



Appeal Decision

Site visit made on 30 April 2026

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 June 2026

Appeal Ref: APP/Y1945/W/25/3375399

352 Whippendell Road, Watford, Hertfordshire WD18 7PD

- 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 Mark Gradkowski against the decision of Watford Borough Council.
 - The application Ref is 24/01133/FUL.
 - The development is conversion of existing single dwelling into one 1 bedroom flat & one 3 bedroom flat (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that the use has already begun and permission is sought on a retrospective basis. However, for clarity, my assessment has been made based on the plans before me.

Main Issues

3. The main issues are:
 - the effect of the development on the supply of family dwellings;
 - whether the development provides acceptable living conditions for intended occupiers, with particular regard to internal floor area; and
 - the effect of the development on the availability of on-street parking.

Reasons

Family dwellings

4. Policy HO3.9 of the Watford Local Plan 2021-2038 ('the Local Plan') supports proposals to sub-divide existing residential accommodation into self-contained flats where they meet certain criteria. The preamble to the policy explains that properties converted into smaller units can make an effective use of buildings but can also reduce the availability of family sized homes. Therefore, under the terms of the policy, for proposals resulting in the loss of purpose built, family sized accommodation, the development should include a family sized unit (of 3+ bedrooms) with direct access to garden space at ground floor on site.
5. The appeal site contains one of a terrace of similarly sized buildings, which appear to have been built and are mainly in use as purpose-built, family sized dwellings. The plans indicate that the appeal building was previously arranged as a single

dwelling with 4 bedrooms over ground and first floors and with direct access to the rear garden via a back door to a kitchen. A separate access to the garden is provided from an alleyway that runs between the street and the rear of the site.

6. The development provides a 3-bedroom self-contained flat at its first and second floor levels. Whilst this is a 'family sized' unit, the plans indicate that direct access to the garden space would not be provided. Instead, access to the rear garden area is gained via the alleyway. This circuitous arrangement for garden access fails to provide direct outdoor amenity space suited to family accommodation. Accordingly, this reduces its overall attractiveness for occupation by families.
7. The appellant suggests that only a small proportion of neighbouring properties in the block have been converted into flats or houses in multiple occupation. Even if those figures were to be substantiated, however, this would not provide a justification for the harmful loss of a family dwelling at the appeal site.
8. Consequently, the development results in an adverse effect on the supply of family dwellings. This is in conflict with the relevant provisions of Policy HO3.9 of the Local Plan so far as it seeks to manage the availability of family sized homes and for developments to make appropriate provision for amenity space.

Living conditions

9. Policy HO3.9 of the Local Plan at part (b) requires all self-contained residential units to meet the Nationally Described Space Standard (NDSS). The Council's evidence indicates that the upper floor flat comprises a 3-bedroom, 4-person dwelling over 2 floors. For dwellings of this layout, the NDSS prescribes a minimum gross internal area of 84sqm. However, the Council's measurements indicate a 22sqm shortfall from this figure, which the appellant has not sought to dispute. This is a considerable shortcoming in the provision of internal floor space which results in cramped, substandard accommodation in this regard.
10. Therefore, the development fails to provide acceptable living conditions for intended occupiers, with particular regard to internal floor area. This is in conflict with the relevant provisions of Policy HO3.9 of the Local Plan, so far as it seeks to ensure compliance with the NDSS.

On-street parking

11. Policy HO3.9 of the Local Plan at part (e) supports residential conversions which are either car-free, or which provide parking on site or in nearby off-street facilities.
12. The immediate area is within a Controlled Parking Zone (CPZ) which restricts residents parking. Whilst only a snapshot in time, on my site visit I observed that the street was heavily parked with limited spaces available close to the appeal site on Whippendell Road. In the absence of suitable parking provision or acceptably secured as a car-free development, the development is likely to result in further pressure on on-street parking availability to the detriment of the convenience of other local residents who have access to parking permits within the CPZ.
13. There is no indication that parking is provided either on-site or off-site to serve the flats. The appellant has indicated their willingness to enter into a Unilateral Undertaking to remove the rights to parking permits for occupants of the proposed flats. However, no such undertaking has been submitted and there is no enforceable mechanism before me to secure the development as car-free.

14. Thus, I cannot be satisfied that the development has an acceptable effect on the availability of on-street parking. This is in conflict with the relevant provisions of Policy HO3.9 of the Local Plan so far as it seeks to secure car-free developments.

Other Matters

15. Were the appeal to fail, it is reasonably foreseeable that the appeal property would revert to its former use as a single dwelling. In terms of the main issues, this would have a neutral impact on the supply of family dwellings and it is likely that the accommodation provided would be sufficient in terms of size. As regards parking, it is reasonably likely that the on-street parking demands of a single dwelling would be less than that of 2 flats, including 1 larger flat. Therefore, this alternative outcome would not be equally or more harmful than the appeal scheme.
16. The appellant refers to permitted development rights that would allow the appeal property to be converted from a single dwelling into a house of multiple occupation. However, there is little evidence to indicate that such a change of use would occur in the event of the appeal being dismissed. As such, there is no more than a theoretical possibility of such a conversion being carried out and this potential fallback position carries very limited weight in my overall assessment.
17. The development has not involved any external alterations, however the appellant has suggested that a condition could be imposed to require alternative siting for the storage of waste and refuse. Whilst it is argued that this could improve the streetscene, similar arrangements are commonplace at properties along Whippendell Road. Accordingly, this would not provide a sufficient benefit to justify the development.
18. The evidence indicates the use of the property as 2 flats has commenced. If the flats are currently occupied a decision to dismiss the appeal could lead to residents having to leave their homes. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life) as incorporated by the Human Rights Act 1998.
19. These rights are not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances. There is a legitimate and established planning policy aim to ensure an adequate supply of housing to meet the needs of different groups, that residences are provided with acceptable living conditions and to avoid unacceptable parking. No case has been made that the personal circumstances of the existing occupants require them to remain at the property. As such, I attach greater weight to the public interest. Dismissal of the appeal is proportionate and so it does not violate the residents' human rights.

Conclusion

20. For the reasons given above, the development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

S F Barnes

INSPECTOR