



Appeal Decision

Site visit made on 21 November 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2022

Appeal Ref: APP/Y1945/W/22/3297748

1A Earl Street, Watford WD17 2PD

- 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 Kish Sundaralingam (Atirstam Limited) against the decision of Watford Borough Council.
 - The application Ref 21/01865/FUL, dated 22 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is change of use from B1 office to C3 residential including addition of first floor.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since its decision, the Council adopted the Watford Local Plan 2021-2038 on 17 October 2022 (the LP). It replaced the previous development plan¹ policies referred to in each of the Council's reasons for refusal (RfR) listed in its decision notice. The Council's appeal statement set out the equivalent LP policies for each RfR. The appellant was able to consider the LP in its final comments. I give full weight to the LP policies and have determined the appeal on this basis.
3. With its appeal statement the Council submitted an executed planning obligation in the form of a unilateral undertaking by the appellant dated 3 February 2022. It would exclude future occupants of the development from entitlement to resident and visitor parking permits in controlled parking zones near the site. There is no RfR in this regard and it is not a matter in dispute between the main parties. I return to the planning obligation below.

Main Issues

4. These are:
 - whether the proposal would provide satisfactory internal and external living conditions for future occupants having regard to useable space, privacy and outlook;
 - its effect on the living conditions of the existing occupants of No.41 Loates Lane with regard to outlook and natural light; and
 - whether it would make appropriate provision for cycle and bin storage.

¹ The Watford District Plan and the Watford Core Strategy

Reasons

5. The appeal site contains a single storey building used as a small office. It is located between one end of a terrace of houses in Earl Street, facing this road, and side on to the end of the back garden of a house at No.41 Loates Lane. These residential streets are close to Watford town centre. It is proposed to convert the building to a one double bedroom, two-storey house including by adding a first floor.

Living conditions – future occupants

6. In the LP the Council has adopted the Government's nationally described space standard (NDSS). There is no dispute that the gross internal area (GIA) of the house would be 53m² whereas the NDSS requires 58m². The 15.5m² GIA of the double bedroom would only exceed the NDSS minimum area (11.5m²) if it excluded floor area with a headroom of less than 1.5m, not otherwise used for storage. The minimum 2.3m NDSS floor to ceiling height would need to be attained over at least 75% of the GIA of the house, so in at least part of the first floor. By these measures, the overall floor area of the house would be significantly below, and therefore fail to meet, the NDSS. Moreover, the submitted plans do not demonstrate that the requisite NDSS bedroom floor area and headroom in the house could be achieved.
7. The floor plans show fixtures and fittings for residential occupation by two people. However, in practical terms the sitting, dining and kitchen spaces in the open plan living area would have little discrete separation and circulation space would be overly intrusive. Even if the bedroom had an open vaulted ceiling, space either side of a tall but narrow central corridor through this room would be severely constrained by the underside skimming of the sloping roof. The limited extent and awkward design and layout of the rooms would therefore result in unduly cramped living conditions and seriously compromise useability.
8. The footprint of the office building occupies almost the entire site. With no amenity space, such as a terrace or garden and no balconies, there would be nowhere for private outdoor living activity such as to enjoy a meal at a small table, sit with visitors, dry clothes or for relaxation. The Waterfields Recreation Ground is close by, but this public place cannot provide necessary privacy for these sorts of outdoor domestic activity. It would therefore not be an acceptable substitute. The absence of private external amenity space would unduly confine occupants inside a house with unsatisfactory internal living space. This would have a detrimental effect on their enjoyment of living in it.
9. Two front elevation ground floor windows would allow passers-by to look into the open plan living area. However, such views would normally be transient in duration and so glimpsed in extent. Curtains, blinds or shutters could be drawn in the evening or at night-time. These circumstances would be little different to the houses in Earl Street which have main habitable front room windows at the back edge of the pavement. It is not possible in this case to provide a dual aspect at ground floor level or for windows to face private outdoor space. The size and placement of the ground floor windows in an open plan living area would ensure satisfactory outlook.
10. I find that the proposal would not provide satisfactory internal and external living conditions for future occupants having regard to useable space. Consequently, the proposal conflicts with LP Policies HO3.10, HO3.11 and

QD6.4. These include that all new homes should meet or exceed the internal NDSS, one-bedroom dwellings should provide a minimum 12m² private outdoor amenity space and internal and external residential environments should be healthy, attractive and functional.

