



Appeal Decision

Site visit made on 20 June 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/Y1945/W/22/3310039

Land at Netteswell, the Crescent, Watford WD18 0QW

- 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 A J Taylor against the decision of Watford Borough Council.
 - The application Ref 22/00988/FUL, dated 11 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is described as 'Application for 2 x one-bedroom semi-detached dwellings with one parking space and amenity space on land at Netteswell, The Crescent, Watford Hertfordshire WD18 0QW, re-submission following the refusal of 22/00464/FUL'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision. Since the determination of the application subject of this appeal, the Watford Borough Council A Sustainable Town Watford Local Plan 2021-2038 (the Local Plan) has been made. The Council advise that the policies within the Watford Local Plan Core Strategy 2006-31 and the saved policies of the Watford District Plan 2000 have been superceded by policies in the Local Plan.
3. The Council has also indicated that it no longer wishes to rely on the Watford Residential Design Guide 2016, but that the development would also conflict with the requirements of Policies HE7.3 and ST11.5 of the Local Plan. The appellant has been given the opportunity to respond.

Main Issues

4. The main issues are the effect of the development on;
 - the character and appearance of the area, the High Street / King Street Conservation Area, and, the setting of designated and non-designated heritage assets;
 - Sustainable travel and congestion; and
 - Whether the proposal would provide adequate living conditions for future occupiers with particular regard to privacy, outlook and noise.

Reasons

Character and appearance

5. The appeal site is within a built-up town-centre location, within the Core Development Area (the CDA) as defined in Policy SS1.1 of the Local Plan. While this policy indicates that growth will be focussed in the CDA, it also affords continued protection for heritage areas, and areas of greenspace.
6. Given that the site is also within the High Street/King Street Conservation Area (CA) I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA lies in part, by its retaining strong elements of the early layout of the town and its C18 and C19 century evolution, as well as by the several groupings of trees and green spaces within it. Land adjacent to the site, which incorporates part of the road within the Crescent, is identified within the Watford Borough Council High Street/King Street Conservation Area Appraisal dated 2013 (the CA appraisal) to be a neutral area containing relatively poor materials.
7. The site comprises part of a comparatively long and narrow embankment which separates the heavily trafficked Exchange Road from land and buildings within the Crescent and surrounding roads. Although the more central section of the site is devoid of trees, this is not the case for the land either side of this more central section. The trees within the site, together with those on adjacent land, are readily visible from the public realm within the Crescent and Exchange Road, and they make a significant contribution to the quality and distinctiveness of the area and the CA.
8. At the application stage, the appellant advised that the development would not result in the loss of any trees. Furthermore, the annotations on drawing number 12060-201 Rev G, indicate that there would be no significant changes to the trees and foliage within the site. However, the extent and positions of the trees and foliage as indicated on the previously referenced drawing, do not concur with my own observations on site, where I found there to be many more trees over a larger area than that indicated on the submitted plans.
9. No arboricultural impact assessment has been submitted in support of this appeal, and the Council's interim tree manager has indicated that it is difficult to see how the development can be achieved without the removal of any trees.
10. I am unable to conclude that the development could be undertaken without causing harm/loss to trees and biodiversity within the site. This is because of the extent of tree coverage within the relatively steeply sloping site; the nature and extent of the development proposals; and, the absence of any compelling evidence demonstrating that the development can be carried out without resulting in the loss of or damage to trees within the site (both above and below ground).
11. The Exchange Road facing elevations of the proposed dwellings would include features such as brick corner detailing and mock infilled windows. The development may be of a reduced scale from previous proposals on the site. However, due to the proximity of the houses to Exchange Road; the relatively large expanses of blank walls that would address this road, and the absence of similar such development close-by, the houses would have an oppressive and

dominant appearance when viewed from locations within the public realm within Exchange Road and beyond.

12. Notwithstanding that the appeal site and its surroundings have changed substantially since the time when there were Alms Houses either on or close to the site, for the reasons given above and on the evidence before me, the development would cause substantial harm to the character and appearance of the area and the CA. I attribute great weight to this harm.
13. Although not symmetrical, the proposed pair of semi-detached houses would have a pleasant sense of balance, and they would create an active frontage at the end of the Crescent. Furthermore, existing development within the area is of a range of designs and styles. The houses themselves would not therefore, be harmful to the character and appearance of the area when viewed from the public realm within the Crescent. However, this consideration does not lead me away from my overall findings of harm to the CA and the character and appearance of the area.
14. There are a number of listed buildings and locally listed buildings along High Street. The closest to the appeal site are the Grade II listed buildings at 172, 174, 166 and 168 High Street. Furthermore, within the CA appraisal, 170 High Street - which is located between numbers 168 and 172 High Street - is identified as a locally listed building.
15. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. The significance of the listed buildings are their historic fabric, originally comprising circa C17 and C18 houses, which have modern ground floors. All addressing High Street, the setting of these listed buildings is informed by the built form around them, including the gardens and areas of hardstanding to the rear of them.
16. Given the limited scale of the development subject of this appeal; the intervening land uses; and the separation distance between the proposed dwellings and the listed buildings, the setting of the listed buildings would be preserved by the implementation of the development. This being the case, the requirements at paragraphs 200 and 201 of the Framework are not engaged. Furthermore, and for the same reasons, the development would preserve the setting of 170 High Street.
17. I have found that development would not harm the setting of identified heritage assets. However, and for the reasons given above, it would be harmful to the character and appearance of the area and the High Street / King Street CA. Consequently, and in respect of these latter matters, it would conflict with Policies SS1.1, CDA2.2, QD6.1, QD6.2, QD6.4, HE7.1, HE7.2, NE9.1, and NE9.2. of the Local Plan. Amongst other things, these policies require high-quality design which will make a positive contribution to the area, and, support the continued protection for heritage areas and areas of greenspace. They also require new development to demonstrate a positive impact on the natural environment and to retain existing trees where possible. It would also conflict with Chapters 12 and 16 of the National Planning Policy Framework (the Framework), which seek to ensure that new development is of a good design which will add to the overall quality of the area, and, that it conserves and enhances the historic environment.

Sustainable travel and congestion

18. The evidence indicates that the appeal site is very well located in relation to a range of services and facilities, which are accessible by means other than by private car. The Council has indicated that on-site car parking would not be required, and I have no reason to find otherwise.
19. The appeal site is within a controlled parking zone. Despite its sustainable location, I do not doubt that the development would result in an increase in demand for on-street parking within the area. During my mid-week and late-morning site visit I found there to be very limited on-street parking availability in the vicinity of the appeal site. Also, although the Crescent and some other roads close to the site were not heavily trafficked, this was not the case for the nearby and very busy three-lane Exchange Road. Whilst my visit was only a snapshot in time, I have no reason to conclude that these circumstances were atypical.
20. The introduction to Policy ST11.5 of the Local Plan, contains an objective to minimise congestion in the area by discouraging vehicles where there are excellent public transport options available. It further indicates that development in the CDA, will be severely restricted (i.e. car-lite) and this will be enforced via Section 106 agreements. It also advises that new development should not increase parking demand; and that users will therefore be exempt, or subject to restriction, from obtaining permits for existing Controlled Parking Zones.
21. The appellant has indicated a willingness to complete a Unilateral Undertaking (UU), to make a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010, exempting future occupiers of the development from entitlement to parking permits for the controlled parking zones in the vicinity of the site. Furthermore, I appreciate that the appellant has sought to discuss the terms of a UU with the Council. Nonetheless, no completed UU has been provided in support of this appeal. Without a mechanism to ensure that future occupiers of the development would not be automatically entitled to parking permits, I am unable to conclude that the development would not lead to a harmful increase in pressure for on-street parking in the area. Given the small scale of the proposal, I attribute moderate weight to this harm.
22. For the above reasons the proposal would harmfully increase congestion in an area where there is good public transport provision. This would conflict with Policy ST11.5 of the Local Plan. The development would also fail to accord with chapter 9 of the National Planning Policy Framework, which seeks to promote sustainable transport, which can help to reduce congestion and emissions.

Living conditions

23. Areas of external hardstanding and garden areas would be provided either side of the pair of semi-detached houses. No windows or door openings would be formed in their rear, Exchange Road-facing elevations. However, such openings would be formed at both ground and first-floor levels, in their garden and Crescent-facing elevations.

24. From the evidence and my observations on site, Exchange Road is a busy three-lane single-directional road as it closely passes the appeal site. During my site visit, which was undertaken in dry conditions, the use of this road was found to be relatively loud.
25. Given the proximity of the proposed houses and gardens to Exchange Road, and in the absence of any compelling evidence to the contrary, I am unable to conclude that the proposals would not cause unacceptable harm in terms of noise for any future occupiers, particularly when using their garden areas or when windows or doors in the front and side elevations of the dwellings would be open.
26. Notwithstanding this, paragraph 55 of the National Planning Policy Framework (the Framework) indicates that consideration should be given to whether otherwise unacceptable development could be made acceptable through the use of conditions. However, on the evidence before me, I cannot be confident that conditions would be effective to attenuate noise levels to an acceptable level, to ensure that adequate living conditions could be secured by any future occupiers of the development, either within the houses or garden areas.
27. Even if there are other examples of residential development located as close to Exchange Road as the development subject of this appeal, my attention has not been drawn to specific cases. Furthermore, I do not know the basis upon which any such developments were authorised, thus preventing me from being able to make meaningful comparisons between them and the development subject of this appeal.
28. The proposed dwellings would have ground-floor windows which would serve the open-plan living/dining areas of the 2 dwellings. These windows would directly address the Crescent. Given the proximity of the on-street parking bays to the fronts of the dwellings, the privacy of the occupiers of future dwellings would be compromised by the comings and goings of users of the parking spaces in such close proximity to the fronts of the proposed houses. However, via the use of blinds, shutters, or other similar products, I do not doubt that future occupiers would be able to take measures to secure a reasonable level of privacy within the ground floor accommodation.
29. The open-plan living/dining areas and the bedrooms would have dual aspects from the glazing serving these rooms. Therefore, and although the immediate outlook from the front elevation of the dwellings would be mainly over public areas of hardstanding within the Crescent and beyond, future occupiers would also have an outlook over their garden areas from the main habitable rooms within the dwellings. As such any future occupiers would be able to secure a reasonable outlook from within the houses.
30. Although I have found that the development would not prevent future occupiers from securing reasonable levels of privacy and outlook, these are neutral considerations. I have also found that the development would not afford future occupiers adequate living conditions with particular regard to noise. I attribute significant weight to this harm. Consequently, the development would conflict with Policies SS1.1, QD6.1, QD6.2 and QD6.4 of the Local Plan. These policies seek to ensure that development is of a high-quality design which will result in high-quality places to live, and, which provide internal and external spaces that support the health and wellbeing of all those who use and experience the development. In respect of this main issue, the

proposals would also conflict with chapter 12 of the Framework, which seeks to ensure that new development creates places with a high standard of amenity for future users.

31. Chapter 16 of the Framework which relates to the conservation and enhancement of the historic environment, is not determinative to this main issue.

Other Matters

32. It has been suggested that the proposed development would take the form of self-build. However, no mechanism has been put before me to ensure that the development would be delivered as such. Therefore, even if the Council cannot demonstrate that enough permissions have been granted to meet the demand as identified on their self-build register, this consideration would not weigh in favour of the scheme.
33. I accept that there is potential for additional planting at the end of each garden. However, and whilst details of a scheme for such have not been provided, I am unconvinced that any such planting at the ends of the gardens would mitigate the harm caused by the loss of existing trees within the site. Because I cannot be confident that there would be an increase in the biodiversity value of the site as a result of the development, I am unable to attribute weight to this potential benefit.
34. The evidence suggests that the houses would meet the minimum space standards for a 1-bed 2-person unit, and I have found that the development would preserve the setting of the nearby listed and locally listed buildings. However, these considerations are neutral.
35. My attention has been drawn to a development proposal at Crown Passage, where I am advised that planning consent has been granted for 21 flats. However, I do not know the circumstances leading to any such permission being granted. Furthermore, that site is not located as close to Exchange Road as the appeal site, and as such the sites are not directly comparable.
36. The Council has indicated that housing delivery within the Borough has been 48% of its identified housing need over the 3 years previous to their publication of the 2021 Housing Delivery Test results. This is below the 75% threshold identified within footnote 8 of the Framework. As such, the requirements of paragraph 11.d) of the Framework are triggered.
37. In the context of the development plan, I have found that the development would be contrary to Policies SS1.1, QD6.1, QD6.2, QD6.4, ST11.5, HE7.1, HE7.2 CDA2.2, NE9.1 and NE9.2 of the Local Plan. These policies are generally consistent with the Framework.
38. There would be a benefit from the creation of 2 small houses in a built-up location with good access to a wide range of services and facilities. It would also help to meet the local housing needs and contribute towards addressing the shortfall in housing delivery within the Borough. In addition, it would contribute to the local economy both during the construction stage and post-occupation, and it would increase surveillance over the Crescent. However, given the small scale of the scheme, the weight that can be attached to these benefits is limited.

39. At the time of my site visit parts of the site had a somewhat unkempt and untidy appearance. While the development would undoubtedly reduce the risk of fly-tipping within the site, and result in the removal of unsightly sections of fencing, I cannot conclude that such benefits are necessarily dependent on this appeal being allowed. Therefore, the weight that can be attributed to these considerations is very limited.
40. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the Framework as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development at paragraph 11.d) of the Framework.
41. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination that outweigh the identified harm and development plan conflict.

Conclusion

42. For the reasons given above, the appeal is dismissed.

V Simpson

INSPECTOR