
Appeal Decision

Site visit made on 24 April 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/Y1945/W/23/3336045

15 Lea Bushes, Watford, Hertfordshire WD25 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Kariem Mohammed Ali against the decision of Watford Borough Council.
 - The application Ref is 23/00629/FUL.
 - The development proposed is 1 x 2-bed dwelling with associated parking, cycle storage, amenity space, and refuse space following demolition of side extension and single storey rear infill extension for the host property.
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Decision

1. The appeal is allowed and planning permission is granted for 1 x 2-bed dwelling with associated parking, cycle storage, amenity space, and refuse space following demolition of side extension and single storey rear infill extension for the host property at 15 Lea Bushes, Watford, Hertfordshire WD25 9TL in accordance with the terms of the application, Ref 23/00629/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within a post war housing development, largely made up of short rows of terraced houses and purpose-built maisonettes. The houses and blocks of maisonettes are predominately two-storey and set on moderate sized plots. However, while there is a strong degree of uniformity in their scale and form, the houses have been extended and altered in various ways, which means they differ in their features and include a variety of materials. There is also some variance in the spatial structure of the area.
5. There is a lot of incidental green open space within the housing development, and the houses are set back from the highway, often behind grass verges.

Together with street trees and other soft landscaping within front and rear gardens, this creates a green and spacious character.

6. Lea Bushes is a short cul-de-sac within the housing development. There are three rows of terraced houses at the closed end of the cul-de-sac, set around a parking area and incidental green open space. The appeal site, which currently forms part of the garden serving No. 15 Lea Bushes, is positioned at the end of one of the terrace rows, adjacent to a pedestrian footway.
7. The proposed dwelling would be attached to No. 15 Lea Bushes. It would extend the row of terraced houses, which would follow the existing pattern of development. It would be two storeys and therefore consistent with the scale of the surrounding houses. No. 107A Phillipers, which is close to the appeal site, provides an example of an infill dwelling attached to a terrace of houses in a similar way to the appeal proposal.
8. Notwithstanding this, the proposed dwelling would front the pedestrian footway rather than the highway, which I appreciate is not common in the housing development and would reduce its legibility to a degree. Nonetheless, a section of the maisonette block at the other end of the footway also fronts the pedestrian footway so, in this case, the position of the appeal proposal in this regard would not appear out of keeping with its immediate surroundings.
9. The proposed dwelling would be shorter than No. 15 Lea Bushes and the rest of the houses forming the terrace. It would also be stepped back from the front elevation of the terrace block. Generally, terraced rows of houses within the wider housing development have a consistent height and set back from the highway. However, stepped frontages are not necessarily out of keeping. I saw on site that, throughout the housing development, the set back of the terrace rows from the highway often differs, which despite the consistency in the rows themselves, creates a stepped frontage in the street scene. In addition, the L-shaped form of some of the maisonette blocks and bungalows include a step in the elevation when turning the corner.
10. There are also examples, not far from the appeal site, of attached buildings with different ridge heights, as well as rows of terraced houses with stepped elevations, such as the infill development on Tibbles Close. Therefore, while the differences between the proposed dwelling and the rest of the terrace block in terms of its height and set-back may not be typical, these attributes would not make the proposed dwelling so different that it would appear incongruous in the street-scene. In this way the proposed dwelling would accord with the advice set out in the Council's Residential Design Guide (adopted 2014, amended 2016) (Design Guide), which recognises that infill development should respect – but not necessarily in all instances replicate – the height and scale of adjoining buildings. Furthermore, the proposed dwelling would be modest and would not appear prominent in the street scene or cramped within the appeal site.
11. Nevertheless, the main roof of the proposed dwelling would be hipped, and it would include a two-storey forward projection. These are not characteristics found in the wider housing development. While, given the position of the proposed dwelling, these features, would not be obvious when viewed from Lea Bushes, they would likely appear discordant to pedestrians using the footway. This would result in some localised harm to the character and appearance of the area. However, this harm would be moderated by the modest size of these

features and the similarities between the proposed two-storey forward projection and the variety of single storey front porches throughout the housing development, many of which include hipped roofs.

12. While the fenestration on the front elevation of the proposed dwelling would also differ from other houses in the wider area, the windows would align, and the arrangement would be well balanced. Narrow windows are common on the flank elevations of houses that can be seen from the highway and thus form part of the street scene. Given this, the proposed windows would not result in any further appreciable harm to the character and appearance of the area.
13. In terms of materials, it is not clear from the information before me whether the brick work of the proposed dwelling would match No. 15 Lea Bushes and the rest of the terrace or, as suggested by the submitted plans, would consist of a simple brick type at both levels. Nonetheless, a condition could be imposed on any planning approval requiring the external materials of the proposed dwelling to match those of No. 15 Lea Bushes.
14. Accordingly, for the reasons set out above, the proposal would result in limited and localised harm to the character and appearance of the area. It would therefore conflict with Policies QD6.2 and QD6.4 of A Sustainable Town: Watford Local Plan 2021-2038 (Local Plan). These seek to ensure that new development makes a positive contribution to high-quality design, the local area and place-making by, among other things, being visually attractive and distinctive, and reflecting the character, scale, and massing of the local context.

Other Matters

15. In terms of benefits, the proposal would provide an additional dwelling within walking distance of local services and facilities, including public transport. The Council has not disputed that it cannot demonstrate a five-year supply of deliverable sites and, although Housing Delivery Test data from 2022 shows an improvement in delivery compared to previous years, at 73% there is still a significant shortfall. The provision of any additional housing therefore carries significant weight. However, in this case, the provision of a single dwelling would only make a modest contribution to the Borough's housing supply.
16. The proposal would also have modest social and economic benefits resulting from the proposed demolition and construction works and the occupation of the new dwelling.

Conditions

17. The Council has recommended 7 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
18. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
19. To protect the character and appearance of the area, a condition requiring the external materials match those used for No. 15 Lea Bushes is necessary. For the same reason and to ensure that the proposal enhances biodiversity, a

condition requiring the preparation of and accordance with a hard and soft landscaping scheme is also necessary. While I note that it is the appellant's intention to retain the existing landscaping, this condition is required to ensure an enhancement in biodiversity.

20. To minimise the environmental impact of the development, it is necessary to impose a condition to ensure that the development meets requirement G2 and regulation 36 of The Building Regulations (2010) Approved Document G (2015 as amended). This is an operational requirement so will only apply where a condition that the dwelling should meet the requirement is imposed as part of the process of granting planning permission. The need to meet this operational requirement is set out at Policy CC8.3 of the Local Plan.
21. To meet the needs and improve the health and wellbeing of older people and those with mobility issues, it is necessary to impose a condition to ensure that the development is constructed to the standards set out at M4(2) of The Building Regulations (2010) Approved Document M (2015 as amended) Volume 1: Dwellings. Again, this is also an operational requirement so will only apply where a condition that the dwelling should meet the requirement is imposed as part of the process of granting planning permission. The need to meet this operational requirement is set out at Policy HO3.10 of the Local Plan.
22. The Council has also suggested that a condition is imposed to remove the proposed dwelling's permitted development rights to be extended or altered without the permission of the Local Planning Authority. This is to ensure that any developments are carried out in a manner which will not be harmful to the character and appearance of the area, the quality of accommodation or the external amenity provision. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, there is no explanation before me as to why, in this case, these permitted development rights need to be removed to protect the character and appearance of the area, quality of accommodation or the external amenity provision. Therefore, based on the evidence before me, the condition is neither reasonable nor necessary.

Planning Balance

23. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Given this, permission should be withheld only where adverse impacts of the scheme would significantly and demonstrably outweigh the benefits.
24. I have identified that the proposal would result in harm to the character and appearance of the area. Policies QD6.2 and QD6.4 of the Local Plan are broadly consistent with the Framework's aim to create high quality, beautiful and sustainable buildings, and places by, among other things, being sympathetic to local character and history, including the surrounding built environment. Nevertheless, for the reasons given above, the resulting harm in this regard would be localised and limited.
25. The proposal would deliver a much-needed dwelling in an accessible location and would support the objective of the Framework in boosting the supply of homes in an area where there is a shortfall in the current supply of deliverable

housing sites and housing delivery. There would also be economic and social benefits.

26. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, the limited adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. Therefore, other material considerations justify allowing the appeal.

Conclusion

27. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the attached schedule.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on 15 Lea Bushes.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1250 Site Plan, XEVA/15LB/201 A, XEVA/15LB/202 A, XEVA/15LB/203 A, XEVA/15LB/204 A, XEVA/15LB/205 B, XEVA/15LB/206 B, XEVA/15LB/207 B, XEVA/15LB/208 A, XEVA/15LB/209 A, XEVA/15LB/210 A, XEVA/15LB/211 A, XEVA/15LB/212 A, XEVA/15LB/213 A, XEVA/15LB/214 A and XEVA/15LB/215 A.
- 4) The dwelling hereby permitted shall be constructed to meet the water efficiency optional requirement of 110 litres (or less) per person per day as set out by requirement G2 Water efficiency and regulation 36 of The Building Regulations (2010) Sanitation, hot water safety and water efficiency, Approved Document G (2015 as amended).
- 5) The dwelling hereby permitted shall be constructed to M4(2): Accessible and adaptable buildings of The Building Regulations (2010) Access to and use of buildings Approved Document M (2015 as amended) Volume 1: Dwellings.
- 6) Prior to the commencement of works above slab level for the dwelling hereby permitted a hard and soft landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:
 - trees and soft landscaping to be planted (including location, species, density and planting size);
 - a scheme of ecological enhancements;
 - details of any changes to ground levels;
 - materials for all pathways, all hard surfacing and amenity areas/paving;
 - boundary treatments; and
 - an implementation programme.

The soft landscaping works shall be carried out in accordance with the approved details and agreed implementation programme.

If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.