
Appeal Decision

Site visit made on 29 July 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal Ref: APP/Y1945/W/25/3363281

Blackwood, 4A Bay Tree Walk, Watford, Hertfordshire WD17 4YX

- 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 Westfields Homes Ltd against the decision of Watford Borough Council.
 - The application Ref is 24/00818/FUL.
 - The development proposed is the erection of 4 dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on ecology, with particular regard to designated priority habitat.
 - Whether the proposed development would provide suitable parking provision, with particular regard to the Council's standards.

Reasons

Character and appearance

3. Bay Tree Walk is a suburban residential cul-de-sac. It is strongly defined by the cohesive appearances of the well-ordered rows of dwellings that front onto it, which are set within verdant surroundings, including sizeable trees. There are predominantly houses and dormer bungalows constructed to broadly similar architectural styles with simple gabled forms and relatively wide facades. They occupy similar sized plots set in relatively closely spaced linear rows behind short open gardens, often with hedgerows and the occasional tree.
4. The dense canopies of the long rows of tall trees that border the area roughly to the north, east and south, form a highly visible almost curtain-like spread of greenery above the roofs of the dwellings. They include several tall trees on the appeal site that are highly visible above nearby buildings, and which are protected by a Tree Preservation Order (TPO) that is likely to reflect their amenity value as a group. Those trees give the impression that the properties on the cul-de-sac nestle amongst woodland, which together with their planted frontages contribute strongly to the verdant character and appearance of the area.

5. The existing dwelling at the appeal site is set much further back from Bay Tree Walk than the existing dwellings along the cul-de-sac. It is set at the end of a narrow access between Numbers 4 and 6, and amongst the verdant and secluded garden scene that exists behind those frontage dwellings. As the only dwelling in a backland position and with its narrower side gable and part of its garage visible from the cul-de-sac, the appeal dwelling is an exception to the prevailing pattern of development and inconsistent with the established character and appearance of the area.
6. The appeal proposal would replace the existing dwelling with four relatively tall yet narrow dwellings across three floors and set in a tightly spaced and comparatively cramped row. They would spread across a significantly larger area of the appeal site in a position relatively close behind the frontage dwellings at Number 4 and 6, and would have a greater combined massing than the existing dwelling. This would be obviously apparent in views from the road, where they would be visible to varying extents along the access between Numbers 4 and 6, and projecting above the roof of the bungalow at Number 6.
7. In those views the scale and massing of the proposed row of tightly spaced dwellings would consolidate built development on a secondary building line in a backland position amongst the spacious garden scene. They would be inconsistent with the established pattern of development in the area and have a visually discordant relationship with the frontage buildings. This would result in harm to the established character and appearance of the area.
8. In addition, the tall retained TPO trees would tower above the proposed dwellings and have an imposing physical presence given their closeness to them. In particular a number of those trees would be located towards the middle of the narrowest gardens serving plots 2 and 3, where they would be likely to constrain the usability and functionality of those gardens.
9. Measures in the appellant's Arboricultural Report (AR) could avoid harm to retained trees during construction of the proposed development. However, I am satisfied that future occupants of those dwellings would perceive the retained trees as posing a significant safety risk to them and their property in the event of branches or a tree falling. Falling tree detritus would also likely be an annoyance to future occupants.
10. It follows that future occupants of the proposed development would likely apply pressure on the Council to remove trees to avoid those health and safety risks. Whilst assessed as in good condition with long life expectancies and subject to a TPO, there is nothing in the evidence that would give sufficient confidence that the Council would be able to resist applications to remove a tree that was a threat to the safety of a property or its occupiers. Such applications carry a right of appeal so any decision of the Council would not be final.
11. Consequently, on the evidence before me the likely loss of trees resulting from future pressure to remove them would harmfully erode their positive contribution to the verdant character and appearance of the area, adding to the visual harm that would be caused by the proposed dwellings. The proposed tree planting would take many years to become fully established and could fail or be removed in the future. There is little to suggest its softening effect would adequately compensate for tree loss.

12. The visual effect of obscure glazing would not be particularly noticeable or harmful. The proposed materials and contemporary architectural style of the proposed dwellings are not objectionable. However, those factors do not outweigh the harm that would arise from the proposal's overall scale, massing and layout relative to the character and appearance of its surroundings, including buildings and trees. Whilst the supporting text to Policy QD6.5, indicates a presumption in favour of building heights of up to 4 storeys outside the core development area, this does not mean that any building with that size range would be acceptable.
13. Details of the planning permissions for developments brought to my attention at Elliot Road, Molteno Road, Tunnel Wood Close, Almond Close and Rufford Close, are not before me and I am not aware of the conditions that existed at those sites prior to development or the policy context prevailing at the time. Furthermore, they are not visible with the appeal site and based on the evidence before me they appear to be significantly different in layout and context to the appeal scheme, including fronting onto roads or being separated from frontage buildings by greater distances. As such, those examples are of limited relevance and weight to my considerations in this appeal.
14. For the reasons given, I conclude on this main issue that the proposed development would result in significant harm to the character and appearance of the area, contrary to Policies SS1.1, QD6.1, QD6.2, QD6.4, NE9.1 and NE9.2 of the Watford Local Plan 2021-2038, insofar as they seek to ensure that development, including in Established Areas, respects and reinforces the character and appearance of an area, including the relationship between buildings and the spaces between them, and for trees to be retained.
15. For the same reasons the proposed development would be contrary to paragraphs 135 and 136 of the National Planning Policy Framework ("the Framework"), which state that planning decisions should ensure that developments are well designed and sympathetic to local character, including the surrounding built environment and landscape setting, including retaining trees where possible.

Ecology and priority habitat

16. DEFRA's MAGIC map shows part of the appeal site as within the mapped Priority Habitat Inventory for deciduous woodland. In accordance with advice from Natural England's (NE) the appellant's on-the-ground assessment by an ecologist found that the trees and non-native shrubs are not priority woodland habitat. From what I observed, there are few deciduous trees remaining on the part of the appeal site mapped as deciduous woodland. On the balance of the evidence before me the appeal site is not a priority habitat. Furthermore, I am satisfied on the evidence before me that any potential harm to bats would be adequately mitigated and compensated, and NE would likely license the works involved.
17. I am aware from my site inspection that some trees surveyed in the AR have since been removed. The biodiversity implications of losing trees as a result of pressure from future occupants on health and safety grounds is unclear. Those trees are described in the appellant's evidence as of local ecological value and appear to be included within the baseline for the appellant's net gain assessment. In taking a precautionary approach, it may have been necessary, had I been minded to allow the appeal, to secure additional habitats units offsite in order to offset losses and achieve a net gain. In which case I would have consulted the main parties.

18. However, given my finding on the first main issue it is unnecessary for me to reach a definitive conclusion on this matter or consider the appellant's planning obligation any further as it would not alter the outcome of the appeal, and the development would not proceed. Nonetheless, as a best-case scenario for the appellant, I have proceeded on the basis that the biodiversity net gain requirements of Policies SS1.1, NE9.1, NE9.2 and NE9.1 of the Watford Local Plan 2021-2038, and the Environment Act, would be achieved, including through securing offsite habitat units through the submitted planning obligation.

Parking provision

19. Four parking spaces are proposed. The Council considers that the hard surfaced vehicle access/driveway, which also appears to function as turning space, could accommodate vehicle parking in excess of the parking standards in the Watford Local Plan 2021-2038, albeit this has not been quantified.
20. The appellant's Transport Statement shows that a sizeable proportion of this space would be driven over by a fire tender entering and exiting the site in a forward gear and I find no basis to disagree. Other vehicles would also use this space for turning and manoeuvring. This would appear to restrict and limit additional vehicle parking beyond the car parking spaces shown and I have not been provided with any reasons why conditions could not control the spaces reserved for vehicle turning and parking to meet the Council's standards.
21. On the evidence before me I conclude on this main issue that the proposed development would not conflict with the standards for parking provision in Policy ST11.5 of the Watford Local Plan 2021-2038, insofar as it seeks to encourage travel by sustainable modes and avoid pressure on the local highway network. The proposed development would not conflict with Framework Paragraph 115 insofar as it requires sustainable transport modes to be prioritised, and safe and suitable access to the site to be achieved for all users.

Other Matters

22. The proposed development would contribute positively to the supply of family housing within a large town where it is supported as a matter of principle by the development plan. Land in built-up areas such as residential gardens is excluded from the Framework's definition of previously developed land and therefore such land would not be reused. Nonetheless, the proposal could be built out quickly to bring some moderate economic benefits through construction and future residents spending money in the local economy.
23. The proposed development would generate renewable energy and incorporate passive design measures to use energy resources efficiently and reduce greenhouse gas emissions and combat climate change. The availability of services and facilities would reduce the need for future residents to travel, and sustainable transport modes are widely available in the area. Notwithstanding my concerns over tree loss on the appeal site there is scope to deliver a beneficial biodiversity net gain of more than 10% in accordance with local and national objectives. These factors would bring moderate environmental benefits.
24. The proposed development would make more efficient use of the appeal site for housing. It would bring about an uplift in density to around 20 dwellings per hectare based on the appellant's calculation. Policies HO3.2 and SS1.1 of the

Watford Local Plan 2021-2038, expect development to be built at higher densities of at least 45 dwellings per hectare Outside of the Core Development Area. However, those policies make clear that the optimal density for an individual site will be established through careful consideration of local character in accordance with other policies in the plan. For the reasons given above, the proposal's harmful effect on the character and appearance of the area outweighs the more efficient use of the appeal site for housing and the uplift in density.

25. The policies of the Watford Local Plan 2021-2038 that the appeal proposal would conflict with are, for the reasons I have given above, consistent with the Framework's encouragement in paragraph 130 to use land efficiently whilst creating beautiful and sustainable places, including in accordance with paragraph 135, the requirements of which are set out above. Consequently, the proposal would conflict with those requirements of the Framework.
26. Whilst the Framework seeks to avoid building at low densities where housing shortages prevail or are expected, the latest 2023 Housing Delivery Test results show that 97% of the housing requirement was delivered in Watford between 2021-2023. Consequently, the Framework's objective of boosting housing supply is currently being met and therefore paragraph 11 of the Framework is not relevant in this instance.

Conclusion

27. The proposed development would harm the character and appearance of the area resulting in policy conflicts that bring it into conflict with the development plan when read as a whole. This is a matter of substantial weight against the appeal proposal. The material considerations, including the benefits of the proposed development, and the provisions of the Framework, do not outweigh this finding. The proposed development is therefore unacceptable, and the appeal should be dismissed.

G Sylvester

INSPECTOR