

Development Management Committee – 19 April 2017

Summary Report on Appeal Decisions

Delegated Decisions – Main Learning

Overall, decisions have been in the Authority's favour indicating that generally decisions have been sound and of a high quality. However, it is worth examining decisions which were allowed to see if there were any trends.

The issues are more varied than those arising from applications considered by committee. The main areas, however, in which appeals were allowed were on subjective issues related to design, which is to be expected.

One decision found that parking permits should not be removed as the inspector wanted more evidence to demonstrate this, but overall Inspectors have agreed with the authority when this issue has been raised and this does not appear to be a trend.

Some criticism was raised in two decisions, one a delegated refusal and one a committee refusal, that the rationale behind the amenity space standards in the RDG was not clear, however, this is only in respect of two decisions and does not seem to be an issue overall. The pattern of decisions on both delegated and committee refusals does indicate, however, that refusal of applications solely on the basis of external amenity space is not finding traction with Inspectors.

One decision related to the issue of a second temporary consent on a site rather than a permanent permission. This decision is not surprising as issuing a second temporary planning permission is discouraged by the NPPG and would not normally be done.

Delegated Decisions – Summaries

14/01773/FUL - Prejudicial to future development of neighbouring site. Principally lost because of lack of evidence about any actual proposals for neighbouring site provided.

15/00644/ADV - Very large advertisement hoarding. Inspector felt it would look ok.

15/00141/FUL - Second temporary permission. Unnecessary as it had already been demonstrated that the use caused no harm and permanent permission could be granted.

15/01244/FUL - Design and room sizes and lack of garden space. Inspector had a differing view on design, concluding that the flats would likely be used by only single occupants and felt all areas of garden space were useable.

15/01563/FUL - Standard of accommodation for future occupants (amenity space, privacy and outlook) and highway safety due to lack of parking permit removal. Amenity space below SPD standard, but inspector consider ok as not out of character with nearby and flatted accommodation and lack of weight to SPD because amenity space calculations are not evidenced. Allowed without parking permit removal because of lack of evidence provided as to why this was necessary.

15/01613/FULH - Impact of extension on character and appearance of host dwelling and street scene. Inspector considered design acceptable in context despite not fully complying with SPD guidance.

16/00080/FULH - Impact of extensions (remodelling from chalet bungalow into two storey house) on character and appearance of area. Inspector felt the proposal was not over dominant or out of character as a whole. While criticising aspects of the design as fussy, overall did not feel this alone was sufficient to refuse permission.

15/01139/FUL - New dwelling and amendments to existing hours; character and appearance of the area. The Inspector concluded that the design of the new dwelling was acceptable. The Inspector accepted amended plans removing aspects of the extensions which the Council has considered acceptable, such that the proposal allowed was different to that which was refused.

16/00517/FULH – Extensions; character and appearance. Inspector reached the view that the extensions would have an appropriate appearance.

16/00291/FULH - Extensions; character and appearance. Inspector reached the view that the extensions would have an appropriate appearance.

16/00540/FULH – Extensions; character and appearance and living conditions. Inspector reached the view that the extensions would in effect create a ‘new house’ and therefore put less weight on RDG guidance with regard to impact on the character of the original dwelling and, overall, concluded design acceptable. Did not find harm to living conditions of neighbours due to site specific circumstances.

Committee Decisions - Main Learning

The main theme in the appeals arising from committee decisions was one of design, with the overwhelming trend in the appeals being that the proposals were for more modern and contemporary design approaches which were resisted by the

Development Management Committee. This included decisions within conservation areas and in proximity of listed buildings.

Paragraph 60 of the NPPF states: 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

Paragraph 131 of the NPPF states: 'In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 138 of the NPPF clarifies that 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance...'

I would advise the Committee to be mindful of paragraph 60 in making decisions. The fact that the design of a building is not to the liking of all, or does not seek to copy or replicate the surrounding built form (even in conservation areas) is not a sufficient reason to refuse planning permission. The Committee should also be mindful that the purpose of the designation of conservation areas (or the listing of buildings) is to protect and enhance those aspects of the area that contribute to their historic significance, not to insist on a particular style for all development within the area. Consideration of proposals in such areas needs to be thorough and careful but the provision of more contemporary buildings in these locations does not necessarily harm their significance. In some circumstances pastiche developments, which seek to copy the existing character, can detract from the significance and more contemporary buildings can be seen to enhance the area as they are visually distinct and can serve to emphasise those features of significance.

The other point that arises from the decisions is that the Residential Design Guide and other supplementary documents are guidance only and it is often the case that a development cannot fully comply with all the conflicting aspects of planning policy. While we should seek adherence to them for consistency they are not unbreakable rules and it is still necessary to have regard to the individual circumstances of the case, the surrounding context, and the wider strategic context (such as housing need) in determining whether the overall planning balance lies in favour of granting permission.

In addition to the decisions addressed in this performance report, a public inquiry has recently been held on another site. While the decision on this is awaited the inquiry has highlighted that some aspects of the Council's current Development Plan relating to housing are out-of-date, and in considering proposals for housing there is a presumption in favour of grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies within the National Planning Policy Framework indicate development should be restricted.

It is also important to always have regard to the planning balance and the positive features which can arise from developments. In the current context, the benefit of providing additional housing is of particular importance and should always be taken into account.

The overall planning balance will remain be a key factor for members of the Committee to take into account on all applications.

Committee Decisions - Summaries

15/00413/FULM – 23-25a St Johns Road.

Main Issue - the effect of the development on the character and appearance of the area. This is principally in relation to the prominent Block 1 frontage onto St John's Road not adequately reflecting the residential context of this location and therefore being out of character and appearing as overdevelopment.

The Inspector concluded on this issue:

"Having heard the evidence given, I have reached the view that this proposal would provide for a high standard of contemporary design that responds well to the context of this site. Block 1 would provide for a successful transition between the tall office buildings on Clarendon Road and the residential development along St John's Road and to the west. The staged reduction in height of the components to Block 1, from five to three storeys, would provide for a well-designed modern frontage that both moderates and screens the present impact of the contrasting scale of the adjacent business properties. It would provide a graduation in height that would respect the scale of the adjacent housing such that the development would not have the appearance of being over-development.

“Block 2 would combine with Block 1 to provide a comprehensive scheme that would make effective use of the site, divided by well-designed and landscaped communal open spaces, with a development of an appropriate scale and design for the space between the housing and office developments.

“This proposal would be of a good quality, contemporary design appropriate to the transitional nature of this site and would make a positive contribution to both the character and appearance of the area. Therefore it would satisfy the requirements of Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 (WLPCS) and the Residential Design Guide¹ (RDG).”

The Inspector also commented on car parking confirming that car free development was acceptable in this sustainable location, subject to controls over parking permits.

15/01447/FUL – 81 Cecil Street.

Main Issue - garden size. A 3 bedroom house and 1 bedroom house, both with gardens below SPG guidelines, the 3 bedroom house significantly so.

Inspector attached little weight to the SPD as it contains no rationale for how the size recommendations were reached and concluded the garden sizes were acceptable as the garden sizes were not uncharacteristic of nearby properties.

15/01208/FUL – South Lodge, Hempstead Road.

Main Issues – effect of the proposal on the character and appearance of the area and on the setting of a Grade II Listed Building.

Character and Appearance – The Inspector considered that the contemporary design would have a modest size and bulk with clean and unfussy lines. It would have a minimal visual impact on wider surroundings and would be softened by existing trees and sit comfortably when viewed from Hempstead Road. The design of the proposed dwelling, in particular its flat, sedum covered roof and its simple elevational appearance would not result in an unduly alien or incongruous feature in the surroundings.

Setting of Listed Building – The proposal would have a simple form and functional appearance in contrast with the more complex form and detailed elevations of the listed structure. The modest scale, minimal height and siting away from the existing building towards the end of the garden would all have the effect that the new dwelling would be subservient and unassertive in relation to the listed building. It would therefore cause no harmful erosion to the character.

16/00018/FUL – Red Lion Public

Main Issue - the proposal would not preserve or enhance the character and appearance of The Square Conservation Area.

The Inspector concluded on this issue:

“The appeal scheme proposes a contemporary design approach to the redevelopment of the site. Given the varied architecture and streetscape along Vicarage Road this would not be out of context. I recognise that the flat roofed and fronted design of the two blocks proposed would not reflect the traditional, pitched roof, bay window architecture typical of the Victorian buildings within the Conservation Area. However, the simplicity of their design would not compete with this architecture, particularly with the more ornate detailing of the adjacent Red Lion Public House. The two storey height of the blocks would respect that of the terraced housing to the rear and would align with the eaves height of the Red Lion. The spacing between and around the buildings would relate well to the buildings either side and their position at the back edge of the footpath would reflect the characteristic building line of development along this section of Vicarage Road. The use of red brickwork would match that of the adjoining stable block and respect the palette of materials found in the Conservation Area. The retained and replacement trees would also help to soften the development and the glimpsed views of the properties in Oxford Street in the spaces between the new blocks.”