



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: 15th August 2023

Appeal Ref: APP/Y1945/W/22/3307906

Land Adjacent to 5 Gladstone Road, Watford WD17 2QZ

- 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 Dragan Krstev against the decision of Watford Borough Council.
 - The application Ref 21/01079/FUL, dated 5 July 2021, was refused by notice dated 30 March 2022.
 - The development proposed is the construction of 4 x 2 bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 4 x 2 bedroom flats at Land Adjacent to 5 Gladstone Road, Watford WD17 2QZ in accordance with the terms of the application, Ref 21/01079/FUL, dated 5 July 2021, subject to the conditions set out within the attached schedule.

Preliminary Matters

2. Unless material considerations indicate otherwise, decisions must be made based upon the development plan. Since the determination of the planning application subject of this appeal, the Council has confirmed that the Watford Borough Council Watford Local Plan 2021-2038 (the Local Plan) has been made. They further advise that the Local Plan supersedes the Watford Local Plan Core Strategy 2006-31 (the Core Strategy) and that Policies QD6.2 and QD6.4 of the Local Plan replace Policy UD1 of the Core Strategy. The appellant has had the opportunity to make comments in respect of the changes to the planning policy context.
3. Despite being requested to do so, the Council has not provided any suggested conditions. Both main parties have been given the opportunity to submit representations in respect of the conditions imposed.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and,
 - whether the proposed development would provide adequate living conditions for future occupiers of the lower ground floor flat, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located close to the junction of Gladstone and Derby Roads, which are mainly residential streets within a built-up part of Watford. Most residential development within the area is of considerable age and fairly traditional design and appearance, often with either brick or rendered walls. However, there is a more modern residential building on the inside bend between Gladstone and Derby Roads, and there are several large commercial buildings on the opposite side of the Beechen Grove ring road, which is parallel to one side of the appeal site. Therefore, from locations within Beechen Grove close to the appeal site, development is of a more varied and mixed character and appearance than that within Gladstone and Derby Roads.
6. A Tree Preservation Order covers a group of trees on the site. Together with the other unprotected trees, these add value to the site and the wider area.
7. When viewed from vantages within Gladstone and Derby Roads, the eaves and ridge height and the roof form of the proposed development would appear to broadly emulate and relate well to that of the neighbouring properties. Furthermore, and although having a larger form and massing than individual houses on Gladstone Road, the development would not be dominant when viewed from within the adjacent residential streets. This is, in part, because it would conform with the general building line established by the adjacent houses, and because it would incorporate features, which in terms of their design, proportions and appearance, would be similar to those found on the fronts of neighbouring dwellings.
8. The proposed building would incorporate Juliet-style balcony features on the front elevation at both ground and first-floor levels. Such features are not commonly found within the area. However, being positioned on either side of more central double windows, they would lend the front of the building a pleasing sense of balance.
9. Although the Beechen Grove facing elevation of the building would lack regularity in design detailing, the inclusion of pitched roof elements would make this elevation of the building appear less 'boxy' and bland than that which was the subject of the previous application¹ and appeal². Furthermore, the building would be set back and separated from Beechen Grove by; a pavement, a grassed area, and, trees and undergrowth which are beyond the site boundary. From the public realm within Beechen Grove and beyond, these trees and those which are proposed to be retained to the rear of the site, would largely obscure views of the Beechen Grove facing elevation of the building. The Beechen Grove facing elevation of the building would not therefore be visually dominant, oppressive, or harmful, to the character and appearance of the area when viewed from the nearby public realm.
10. For the reasons given above, the development would not be harmful to the character and appearance of the area. Therefore, the development would comply with Policies QD6.2 and QD6.4 of the Local Plan, where they require the scale and massing of new buildings to relate to the local context, and that such development be visually attractive. Also in respect of this main issue, it would

¹ 20/00189/ful

² APP/Y1945/W/20/3251922

comply with one of the aims of the Watford Borough Council Residential Design Guide adopted in 2014 and amended in 2016 (the residential design guide), and chapter 12 of the National Planning Policy Framework (the Framework) where they seek to support the creation and preservation of high-quality residential environments and well-designed places.

Living conditions

11. One of the proposed flats would be at the lower ground floor level. Large, glazed doors which would serve the open-plan living room and kitchen of this flat are proposed. The outlook from this opening would be over the outdoor space to the rear of the building, which would have a similar depth to the rear garden areas serving neighbouring properties. Notwithstanding the retention of many of the trees within the site, and the ground level rising a little to the rear of the building, future occupiers of the ground floor flat would nevertheless be able to secure a reasonable outlook from the open-plan kitchen living room.
12. The lightwell wall would undoubtedly be a prominent feature from the windows serving the lower ground-floor bedrooms. However, the evidence indicates that the proposed lightwell to the front of the building is deeper, and at least one of the bedroom windows which would serve a lower ground floor bedroom is wider, than that which was proposed in the previous planning application and associated appeal. The submitted daylight and sunlight assessment indicates that from most of the area of the lower ground floor bedrooms, it would be possible to view the sky. Furthermore, and given the increased depth of the lightwell, I do not doubt that the proportion of sky that is visible to future users of the bedrooms when close to the windows, would enable such users to secure adequate levels of outlook from the lower ground-floor bedrooms.
13. For the reasons given above, the development would provide adequate living conditions for future occupiers of the lower ground floor flat, with particular regard to outlook. Consequently, and in respect of this main issue, it would not conflict with Policies QD6.2 and QD6.4 of the Local Plan, which require new development to contribute to high-quality design and place-making, and to provide internal spaces that support the health and well-being of those who use and experience them. Furthermore, and in respect of this main issue, it would not conflict with the residential design guide, where it which seeks to support the creation of high-quality residential environments throughout Watford.

Other matters

14. The site is located in a sustainable built-up area, with easy access to a range of facilities without the need for a private motor vehicle. However, it is also located within a controlled parking zone. Although a snap-shot in time, during my mid-morning and mid-week site visit, I found there to be ample availability of parking spaces within the vicinity of the appeal site. I have no reason to conclude that such is not typical. Furthermore, no compelling evidence has been presented demonstrating that the development would lead to a harmful increase in parking stress or highway and pedestrian safety within the area. On this basis, I consider that there is adequate on-street parking provision within the area to serve the proposed development.
15. The Council has confirmed that it supports the loss of some trees within the site, subject to appropriate replacement tree planting. On this basis, and

having regard to the observations made by the Inspector in the previous appeal, I find that the loss of trees to facilitate the development is acceptable.

16. No concern has been raised by the Council regarding the effect of the development on the living conditions of the occupiers of neighbouring properties. Based on the evidence before me and my observations on site, I have no reason to take an alternative view.
17. I appreciate that during the construction phase, the development may cause disturbance to the occupiers of neighbouring and nearby accommodation. However, any such disturbance is likely to be short-term. Furthermore, there are separate regulations to ensure construction works would not cause unacceptable harm to the living conditions of neighbouring occupiers.

Conditions

18. In imposing conditions on this permission, I have had regard to the six tests outlined within paragraph 56 of the Framework.
19. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity, a plans condition is also imposed which identifies the plan to which the permission relates.
20. Materials and landscaping conditions are imposed to protect the character and appearance of the area. The first landscaping condition is required to be a pre-commencement condition, to prevent harm being caused to those soft landscaping features within the site that are to be retained.
21. A condition is imposed which requires a scheme to be developed to protect future occupiers of the proposed residential accommodation from harmful levels of noise resulting from the use of Beechen Grove. This is required to be a pre-commencement condition, to ensure that the scheme would not have an unacceptable adverse effect on the character and appearance of the area.
22. The submitted arboricultural method statement sets out what actions should be taken to prevent unacceptable damage being caused to the retained trees. However, I have not been provided with copies of the tree removal plan ref TRP/5GRWH/010 E1 or the tree protection plan ref: TPP/5GRWH/010 E2, both of which are referred to within the submitted arboricultural impact and method statements. Notwithstanding this, to protect the character and appearance of the area, it is necessary and reasonable to require that the trees indicated on the proposed site plan ref 1376 / 3A be retained. For the purposes of clarity and to ensure the adequate protection of the retained trees, it is also necessary to impose a condition requiring that a tree protection plan be provided prior to the commencement of the development, and, that the development subsequently be undertaken in accordance with the approved tree protection plan and the submitted arboricultural method statement compiled by David Clarke -dated December 2021.
23. Hertfordshire County Council have requested a condition be imposed requiring the submission of a construction management plan. However, such a condition is not deemed to be necessary, because there are separate powers to control such matters, and because I have found that there is ample parking availability in the area.

Conclusion

24. For the reasons given above and having regard to the development plan as a whole and any other relevant considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1376 / 3A.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) a planting schedule, including details of tree planting to replace those trees which are to be removed;
 - iii) boundary treatments;
 - iv) hard surfacing materials;
 - v) an implementation programme; and

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 4) No site clearance, preparatory work or development shall take place until a tree protection plan for the retained trees has been submitted to and approved in writing by the local planning authority. In this condition "retained trees" means those trees within the site as indicated on the proposed site and ground floor plan which form part of drawing number 1376 / 3A. The development shall subsequently be undertaken in accordance with the scheme for the protection of the retained trees, as detailed within the arboricultural method statement compiled by David Clarke and dated December 2021, and the approved tree protection plan.
- 5) Construction work shall not take place until a scheme for protecting future occupiers of the proposed residential accommodation from noise resulting from the use of Beechen Grove has been submitted to and approved in writing by the local planning authority. All works that form

part of the approved scheme shall be completed before any part of the residential accommodation is occupied, and shall be retained thereafter.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to any development taking place above the height of the footings/foundations, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

End of conditions.