Living conditions – existing occupants

11. Most of the back garden at No.41 Loates Lane is about 8m in length due to the position of the office, which also stretches across the width of this garden. The taller, facing, gable end of the proposed first floor would increase scale and massing of built form above the low, lean-to part of the office building, closest to No.41.
12. However, the main ground and first floor rear habitable room windows of this end of terrace, corner plot house either face Earl Street, away from the site, or are stepped back and inset well behind a two-storey rear wing. On the evidence before me, including my site visit, the nearest ground floor rear facing window is not a habitable room. The back garden borders Earl Street with no other houses nearby in this direction, nor is this aspect interrupted by garden trees or outbuildings. Despite increased height and closer proximity, the first floor part of the house would be quite narrow with a relatively shallow pitched roof, subservient in scale and massing to the taller and wider gable side elevation of No.1 Earl Street behind it.
13. As a result, views from these windows and the garden of No.41 are mainly towards the open, Earl Street, road corridor. These rooms and the garden receive uninterrupted natural light from this direction. Moreover, while there is no objective evidence, the first floor would be sited to the northwest of No.41 and as such have no appreciable effect on natural light, including overshadowing and direct sunlight, received into these windows and into the back garden. The first floor would not, therefore, be unduly overbearing in views from these rooms or discourage or diminish use and enjoyment of the back garden.
14. I find that the proposal would not adversely affect the living conditions of the existing occupants of No.41 Loates Lane with regard to outlook and natural light. Consequently, it complies with LP Policy CC8.5. This policy includes that development should protect the amenity of adjacent occupants and avoid curtailment of their activity.

Cycle and bin storage

15. Cycle and wheelie bin storage within the house would erode useable living space and not be practicable. However, I saw that a gap on the site about 1m wide, between the office building and the side of No.1 Earl Street, is already used for wheelie bin and general storage. This narrow, long space would require items to be stored efficiently but it would be convenient for cycle and bin storage for the house. It is already secured by a lockable gate and a roof could be added to give shelter from inclement weather. It would also be possible to provide an internal door from the house directly to this space. Satisfactory details could be secured by a condition.
16. I find that the proposal would make appropriate provision for cycle and bin storage. Consequently, it complies with LP Policies ST11.4 and QD6.4. These policies include that development should provide secure and convenient cycle

parking to encourage its use and provide easy to use, carefully positioned provision for bin storage.

Other Matters

17. The site is in the Estcourt Conservation Area (CA). The significance of this part of the CA includes modest sized Victorian terraced houses along the back edge of pavements. These are interspersed with small workshops and yards in small scale streetscapes where roofs and spaces at junctions are important features.
18. The partial demolition and extension of the office building would result in a house with a tiled, dual-pitched roof and, albeit larger, would reflect the rectangular layout and gabled roof form of the office. First floor dormers are not evident in Earl Street but the design and proportions of these windows would be sympathetic to others beyond this road in the CA. The ground floor windows would sit comfortably with other houses in Earl Street giving a significant visual improvement over the large horizontal uPVC office window. The fenestration would overall provide a balanced and well-proportioned appearance. A condition could secure details of appropriate external materials.
19. I therefore agree with the main parties that the proposal would have a positive effect on the special architectural and historic interest of this part of the CA, and on the CA overall. It would, therefore, preserve and enhance the character and appearance of the CA and cause no harm to the significance of this designated heritage asset.

Planning Balance

20. The Council agrees that the 2021 Housing Delivery Test indicates delivery of housing, at 48% in the Borough, was substantially below (less than 75% of) the housing requirement over the previous three years. As a result, paragraph 11 d) of the Framework is engaged. For the reasons explained above the CA does not provide a clear reason for refusing the proposal.
21. In terms of benefits, the Framework recognises that small windfall sites can make an important and relatively quick contribution to meeting housing needs, including on suitable sites within existing settlements. Available, under-utilised sites within urban areas can be used more efficiently and effectively in these regards. The house would make a small contribution to housing supply, aligned with objectives of the Framework to significantly boost the supply of homes and would meet a specific housing need. Albeit localised in extent, the proposal would add to public appreciation of the CA consistent with aims of the Framework to achieve well-designed places and enhance the historic environment. The limited social, economic and environmental benefits associated with building and occupying this single house are factors which I consider carry limited weight in favour of the proposal.
22. However, the Framework also seeks to ensure that development would function well and promote health and well-being with a high standard of amenity for future occupants. The proposal would conflict with the Council's relevant development plan policies in these respects. These are consistent with aims of the Framework to balance meeting housing needs with these other objectives of sustainable development. These are important factors against the proposal and accordingly I give appreciable weight to them.

23. The adverse impacts of the proposal would, therefore, significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.
24. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider the planning obligation any further. It would not affect my decision or alter the outcome of the appeal.

Conclusion

25. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
26. Therefore, for the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR