in this short road.
25. In balancing the potential impacts of the proposal, I consider that the proposed four units would represent overdevelopment of the site highlighted by the ratio of building to outdoor amenity and parking space. The general design of the building would not appear out of place but four levels of accommodation including a lower ground/basement and the introduction of light wells would add to its appearance as being over dominant and prominent in this area.
26. I have taken into account the shortfall in housing provision in the Borough and this adds weight in favour of the development although that weight is moderated by the relatively small number of new residential units. However, the balance against the development outlined above weighs more heavily against the proposal. I have taken all other matters raised into consideration but none alter my conclusion.
27. I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties, No 113 and 113A North Western Avenue but it would have a harmful effect on the character and appearance of the area, the living conditions of the future occupiers of two of the proposed flats and on traffic and parking congestion. The proposed four flats would conflict with the policies referred to above and therefore the appeal fails.

J D Clark

INSPECTOR