



Appeal Decision

Site visit made on 20 June 2022

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH July 2022

Appeal Ref: APP/Y1945/W/21/3287662

24 Victoria Road, WATFORD WD24 5AZ

- 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 Alex Omirou against the decision of Watford Borough Council.
 - The application Ref 21/00867/FUL, dated 8 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is 'change of use of a 3 bedroom dwelling house to 1 x one person studio flat and 1 x one bedroom, two person flat.'
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development description stated on the application form included additional text indicating that the applicant would be amenable to make a legal undertaking in respect of parking matters. As this does not form part of the development description, I have not included it and I have used the same wording as contained in the decision notice. However, I have noted that the property owner has made a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 which would have the effect of limiting the converted property to the issue of 1 parking permit within the Controlled Parking Zone (CPZ). I have taken this into account in my assessment.
3. There are errors on the existing plans and existing elevations drawings¹ which shows 2 ground floor side facing windows. These do not currently exist and form part of the proposal².

Main issues

4. The main issues are:
 - Whether the proposed conversion would achieve suitable living conditions for future occupants with regard to internal light levels, outlook, privacy and outdoor amenity space.
 - The effect of the proposal on the living conditions of neighbouring properties.

¹ Drawing No. 16/021_S1 and Drawing No. 16/021_S2

² As detailed on Drawing No 16/021_P1

Reasons

The appeal property and planning history

5. The appeal property is a traditional mid-terrace dwelling house on the south side of Victoria Road which is located about a mile to the north of Watford town centre. It is constructed in brickwork with a tiled pitched roof which contains a rooflight at the front and dormer additions at the rear. The property has been extended at the back and there is a modest rear garden.
6. Internally, the accommodation is provided over 3 levels, with a reception room, shower room and open plan kitchen/dining room on the ground floor, 2 bedrooms at the first-floor level, and a third bedroom and bathroom within the roof space and dormer extensions.
7. I understand that Watford Borough Council (the Council) refused a similar application³ in March 2021, but the current proposal included a daylight/sunlight report and a unilateral undertaking with regard to parking. Whilst the Council was satisfied with parking matters, it maintained its objections to the proposal on matters relating to living conditions and its view that it would not make effective use of the property.
8. There is no dispute between the main parties that the conversion of the property would not conflict with the criteria of saved policy H13 of the Watford District Plan 2000 (adopted 2003) which requires that proposals do not result in more than 10% of a street frontage comprising conversions.

Living conditions – future occupants

9. The appeal proposal would create a 1 bedroom 1-person studio flat on the ground floor and a 1 bedroom 2-person unit on the first floor and roof levels. In terms of floorspace, both units would exceed the minimum sizes specified in the Council's Residential Design Guide (RDG). The RDG was adopted in 2014 (and amended in 2016) as supplementary planning guidance, and therefore carries weight in decision making. The appellant's sunlight and daylight report confirms that the habitable rooms would achieve acceptable levels of natural light. The outlook from the main habitable areas of both units would be reasonable, being to the street at the front and to the garden area at the rear.
10. It is proposed to subdivide the modest rear garden to provide separate amenity areas for the 2 units of accommodation. The ground floor studio flat would have a small area enclosed by fencing which would be accessed directly from the existing bifold doors which would serve its main living area. The other unit would have the rear part of the existing garden which would be accessed by a staircase from the first floor leading down to a pathway which would run alongside the eastern garden boundary, which is formed of a timber fence supported by concrete posts. The appellant states that the amenity areas would be 19.2 square metres for the studio flat and 42.4 square metres for the other unit, although that latter figure appears to include the path from the stairwell door to the rear part of the garden.
11. The RDG expects 1 or 2 bedroom properties to have a minimum of 50 square metres of private outdoor amenity space. Clearly, both proposed amenity spaces would fall short of this, but I am mindful that the conversion provides

