The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/Y1945/W/22/3305169
14-16 Westland Road, Watford, Herts WD17 1QS

- 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 Marshall Watts Ltd against the decision of Watford Borough Council.
- The application Ref 22/00508/FUL, dated 14 April 2022, was refused by notice dated 16 June 2022.
- The development proposed is double and single storey rear extensions and internal alterations to create 2 additional living units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, the Council have adopted the new Watford Local Plan 2021-2038 on 17 October 2022, which replaces the policies cited on the original decision notice. The appellant had the opportunity to respond to the new Local Plan policies in their final comments. Therefore, I have determined the appeal on this basis.

Main Issues

3. The main issues are:

    - Whether the proposed development provides an appropriate housing mix;
    - The effect of the proposal on the character and appearance of the host property and the surrounding area; and
    - Whether the proposal would make acceptable provision for bin storage.

Reasons

Housing mix

4. The appellant maintains that the host property was previously used as a care home so for a long period of time there were no family sized dwellings at the host property. However, there is no evidence before me that indicates that the host property is currently anything other than five self-contained flats and I must base my decision on the evidence before me.

5. The appellant states that the existing 3-bed dwelling is sub-standard accommodation that is too small and therefore does not comply with the

Technical Housing Standard 2015[1] (THS). The THS is referred to in Policy HO3.9 of the Watford Local Plan 2021-2038 and requires that in the case of conversions to self-contained flats all residential units on site meet the nationally described space standards. The THS requires a dwelling with two or more bedspaces to have at least one double (or twin) bedroom with a floor area of at least 11.5m^2. The Council has submitted floor plans from the 2016 planning application[2] which indicate that there are bedrooms that meet the THS minimum requirements. These drawings also indicate that Flat 3 has a total area of 89m^2 which meets the minimum requirements of 84m^2 for a 3-bed dwelling, in the THS. Therefore, the accommodation complies with the requirements of the THS.

6. The proposed development is for 6 No. 1-bedroom flats and 1 No. 2-bedroom flat which would result in the loss of a 3-bed dwelling. This would be contrary to Policy HO3.9 of the Adopted Watford Local Plan 2021-2038 which does not support proposals for sub-dividing existing residential accommodation which results in the loss of family sized accommodation with three or more bedrooms with direct access to garden space at ground floor.

7. Based on my site observations and the provided drawings, the 3-bed dwelling has direct access onto a rear garden. I acknowledge that the rear garden is a shared space used for accessing cycle storage and refuse bins, and that there is an element of overlooking, but this is to be expected in an urban setting.

8. The proposed development would sub-divide a 3-bedroom dwelling and therefore conflict with policy HO3.9 of the new Watford Local Plan 2021-2038, which seeks to prevent the sub-division of family sized accommodation with 3+ bedrooms and direct garden access into flats due to the need to retain and provide larger dwellings in the Borough.

Character and appearance

9. The appeal site is a three-storey mid-terrace building comprising five flats which is located within an existing urban residential area. The host property largely retains its original character which includes a rear gabled projection reflecting that of other properties in the terrace.

10. The appellant maintains that the gable end roof of the two-storey extension would match the style of the existing projection of the host property and the rear wall roof of No.12. Although the materials would match the host property, the proposed gable end roof of the two-storey extension would be in line with the eaves of No.12, but project higher than the eaves of the existing 2-storey rear gabled projection of the host property and would therefore not complement the host building or harmonise with the character of the terrace. Although the proposed two-storey extension would not be easily visible from the street scene, when viewed from the rear garden and neighbouring properties it would appear as an incongruous feature in contrast to the character of the terrace and not consistent with the prevailing character or proportions.

11. Accordingly, the proposal would fail to harmonise with the host property and terrace and therefore conflicts with Policies QD6.2 and QD6.4 of the new Watford Local Plan 2021-2038, which require that new development proposals

[1] Technical housing standards – nationally described space standard, March 2015
[2] 16/0068/FUL

make a positive contribution to high quality design and place-making of the local area.

Bin storage

12. Based on the Council's Waste and Recycling Bin Guidance[3], the proposal for 6 No.1-bedroom flats and 1 No. 2-bedroom flat would require more waste, recycling and food bin storage than previously needed, given that the Council's requirements are based on the number of dwellings and not the number of occupants.

13. An historic indicative plan[4] shows ten bins sited in a bin store to the rear of the host property, however, the plans recently submitted by the appellant indicate that the proposed location of the bins is to the front of the host property. The appellant has indicated that providing rear bin storage would not be effective as the occupants would still place their bins at the front of the property.

14. My site observations indicate that the storage of bins in front gardens/yards is relatively commonplace elsewhere in the street and surrounding area. Although the current arrangement of bins to the front of the host property does not currently project onto the path, the proposed development would require significantly larger sized bins than that currently used by the host property as set out in the Council's Waste and Recycling Bin Allocation Guidance. The size and bulk of the bins would harm the setting of the area and conflict with the development plan policies in this respect.

15. The proposed development fails to provide acceptable provision for bin storage and therefore conflicts with Policy QD6.4 of the new Watford Local Plan 2021-2038, which requires that new developments should be designed to carefully position bin stores so that they are easy to use and attractive.

Other Matters

16. The Council cannot demonstrate a five-year supply of deliverable housing sites and the shortfall is described as "substantial". Consequently, the provisions of footnote 7, paragraph 11 d) 11. of The Framework should be applied.

17. Set against the harm identified there would be limited social and economic benefits associated with the proposal. Two additional residential units would make little difference to the overall supply of housing and the support the extra households would provide to the local economy would also be insignificant. And although the site benefits from being within walking and cycling distance of Watford Town Centre, close to Watford Junction and public transport, these benefits are tempered by the small scale of development. Consequently, the adverse impacts referred to above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been

[3] Waste and Recycling Bin Allocation, Storage and Collection Guidance New Development and Conversions Updated February 2020
[4] 16/01627/DISCON

shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR