



Appeal Decision

Site visit made on 3 November 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Y1945/W/21/3288447
73 Vicarage Road, Watford, WD18 0EJ

- 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 Jair Almeida Junior against the decision of Watford Borough Council.
 - The application Ref 21/01287/COU dated 23 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is for a change of use from taxi cab office to maintenance and repair of motor vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from taxi cab office to maintenance and repair of motor vehicles at 73 Vicarage Road, Watford, WD18 0EJ in accordance with the terms of the application, Ref 21/01287/COU dated 23 August 2021 and the plans submitted with it, subject to the following condition:
 - 1) The use hereby permitted shall only take place between the hours of 0900 to 1800 Mondays to Saturdays with the exception of Bank Holidays where the use shall not be permitted to take place.

Procedural matters

2. The description in the heading above is that given on the application form. The motor vehicle repair use was in place at the time of my visit and reflects the details submitted. I therefore intend to treat the appeal as one for planning permission for development as originally carried out.
3. During the determination of the appeal the Council informed me that the emerging Local Plan had been adopted¹ ('the Local Plan'), with Policies SS1.1, CC8.4, CC8.5, QD6.2, QD6.4, VT5.1 and VT5.3, replacing those referred to on the Decision Notice from the District Plan² and Core Strategy³. The appellant was given the opportunity to comment on this and I have taken their response into account. I am required to consider this appeal on the basis of the development plan which is in place at the time of my decision, and I have accordingly determined it on that basis.

¹ A Sustainable Town, Watford Local Plan, 2021-2038, Adopted 17 October 2022, Watford Borough Council.

² Watford District Plan 2000.

³ Watford's Local Plan, Part 1 – Core Strategy 2006-31, Adopted 30 January 2013, Watford Borough Council.

Main issues

4. The main issues are the effect of the development on:

- the vitality and viability of the Local Centre;
- living conditions, with specific regard to noise and odour being experienced by neighbouring residential occupiers at first floor level.

Reasons

Appeal site context

5. The appeal site consists of a ground floor unit within a 2-storey Victorian terraced building. It forms part of a Local Centre designated by the Local Plan⁴ and consists of two terraced blocks with ground floor commercial/retail units and their respective shopfronts facing each other across a shared pedestrianised area.
6. The main garage area where vehicles are maintained and repaired is positioned in the rear half of the unit, which is accessed via a large opening that fronts onto The Hornets vehicular highway. This is subdivided from the front shopfront-part of the building, which at the time of my inspection was primarily being used for the display and sale of retail goods connected with the motor trade, particularly motorbikes and scooters.
7. Vehicular access from the public highway network to the building is gained from The Hornets, which together with Farraline Road and Merton Road (the A4178), form a gyratory and wrap around the Local Centre.

The vitality and viability of the Local Centre

8. Policy VT5.1 of the Local Plan states, amongst other things, that Planning Permission will be granted for the development of retail, leisure, entertainment, arts, culture, office and other main Town Centre uses within defined Local Centre boundaries, providing the use is appropriate to the scale and function of each centre. It further states that the vitality and viability of Local Centres will be enhanced to provide local goods and services for local communities. Set against this context, it is important to note that this policy does not explicitly state that uses not falling within the above categories will be refused.
9. Policy VT5.3 of the Local Plan also states that new development must contribute positively to the function, vitality and viability of Local Centres and that proposals for commercial, business, service and appropriate community uses will be supported, subject to a number of caveats, which include; (1) maximising the proportion of ground floor fronting a street with an active frontage; and (2) relating in character, scale and role to the existing centre.
10. I recognise that the proposed use does not fall precisely into any of the above categories defined by Policy VT5.1, but it would nonetheless; (1) retain an active shopfront to the pedestrianised public space; (2) provide a service to the local community; and (3) increase the diversity of uses in the Local Centre at a time when the retail environment is changing as a result of internet shopping.

⁴ Table 5.1 Watford Retail Hierarchy

11. I also observed at my site inspection that there would continue to be a significant number of other retail units in the Local Centre offering a range of retail choice and opportunities. It also appeared that some units were vacant or not in use, which means that the appeal scheme would not prevent other main town centre uses being established if the demand arose. Of particular significance was a unit at No 81, which was similar in character to the scheme before me in that it offered a range of services to include motor-cycle repair, servicing and associated retail sales.
12. As a consequence of the above, the scheme would not harm the breadth of retail uses in the Local Centre, or result in a disproportionate number of non-town centre uses. To my mind, it would add to the range of services on offer, help generate footfall with the potential for linked trips while vehicles are being repaired/serviced, enhance its attractiveness as a retail destination, and be in keeping with its character, scale and role.
13. In view of the above, I conclude that the scheme would accord with Policies SS1.1, QD6.2, VT5.1 and VT5.3 of the Local Plan, in that it would result in a mix of compatible uses, include an active frontage and contribute positively to the function, vitality and viability of the Local Centre.
14. I also find that the scheme accords with Paragraphs 86 and 130 of the Framework⁵ which state, amongst other things, that planning decisions should; (1) be sympathetic to local character; and (2) support the role that town centres play at the heart of local communities, and allow them to grow and diversify in a way that responds to rapid changes in the retail industry and permit a suitable mix of uses to reflect their distinctive character.

Living conditions, with specific regard to noise and odour being experienced by neighbouring residential occupiers at first floor level

15. I agree with the Council that motor repair and maintenance uses have the potential to result in activities that give rise to noise and odour. However, in this instance I am satisfied that the extremely limited size of the garage area would restrict the number of vehicles that could be worked on simultaneously and therefore reduce the potential for harm to neighbouring residential occupiers.
16. In reaching this conclusion, I have been particularly mindful of the appeal site's location within a Local Centre and directly adjacent to an extremely busy gyratory road network which wraps around the site. At my site visit, I observed that the existing ambient noise levels were already extremely high in this busy location and concluded that the living conditions of neighbouring residential occupiers would not as a consequence be made any worse by the scheme before me. However, I recognise that the area is likely to be quieter in the evenings and on Sundays/Public Holidays, and I have therefore imposed a condition preventing the scheme from operating outside those hours specified on the application form.
17. Although the Council has proposed two conditions relating to noise mitigation and odour control, I do not consider it necessary to impose these as any nuisance noise and odour can be controlled under environmental protection legislation.

⁵ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

18. In view of the above, I conclude that the scheme would accord with Policies SS1.1 and CC8.5 of the Local Plan, which collectively seek, amongst other things, to ensure that development supports a mix of compatible uses and protects the amenity of adjacent land uses and their occupants.
19. I also find that the scheme accords with Paragraphs 187 and 188 of the Framework which state, amongst other things, that planning decisions should; (1) ensure that new development can be integrated effectively with existing businesses and community facilities; and (2) focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Conditions

20. Given that the use has already commenced, the standard time limit condition is not necessary. The matter of the other conditions proposed by the Council has been dealt with in my assessment above.

Conclusion

21. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR