



Appeal Decision

Site visit made on 7 May 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/Y1945/W/23/3332924

6 Greycaine Road, Watford WD24 7GP

- 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 Vijen Shah of Newstone Developments against the decision of Watford Borough Council.
 - The application Ref is 23/00235/FUL.
 - The development proposed is the erection of additional storey to form x 2 no. 2 bedroom apartments at 3rd floor level of the existing building with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.
3. As part of the appeal the appellant has submitted amended drawings of the proposed site plan and the proposed third floor plan. The amended drawings reconfigure the external area of the site to include an amenity area in lieu of one parking space and also to enlarge the balcony of Unit 10 to ensure that the minimum depth of the balcony adheres to the Council's standards. I have given due consideration to guidance in the 'Procedural Guide: Planning Appeals - England' (2023), and the 'Wheatcroft Principles' referred to in the guidance, which addressed the matter of amended plans being submitted with and appeal, along with other case law, in deciding whether to accept the revised plan.
4. I consider the proposal before me (should the amended drawings be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the revisions do not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the amended plans.
5. Following the Council's decision, the 2022 Housing Delivery Test results were published. In 2021, housing delivery stood at 48%, whereas the latest results

stand at 73%. The presumption in favour of sustainable development remains applicable as a result, and thus I have not sought further views of the parties in respect of this matter.

Main Issues

6. The main issues are:

- whether suitable living conditions would be provided for future occupants of the proposed development, with regard to outlook and accessibility;
- whether the site is a suitable location for the proposed development, with regard to the development strategy; and
- whether the proposal would provide an acceptable level of parking having regard to promoting the use of sustainable transport modes

Reasons

Living conditions

7. The appeal site includes a three-storey building fronting Greycaine Road. The upper floors comprise residential properties. The proposal would extend the building upwards to create two additional flats and would utilise the existing entrance and stairwell.
8. Policy HO3.10 of the Watford Local Plan 2021-2038 (WLP) states that all new housing will be designed and built to comply with M4(2) of the Building Regulations. The appellant states that the proposal cannot comply with M4(2) as the building cannot be fitted with a lift. There is no substantive information before me detailing the requirements for M4(2) of the Building Regulations and whether a lift is an essential part of these requirements. Nevertheless, while M4(2) may be optional under the Building Regulations, in order to accord with Policy HO3.10 of the WLP, the proposal must be designed and built to comply with the standards. Consequently, the development would not provide accessible housing for the full range of members of the community.
9. The proposed third floor would comprise two two-bedroom flats. Policy HO3.11 requires new 2-bed apartments to be provided with private outdoor amenity space that meets the standard of 7 square metres with a minimum depth of 1.5 metres.
10. There is no dispute that the balcony serving Unit 9 would meet the standards within Policy HO3.11. The appellant has submitted an amended drawing altering the layout of Unit 10 to increase the depth of the balcony to 1.5 metres. The amended layout would result in the balcony adhering to the standards set out in HO3.11.
11. The proposed balcony to Unit 10 would be enclosed on two sides and accessed from the living, kitchen and dining area. The opening to the side elevation would face Greycaine Road and the railway line beyond. The balcony that would serve Unit 9 would face Garnett Close. While the views from the balconies would be primarily of the industrial area, the outlook would be acceptable given the height of the development above the surrounding buildings and the separation between the site and other buildings.

12. I conclude that the proposal would not provide suitable living conditions for future occupants with regard to accessibility. The development would therefore conflict with Policy HO3.10, and QD6.4 of the WLP, which collectively seek to support the health and wellbeing of developments through accessible and adaptable homes.

Suitable location

13. The appeal site is located within the Greycaine Industrial Area, which is a designated industrial area within the WLP. The estate is outside of the Core Development Area (CDA) and the area is predominantly used for industrial and commercial purposes. The site comprises part of a larger building, which includes a three-storey block with residential properties above offices at ground.
14. Policy SS1.1 of the WLP supports proposals outside the CDA where they optimise densities to make efficient use of land and manage change with greater regard to the existing context. In addition, Policy EM4.2 seeks to resist the loss of industrial floorspace and requires that proposals do not compromise any industrial or other employment activities.
15. While the character of the area has changed through the introduction of non-industrial uses, including café premises and community buildings, the area is characterised by the primarily industrial and commercial premises. The proposed apartments would not be compatible with the prevailing local character of the area given the proximity to industrial uses and would result in the consolidation of the residential use at the site.
16. Nevertheless, there are residential properties at the site, which the appellant states have been occupied since 2019. The properties received prior approval for the conversion of offices to dwellinghouses. There is no substantive evidence before me that indicates that there has been any conflict between the existing residential and the neighbouring industrial uses.
17. Given the specific circumstances of the appeal proposal, while the residential use of a site in a designated industrial area would be consolidated, the addition of two apartments would not further compromise the efficient functioning of industrial and commercial activities within the designated industrial area. Moreover, the proposal would not involve the loss of industrial floorspace and would make efficient use of the site through the construction of an additional storey.
18. I conclude that the site would be a suitable location for the proposed development. The proposal would therefore accord with Policies SS1.1, HO3.1 and EM4.2, which collectively require proposals to make efficient and optimal use of land, not compromise any industrial or other employment activities and not result in the loss of industrial floor space.

Parking

19. The proposal would include an area to the front of the site for on-site parking. Appendix E of the WLP sets out the car parking standards for the Borough, which requires a maximum of one parking space per dwelling.
20. The revised parking layout would provide an additional two car parking spaces to the front of the site and can be secured by a condition in the event that the

appeal is allowed. The provision of two car parking spaces would meet the standards set out within Appendix E of the WLP.

21. I conclude that the proposal would provide an acceptable level of parking having regard to promoting the use of sustainable transport modes. The scheme would therefore comply with Policy ST11.5 of the WLP, which collectively require proposals to contribute towards sustainable and active travel behaviour.

Planning Balance

22. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the WLP, with the associated conflict reflecting that the proposal would not provide accessible living conditions for all members of the community. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
23. Paragraph 11 d) of the Framework requires that, due to the Housing Delivery Test results, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwellings are occupied. However, the contribution of two additional dwellings to meeting housing need in Watford through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed, even in context of the Council's housing delivery issues.
25. In the particular circumstances of this case, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

26. The proposal conflicts with the development plan. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR