

Appeal Decision

Site visit made on 20 June 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/Y1945/W/22/3311012

1-3 Euston Avenue, Watford WD18 7SZ

- 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 Neil Herring against the decision of Watford Borough Council.
 - The application Ref 22/00762/FUL, dated 9 June 2022, was refused by notice dated 8 August 2022.
 - The development proposed is demolition of commercial buildings and construction of nine flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice includes reference to an emerging plan. However, following the Council's decision on this proposal, the Watford Local Plan 2021 – 2038 (Local Plan) was adopted. The Council, through this appeal process has confirmed that this recently adopted development plan replaces the Watford Local Plan Core Strategy and The Watford District Plan. The policies of these plans are therefore superseded by policies of the new Local Plan. The appellant has referenced this Local Plan in their appeal statement and therefore I am content that they have had an opportunity to comment on this material change through this appeal process.

Main Issues

3. The Main Issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would have adequate provision for cycle and waste bin storage; and
 - The effect of the proposal on parking in the area.

Reasons

Character and Appearance

4. The address of the appeal site is Euston Avenue, however the site fronts Queens Avenue. While there are commercial premises on this busy road, its character near the appeal site is distinctly residential, and is dominated by two-storey, terraced properties lining this road. This pattern and style of development creates a degree of rhythm and uniformity in the built form, and this contributes to the coherency of the residential character in this area.

5. The appeal site is close to a signalised junction onto Whippendell Road. The front of Nos 1-3 Euston Avenue overlooks this junction and form part of a small group of local shops located on Whippendell Road. As such, these three storey properties contribute to the character of development on that road as opposed to the predominately residential streets of Euston Avenue or Queens Avenue.
6. Although the existing built form at the appeal property is distinctly commercial, its traditional form and height is in keeping with the two-storey dwellings on Queens Avenue. The proposal would result in the demolition of these premises, and it would be replaced with an apartment block of nine residential units. The width of the proposed block would be significantly greater than the existing commercial premises and would extend significantly closer to the shared boundary with the neighbouring dwellings on Queens Avenue and the side elevations of No 1.
7. The design of the block includes four forward facing gables. The tip of the proposed gables at the outer edge of the block would roughly align with the eaves of the existing dwellings on Queens Avenue. The hipped roof at this aspect of the block would also roughly match the roof ridge of this neighbouring terrace. However, the proposed two central gables of the block would be considerably higher, and their tips would almost align with the roof ridge of the existing neighbouring terrace on this road. Moreover, the gables of these central protrusions would extend significantly above the main roof ridge of the block and would obscure a significant section of its main roof. In doing so, these central gables would considerably disrupt the generally two-storey roof line of properties in Queens Avenue.
8. Traditional roof forms, such as gables and hipped roofs, are reflective of the surrounding traditional architectural style. However, configured in the manner proposed in this case, the block would be an oddity that would appear unsympathetic to the style and scale of existing built form in the neighbouring terrace. The resultant jarring clash of forms would not be diminished by the use of matching materials and some soft landscaping at the front of the harmful development.
9. While No 1 is three storeys, this is not a common feature in the area. Moreover, the proposed block would principally be viewed in the context of Queens Avenue which is distinctly characterised by two storey forms. In this context, the proposed block, with its dominating central three storey section, would appear a discordant addition. By virtue of this design detail, the block would relate poorly to neighbouring dwellings and would significantly disrupt the rhythm of the existing built form that characterises this part of the street scene.
10. The appellant has drawn my attention to an extant planning permission for an apartment block of eight units at the appeal site.¹ However, the approved design of that development has four evenly proportioned, front facing gables. The tips of those gables will roughly match the eaves of the existing properties on Queens Avenue. The apex of those gables will also be significantly below the roof ridge line of existing dwellings. As such the relatively balance proportions and design detail of that approved development is sympathetic to the scale and style of the neighbouring properties and the rhythm of this existing built form in this street scene.
11. The approved development is distinctly different from the proposal before me in these respects. Even though the proposal before me would result in just one additional unit to that already permitted at this site, as identified, this proposal would result in significant harm to the character of the area. The approved and proposed schemes are not directly

¹ Ref: 21/00102/FUL

comparable for this reason. This matter has not altered my findings in this case for this reason.

12. The appellant has also drawn my attention to a recently built, four storey apartment block on the corner of Brightwell Road. Although close to the appeal site, that development is on a different road that does not form the immediate visual context for the proposal subject of this appeal. This aside, I observe the contrast in heights between that development and the neighbouring two storey dwellings. However, it appears that that development is a replacement of an apartment block at that site. In these respects, the development at Brightwell Road is not directly comparable with this proposal.
13. Vicarage Road is a considerable distance from the appeal site. Also, although there are two storey terraced dwellings on that road, built forms along the road, which include a hospital and football ground, are considerably more mixed than is the case near the appeal site. Therefore, development approved on that road is not directly comparable to development at the appeal site. Even if this was not the case, development elsewhere should not be used as a justification for harmful development at this location. I attach limited weight to these examples for these reasons.
14. In light of the above I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would conflict with Policies QD6.1, QD6.2 and QD6.4 of the Local Plan. These collectively state that new development in Watford is required to deliver high quality new buildings, positively contribute towards the local area, and that amongst other matters, should enhance the positive and improve the negative qualities of the area.
15. The proposal would also be inconsistent with guidance set out in the Watford Residential Design Guide and provisions of the National Planning Policy Framework (the Framework) which seek well-designed places.

Cycles and Bin Storage

16. The submitted plans show that there would be space for fourteen waste bins at the side boundary of the site and four bins at the rear of the block. The Council has raised concerns regarding compliance with local Waste Guidance.² It is suggested that single bins for flats of five or more is not suitable. However, the waste bin arrangements proposed in this case would be broadly the same as that approved under the extant planning permission for the apartment block of eight units at the appeal site.
17. While the site may not be capable of accommodating larger bins as advised by the Waste Guidance, the plans show waste facilities can be provided within the site for all proposed units. Moreover, two additional bins would not add unreasonable pressure on the waste storage and collection arrangement in this area, beyond that which has already been approved at the site. Even if this was not the case, there would be space at the sides and rear of the appeal site, such that an acceptable compromise could be reached, that would ensure bins are located conveniently for future residents, that their position is acceptable in terms of access for waste collection and that they would not cause significantly more harm to the street than is currently the case. This matter could be secured through the imposition of conditions.
18. Also, the submitted plans show a cycle storage facility at the rear of the block that would accommodate nine bikes. This would be close to the building and conveniently located for occupants of the block in this regard.

² Ref: Waste and Recycling Bin Allocation, Storage and Collection Guidance - New Developments and Conversions 2020

19. While the proposed storage facility appears snug, with only one additional bike, it would not be considerably different to the facility approved under the permission for an eight unit apartment block. In any event, if the size of the bike storage facility was proven to be unsuitable for nine bikes, there is space to the rear of the proposed block which could accommodate a slightly larger storage facility, while ensuring space for waste bins and the rear garden would be retained. Moreover, the provision of a secure and weatherproof storage facility of a suitable size at the appeal site could be reasonably dealt with by condition.
20. In light of the above, I find that the proposal would have adequate provision for cycle and waste bin storage. In this regard the proposal would accord with Policies ST11.4 and QD6.4 of the Local Plan. These policies collectively require in new development, amongst other matters, that refuse, and recycling should be located within the building envelope and that secure cycle parking should be provided in easily accessible and convenient locations.
21. The proposal would also be consistent with the guidance set out in the Watford Residential Design Guide in respect of these matters.

Parking

22. The appeal site is on a stretch of road close to a busy signalised junction and the junction of two side streets. Existing properties on this short stretch of Queens Avenue generally do not have off street parking spaces. Also, there is extremely limited on-street parking spaces close to these dwellings. As such, on-street parking is largely limited to spaces further along Queens Avenue or on the side streets.
23. The proposal would not provide off-street parking spaces. The appeal site is in a controlled parking zone (CPZ) where on-street parking is controlled by permits. Without restrictions each residential unit in the development would be entitled to two parking permits. This would place increased demand on the extremely limited parking available in this busy area, and this would materially impact on the availability of convenient parking spaces for existing residents.
24. The proposal is presented as a car free development. The supporting text to Policy ST 11.1 of the Local Plan clarifies that for low levels of on-site car parking to work most effectively it needs to be combined with on-street parking restrictions. CPZs are well established in the borough. New development should not increase parking demand and users will therefore be exempt, or subject to restriction, from obtaining permits for existing CPZs. In light of the circumstances outlined above, ensuring that the proposed block would be a car free property would be necessary to make the development acceptable in planning terms.
25. The appellant, through this appeal, has submitted a S106 legal agreement in the form of a Unilateral Undertaking (UU) to the Council. The UU obligates the appellant to pay a sum towards the variation of the Borough's Controlled Parking Zones Order to exempt the whole development from the issue of parking permits. I have nothing before me that confirms that this sum would address this matter. However, as I have found other grounds to dismiss this appeal there is no need to conclude on this matter.

Other Matters

26. The Council has not raised concerns about the quality of living conditions for future occupants of the block. However, this should be an expectation of all development and therefore this is a neutral factor.
27. The principle of residential development at this location is not in dispute. The proposal would contribute to the Government's objective to significantly boost the supply of homes. The apartments would also add to the mix of housing in the area. The appeal site is a small site that could be built out quickly. It is also well related to a range of services and modes of transport. The construction phase would result in economic benefits. The future occupants of the residential units would also contribute socially and economically to the area.
28. These benefits are reduced by the presence of the extant planning permission, which will deliver eight new residential units at that appeal site without the significant harm to the character of the area which would occur in this case. Even if this was not so, the social, economic and environmental benefits arising from nine units at this location would be modest given the scale of the development.
29. The proposal would result in an efficient use of land, but the development would be harmful to the area's prevailing character. Although the Framework provides support for as much use as possible of previously developed land, this is except where this would conflict with other policies of the Framework. I have found that this proposal would conflict with the Framework in respect of design. These matters do not weigh in favour of the proposal for this reason.
30. The appellant highlights that, in respect of the Housing Delivery Test 2021, the Council had a measurement of 48% which indicates that the delivery of housing was substantially below the housing requirement over the previous three years. On this basis the appellant contends that the provisions set out in paragraph 11 of the Framework are relevant in this case. However, since this time the Council has adopted a new Local Plan which includes up to date policies. Even if this was not so, as outlined above, the significant adverse impacts on the character of the area, resulting from this proposal, would significantly and demonstrably outweigh the modest benefits that would arise, when assessed against the policies in the Framework taken as a whole.

Conclusion

31. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR