



Appeal Decision

Site visit made on 31 October 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/Y1945/W/22/3294034

328 St Albans Road, Watford WD24 6PQ

- 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 Stratton Foods Ltd against the decision of Watford Borough Council.
 - The application Ref 21/01480/FUL, dated 6 October 2021, was refused by notice dated 21 November 2021.
 - The development is extension to the existing roof to the rear of the property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that A Sustainable Town: Watford Local Plan 2021-2038 (LP) was adopted on 17 October 2022. The LP replaces Watford's Local Plan, Part 1 Core Strategy 2006-31 and the Council have advised that Policies SS1.1, QD6.2 and QD6.4 have superseded Policies SS1 and UD1 referred to in the reasons for refusal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis. The main parties have been given an opportunity to comment on the relevant policies contained in the LP and have therefore not been prejudiced.
3. At the time of my site visit, it was clear that the development had commenced. However, contrary to what is described in the planning application form, the development has not been completed. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties, with particular reference to outlook.

Reasons

Character and Appearance

5. The appeal site comprises a single storey building occupied as a shisha restaurant/lounge. The building has been extended to the rear with a variety of

single storey extensions that also wrap around the rear elevation of the adjoining property, 330 St Albans Road. The property forms part of a parade of commercial premises along this side of St Albans Road, that predominantly have residential properties to the upper storeys. Some of the commercial premises have been extended in an array of different ways to the rear.

6. The development comprises an elongated L-shaped box that protrudes above an existing flat roofed extension. Two elevations of the structure have retractable shutters, that open to allow natural ventilation to the room below. The structure is constructed of chipboard attached to a wooden frame and it is proposed to cover the structure in roofing felt.
7. The existing extensions to the restaurant/lounge do not reflect the character or appearance of the existing building, however, they appear subordinate due to their height and design. In contrast, the roof alteration, due to its design and projection above the height of the existing roof, comprises an alien feature that is unsympathetic to the character of the existing building.
8. The structure is not visible from St Albans Road as it is screened by the existing buildings however, it is visible in a gap between the dwellings that front onto Sandringham Road to the rear, as well as from surrounding private gardens and yards. Due to the structure's design and its projection above the height of the existing flat roof, it appears visually obtrusive from the surrounding area.
9. The appellant suggests that the development would be less visually and acoustically obtrusive than a mechanical ventilation unit. However, limited information has been provided to substantiate this matter. Furthermore, I have limited information to corroborate that mechanical ventilation would overcome the premises' need for natural ventilation to allow shisha smoking to take place inside the premises, as per the comments of the Council's Environmental Health Officer.
10. In reference to the first main issue, the development would unduly harm the character and appearance of the surrounding area, contrary to Policies SS1.1, QD6.2 and QD6.4 of the LP. Together, these policies seek to ensure that developments make a positive contribution to the character of the area and that materials are high quality, robust, durable, age well and sit comfortably with buildings in the area.

Living Conditions

11. To either side of the appeal site, the upper floors of the buildings are occupied as dwellings. Dwellings are also located to the rear of the appeal site, with the rear boundary predominantly shared with 97 and 99 Sandringham Road.
12. The development is close to the rear windows of the adjacent first floor flats. Although not directly in front of these windows, it is visually dominant and overbearing due to its proximity to these windows and its scale. The development is visible from the rear gardens of No 97 and No 99. Due to the scale of the development, it also appears visually dominant and overbearing when viewed from the rear gardens of these properties.
13. The development is sited along the boundary with 326 and 326A St Albans Road and is highly visible from the rear yard. However, this area appears to be

used for the parking of vehicles and the storage of refuse rather than as a garden and therefore it would not adversely harm the users of this space.

14. In reference to the second main issue, the development would unduly harm the living conditions of the occupiers of neighbouring properties from a loss of outlook, contrary to Policy QD6.4 of the LP. This policy seeks to ensure developments are designed to provide internal and external spaces that support the health and wellbeing of all those who use and experience them.

Other Matters

15. I acknowledge that natural ventilation may be essential for the business to operate as a shisha restaurant/lounge; that the business may have a positive effect on the local economy; that it may be a well-established business; that the business may allow people in the local community to socialise; and that it may not be feasible for the business to relocate. However, it has not been demonstrated that the development is the only means of providing such natural ventilation. Furthermore, I have limited information to substantiate that the development directly results in an increase in services, demand or an increase in jobs, or that a different form of natural ventilation could not provide the same benefits.
16. The appellant has directed me to a planning approval¹ whereby fencing has been erected at a greater height at another business within the borough. Limited information has been provided in respect of this development and therefore I am not aware of its planning history, its full design or its siting relative to neighbouring properties or the street scene. I am therefore unable to determine whether it is directly comparable to the development before me. In any event, each development must be determined on its own merits. Concerns regarding the Council's consistency in handling planning applications/developments have no bearing on my consideration of the planning merits of the development.

Conclusion

17. For the reasons given above, the appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

A Berry

INSPECTOR

¹ Planning Ref 16/01783/FUL