³ Watford Borough Council planning application reference 21/00129/FUL

- no scope for the existing garden to be extended, and that the existing private amenity space is below the RDG figure for the existing 3-bedroom house. I am also mindful of the fact that it is not uncommon for flatted accommodation to have no outdoor amenity space.
12. However, in this case the proposed arrangements for outdoor space would be contrived and unsatisfactory. Whilst the space for the studio flat would provide some facility for the occupant in terms of sitting out, it would be very small and heavily enclosed by fencing. The space for the upper flat, whilst larger, would be separated from it by some distance and I am not convinced that it would function as a useful amenity space for the occupants. Access to the space via the pathway would also involve occupants passing directly outside the proposed side windows serving the studio flat's main living space, creating uncomfortable privacy issues.
13. I have noted the appellant's submissions concerning a mid-terrace flat conversion scheme approved by the Council at 121 St James Road⁴ which also involved subdividing the rear garden of a mid-terrace property, and a longer walk to the rearmost garden area. Whilst there are some similarities, there are also differences, including that the garden spaces would be accessed from an established communal access area, and the arrangement would seemingly not involve the privacy issues that I have identified with the appeal proposal. In any event, each case is different and must be determined on its individual merits.
14. I have also taken into account the appeal decision at 123 Whippendell Road⁵ relating to the conversion of a terraced house to 2 self-contained residential apartments. Based on the evidence before me, that did not involve sub-division of the garden, which was to be assigned to one of the apartments only. It is therefore not directly comparable to the appeal proposal.
15. On this main issue, I conclude that whilst the conversion would achieve acceptable standards of internal accommodation, the proposed external amenity area proposals are poor and unsatisfactory and would fail to achieve the required standard of amenity for future occupants. This would conflict with the requirements of the RDG, paragraph 130 of the National Planning Policy Framework (the Framework), and policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 (adopted 2013) (the CS), which, collectively, require high quality design which achieves a high standard of amenity for future users.

Living conditions – neighbours

16. The Council's reason for refusal makes reference to incompatible room uses adjacent to neighbouring dwellings. I have also noted representations from neighbours concerning the proposed first floor dining/living area being adjacent to bedrooms in the houses either side (Nos 22 and 26) and to Section 9 of the RDG, which encourages internal layouts that minimise noise disturbance. I have also noted submissions concerning loss of privacy.
17. However, no evidence has been presented to convince me that there would be a noise issue and I am mindful that many of the activities undertaken in a living area, such as watching television, listening to a radio and reading, are

⁴ Watford Borough Council planning application reference 19/00154

⁵ APP/Y1945/W/20/3255357

often undertaken in a bedroom. Moreover, the appellant has pointed out that the occupancy of the converted property (3 people maximum) is lower than the existing property (5 persons) and that he would be willing to install any required noise mitigation measures.

18. In terms of privacy matters, whilst the proposal would change some of the room functions within the building, there would be no new windows at the first floor and roof levels. I am satisfied that there would be no undue impacts arising in terms of the privacy of occupiers of neighbouring properties.
19. Given the lack of evidence of potential harm and the scope to require details of noise mitigation measures by a planning condition, I find no conflict with the RDG, paragraph 130 of the Framework, and policies SS1 and UD1 of the CS, which, collectively, require developments to achieve a high standard of amenity for existing neighbouring users.

Other matters

20. I have noted that the legal undertaking relating to parking permits within the CPZ would address any concerns in that regard. However, this is a matter of neutral weight.
21. I have also considered the Council's reference to the efficiency of use of the property and to character considerations. However, I am not aware of any statutory development plan policy that would preclude the principle of converting a dwelling to flatted accommodation. I have noted the provisions of the Draft Watford Local Plan policy HO3.9G, which seeks to protect family housing from loss through conversion, but this is not cited by the Council in its refusal reason and its draft status limits its weight at the current time. With regard to character, other than the contrived garden fencing arrangements, which would be largely out of public view, the appearance of the property would remain much the same and I consider that the residential character of the area, as defined in the Watford Character of Area Study (2011), would be maintained.
22. I have taken into account the appellant's submissions concerning housing delivery and housing land supply, but these matters do not outweigh the harm I have assessed would arise from the appeal proposal.

Conclusion

23. I am satisfied that the proposal would achieve acceptable internal living conditions for future occupants and that the living conditions of occupants of neighbouring properties could be safeguarded. However, the external amenity area proposals are poor and unsatisfactory and would fail to achieve the required standard of amenity for future occupants. For this reason, the appeal is dismissed.

P. Staddon

INSPECTOR