
Appeal Decision

Site visit made on 27 July 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/Y1945/W/21/3285384

1 Lammas Road, Watford WD18 0BA

- 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 Patel (Your Urban Space Ltd) against the decision of Watford Borough Council.
 - The application Ref 21/01183/FUL, dated 2 August 2021, was refused by notice dated 27 September 2021.
 - The development proposed is a new-build two storey, one bedroom two person dwelling house with amenity, cycle store, bin store and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted, as part of the appeal process, revised plans. These, broadly, include an amendment to the development's doors. Given the nature of these changes, I do not consider it would cause prejudice to any party to determine the appeal with regards to these plans. I have therefore proceeded accordingly.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the development on the character and appearance of the surrounding area;
 - whether appropriate living conditions would be provided for the future occupiers, with particular reference to garden size;
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to light outlook and privacy; and
 - the effect of the development on highway safety.

Reasons

Character and appearance

4. The appeal site is located within the urban area. The surrounding area contains several dwellings that are arranged in a linear pattern. These are constructed to regular proportions and typically feature pitched roofs with gable ends.

5. In contrast, the proposed dwelling would be constructed to a notably different shape. In particular, the side elevation would be orientated so that it follows the boundary of the site. In result, the proposal would conflict with the prevailing character of broadly linear a regular proportioned buildings in the surrounding area.
6. Furthermore, the proposed dwelling would feature a different shaped roof when compared to other houses nearby. This means that the proposed development would not recognise the prevailing character of the surrounding area.
7. In addition, the building would have a different height to the existing dwelling. Whilst there are some dwellings of differing heights nearby, the presence of a relatively short terrace with such variations would be particularly unusual and would therefore result in an incongruous form of development.
8. Owing to the design of the proposed dwelling, the proposal would include alterations to the existing house and the front door would become recessed even allowing for the amendment on the revised plans. This would conflict with the prevailing character given that a noticeable feature of the surrounding area is the presence of front doors that are directly accessed from the street. Therefore, the proposed development would be incongruous.
9. The recessed front door might be to provide shelter during periods of inclement weather. However, whilst this might of some benefit to the future occupiers of the development, it would result in an erosion of the area's character, which should be attributed some weight.
10. It has been suggested that if I were minded to allow this appeal, I could impose a condition requiring a differing position of the front door. However, this might require internal alterations not shown on the submitted plans. Therefore, such a condition would not be reasonable.
11. The incongruous form of development would be readily perceptible from the surrounding area and would also be viewable from several of the neighbouring dwellings, including their gardens. This means that the proposed form of development would be prominent and would therefore be a strident addition to the local area.
12. The development has been revised so that the front door of the proposed development is located within the front elevation. Whilst this is a matter of note, it does not overcome the previously described adverse effects.
13. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies SS1 and UD1 of the Watford Local Plan Core Strategy (2013) (the Core Strategy) and the Watford Residential Design Guide (2016) (the Design Guide). Amongst other matters, these seek to ensure that developments are of a high standard of design; and respect and enhance the local character of the area.

Living conditions of the future occupiers

14. The proposed development would feature a relatively small private garden located to the rear of the appeal site. This would be accessed from the dwelling and would be surrounded by various boundary treatments.

15. In result, occupiers of the proposed development would have insufficient space in order to undertake various recreation activities in a private setting. Furthermore, the limited garden space would reduce the potential for occupiers of the development to undertake routine household tasks such as the drying of washing. The space would be further diminished by the presence of bicycle storage.
16. In consequence, the lack of appropriate garden space would prevent the occupiers of the proposed development from having suitable living conditions. I have also had regard to the fact that the proposed development could accommodate multiple people given that there is a possibility that the dwelling could be occupied by a couple.
17. My attention has been drawn to various areas of public open space within the surrounding area. Whilst some of these could be utilised for recreation, they lack the convenience that a garden would have. Furthermore, any such recreation would be carried out in a public setting and therefore would not have this same level of privacy that would be expected within a garden.
18. Moreover, the presence of public open space could not be used for the undertaking of the previously described household tasks, such as the drying of washing. In result, for the foregoing reasons, the presence of public open space in the vicinity of the appeal site does not allow me to disregard my previous concerns.
19. In addition, the proposed development would result in a reduction in the level of garden space available for occupiers of the existing dwelling. This would also result in a diminished ability for the future occupiers of the existing dwelling to experience appropriate levels of recreation space.
20. I note that some properties in the surrounding area feature smaller gardens and, in some cases, are of irregular proportions. Whilst this is a matter of note, these still allow for outdoors recreation to take place. In result, this is a contrast with the appeal proposal. In consequence, there occurrence does not allow me to disregard the preceding points.
21. I therefore conclude that the proposed development would not provide appropriate living conditions of the future occupiers for the existing dwelling and the proposed development. The development, in this regard, would conflict with the requirements of Policies SS1 and UD1 of the Core Strategy and the Design Guide. Amongst other matters, these seek to ensure that new development should secure an appropriate level of open space; and be of a high standard of design.

Living conditions of existing occupiers

22. The appeal site is located next to a series of other dwellings. These are arranged in a broadly linear form. This means that the properties in York Road are located close to the boundary of the appeal site. Several windows of existing dwellings face the appeal site.
23. By reason of the proximity of the proposed development to the neighbouring dwellings windows and their gardens, the proposed development would have a significant enclosing effect. Furthermore, this adverse effect would be exacerbated by the height of the proposed development which would result in a lack of outlook for the occupiers of neighbouring dwellings.

24. In reaching this view I understand that some of the windows of existing properties serve rooms such as bathrooms. Although this may be the case the adverse effects would be so significant so as to result in an erosion of the living conditions of the neighbouring occupiers.
25. In reaching this view, I have had regard to the fact that the rear gardens of the properties in York Road are the only areas within these properties where private, outdoors recreation might take place.
26. The proposed development would be off two stories and would have windows on both floors at the rear of the property. Owing to the general proximity of the proposed development to the neighbouring dwellings this would mean that views of existing gardens would be possible for significant parts of their length.
27. In results the proposed development would create an erosion of the privacy levels of the occupiers of the neighbouring dwellings. It would not be possible to mitigate this owing to the general proximity of the appeal site to existing properties.
28. The proposed development would be sited in line with the existing building. Once this factor is combined with the general orientation of the appeal site, it would not result in a notable loss of light to the occupiers of properties in York Road. Whilst this is a matter of note, it is only one of all the factors that must be taken into account. In result, this does not overcome my previous findings.
29. I therefore conclude that the proposed development would have an adverse effect on the living conditions of the existing properties. The development, in this regard, would conflict with the requirements of Policies SS1 and UD1 of the Core Strategy and the Design Guide. Amongst other matters, these seek to ensure that new developments should provide for a range of different users; and be of a high standard of design.

Highway safety

30. The proposed dwelling does not feature any off street car parking. Therefore, any vehicle movements associated with the property would result in parking on the surrounding road network. In addition, very few of the neighbouring properties also have parking which means that several cars are parked on the neighbouring street network. The evidence before me is indicative that car parking is in high demand.
31. This causes a concern as should the development proceed, there would be a greater demand for car parking within the surrounding area. Given that there is a shortage of spaces, this means that residents may elect to park their vehicles in inopportune locations, such as visibility splays or close to corners, which would result in diminished ability for road users to view other vehicle movements.
32. In reaching this view, I have noted that the proposed development would result in the removal of a garage. Whilst this is not large, it could be used for the parking of a relatively small car.
33. The proposed development would result in the reinstatement of the dropped kerb, which would result in the creation of a new on street car parking space. Whilst I have noted this, the benefits derived would be small given that it

would be at the expense of off street parking. Therefore, this does not address my concerns.

34. Given that the evidence before me is indicative that occupiers of the proposed development would be able to obtain a residents car parking permit, there is a likelihood that the development would have an adverse effect on highway safety.
35. This matter could be overcome if there were a restriction to prevent future occupiers from obtaining such a residence car parking permit. However, this could only be done through the undertaking of a legal agreement.
36. The evidence submitted as part of the appeal includes a draft unilateral undertaking. However, whilst I have had regard to the contents of this I note that it does not appear to have been completed. In particular, the agreement is not dated and does not specify the sums of money that are to be paid to the council in order to amend the necessary traffic regulation orders.
37. The latter part is necessary in order to exclude the occupiers from the proposed development from having the ability to apply and be granted a residents car parking permit.
38. Therefore, notwithstanding the fact that the agreement has an electronic signature on it, I do not believe it is a sufficient mechanism in order to overcome the previous adverse effects.
39. I have given consideration as to whether a condition could be imposed in order to secure the mitigation that is intended within the draft unilateral undertaking. However, in order to achieve the objectives of the legal agreement it would be necessary for money to be paid to the council. Therefore, such a condition would not meet the statutory tests as prescribed by the National Planning Policy Framework. This suggestion does not overcome my concerns.
40. Whilst the proposed development would be located in the urban area. I note that owing to the nature of the surrounding land uses, occupiers would need to travel to other locations in order to meet their day to day needs. In result, the likelihood of car ownership cannot be discounted.
41. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development, in this regard, would conflict with Policies T24 and T26 of the Core Strategy. Amongst other matters, these seek to ensure that new developments provide the full parking requirements; and care-free developments will include measures to ensure that parking is not displaced into adjacent areas.

Conclusion

42. The proposed development would have an adverse effect upon the character and appearance of the surrounding area, highway safety and the living conditions of the occupiers of neighbouring dwellings. In addition, the proposed development would not provide suitable living conditions for the future occupiers. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other

than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR