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## Appeal Decision

Site visit made on 11 April 2016

**by Graham Chamberlain BA MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 April 2016**

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**Appeal Ref: APP/Y1945/W/16/3143660**

**81 Cecil Street, Watford, Hertfordshire WD24 5AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs M & H Hussain & Bibi against the decision of Watford Borough Council.
  - The application Ref 15/01447/FUL, dated 7 October 2015, was refused by notice dated 10 December 2015.
  - The development proposed is the removal of an existing garage/utility extension and the construction of a new 1 bedroom property.
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### Decision

1. The appeal is allowed and planning permission is granted for the removal of an existing garage/utility extension and the construction of a new 1 bedroom property at 81 Cecil Street, Watford, Hertfordshire WD24 5AS, in accordance with the terms of the application, Ref: 15/01447/FUL, dated 7 October 2015, subject to the attached schedule of conditions.

### Main Issue

2. The main issue in this appeal is whether the proposed development would provide adequate living conditions for residents with particular reference to the provision of outdoor amenity space.

### Reasons

3. The appeal property is a two storey semi-detached dwelling situated on the southern side of Cecil Street. Cecil Street is characterised by a dense character evident in the tight, narrow and terraced form of properties in the street and the prevalence of a high level of on street parking. The appeal property however, benefits from a larger than average plot size. Whilst the depth of the plot is equal to others along Cecil Street the width is approximately two to two and half times the width of many of the other plots in the street. This has provided space to the side of the plot, which is currently occupied by a single garage joined to the house by a flat roofed linking extension.
4. The proposal is to demolish the existing garage and linking extension and erect a single storey one bedroom property. The dwelling would have the appearance of a subservient single storey 'extension' being set back from the front elevation of the host property. The proposed dwelling would also incorporate

design features which take their point of reference from the existing appeal property including a bay window and matching roof pitch and materials.

5. The existing rear garden would be split to provide private outdoor amenity space for both the existing and the proposed dwellings. There would be a slight 'kink' in the boundary to reflect the alignment of the eastern boundary with 79 Cecil Street, which is not straight. A path would be provided around the eastern and southern boundaries of the new dwelling and its garden. This would provide access to the remaining garden that would serve the host property. Acceptable bin and cycle storage, accessed via the path, would also be provided for both properties.
6. The resulting gardens would be similar in width and depth to other gardens serving properties nearby. Narrow gardens are a characteristic of the street given the dense urban grain. Therefore, I do not find that the gardens would be uncharacteristically small, which would be an indicator that the site was being over developed.
7. The garden areas proposed to serve the existing house and proposed dwelling would be south facing. This would afford a reasonable level of light to the occupants. There would be sufficient space to sit out, hang washing and have an area for storage, including bicycles and refuse bins. The garden areas would have a relative outlook and level of privacy that was adequate when considering the site's situation in a dense urban area and when compared to nearby properties.
8. The garden area that would serve the proposed 1 bedroom dwelling would be commensurate in size to the properties function and the likely expectations of future occupants. However, the smaller garden, which would serve the existing house, is more challenging. This is because the property, as a three bedroom dwelling, could be considered to provide family accommodation. There is little substantive evidence before me to indicate the proposed garden area would provide sufficient space for a child to play. This weighs against the proposal.
9. However, the garden space that would serve the existing property is not untypical when compared to the size of gardens serving other properties in the street and further afield. Many of these properties are likely to be three bedroom homes as well, given that they are similar in size to the existing appeal property. I have no substantive evidence before me these gardens are substandard.
10. Furthermore, there is a large recreation ground (Callowland Recreation Ground) within a short walk of the appeal site, which would provide space for outdoor play. However, adults would likely need to accompany smaller children when visiting this space and therefore it would be used in a different way to a private garden. Nevertheless, and on balance, I am satisfied that the area of garden that would be retained to serve the existing property would be sufficient in this instance.
11. In reaching the above view I note that the proposed gardens would be below the private garden space standards as set out in Paragraph 7.3.22 of the Council's Residential Design Guide Supplementary Planning Document (SPD). This document requires 1 or 2 bedroom properties to have gardens at a minimum size of 50sqm and 3 bedroom properties to have gardens of 65sqm. At approximately 45sqm the garden serving the proposed 1 bedroom property

would be close to the minimum 50sqm, which is reasonable given the prevailing size of gardens in the area. The retained garden to serve the existing property, at around 38sqm, would be significantly below the standard set out in the SPD.

12. However, neither the SPD nor the Council's submissions explain the rationale behind the minimum size figures and how they were calculated. As I have seen no evidence to justify the figures, the weight I can attach to the guidance on garden sizes in the SPD is significantly reduced. Moreover, the SPD does not explain whether the minimum figures are there to secure gardens that function adequately or to what extent the size should be guided by the existing character of the area and the size of other gardens nearby. Nevertheless, I have considered the size of the proposed gardens and their functionality and have found no overall harm.
13. I therefore conclude that the residents of the existing property, as well as the occupants of the proposed 1 bedroom dwelling, would have adequate private amenity space. Consequently, there would be no conflict with Policy SS1 of the Watford Local Plan Part 1 - Core Strategy 2013, which seeks to ensure new development protects residential amenity. An aim consistent with Paragraph 17 of the National Planning Policy Framework.

#### **Other Matters**

14. I share the views of the main parties that the living conditions of the occupants of 79 Cecil Street (No 79) would not be adversely affected by the proposed development. The appellants' Daylight and Sunlight Study demonstrates that the Vertical Sky Component, as a measurement of daylight, of the windows in the western elevation of No 79 would not fall below 27% or 0.8 times the former value following the implementation of the scheme. As such, there would be reasonable levels of daylight retained. In addition, the same study indicates there would be no harmful reduction in sunlight. Given the screening that would be afforded by the boundary treatment proposed, and the lack of windows in the eastern elevation of the proposed dwelling, there would be no harmful impact on the privacy of neighbours. Likewise there would be no harmful impact on outlook from No 79 given the distance between properties and the single storey profile of the proposed dwelling.
15. There is no substantive evidence before me to indicate that the sewerage system could not accommodate the additional dwelling proposed or that there would be material harm from building over any sewerage infrastructure. This does not therefore alter my findings on the proposed development. In addition, I am satisfied that the proposal would enhance rather than harm the street scene as it would facilitate the removal of the existing garage. Moreover, the proposal has been designed to read as a subservient side 'extension' with matching details that will assist in harmonising old and new.
16. I observed that there is a high level of on street parking in Cecil Street and the surrounding area. This is supported by photos submitted by third parties. The proposal would place further pressure on this by removing one off road parking space and creating a demand for another if the proposed dwelling is not a 'car free' development. Nevertheless, the Local Highway Authority has raised no objections to the proposal when having regard to highway safety and capacity and I have no substantive evidence before me that would lead me to a contrary

view, especially if highway users parked in accordance with highway regulations.

17. I note the concerns relating to vehicular access into No 79, but the appellants have demonstrated that adequate visibility would be retained with no obstructions above 0.6m in the front garden. Whilst the drop kerb would become shorter as a result of the development, I share the view of the Council that this would not result in the entrance to No 79 becoming inaccessible as sufficient space would be retained. Moreover, there is nothing to indicate that a motorist could not be prevented from parking in front of the driveway by other legislation.
18. Given that the proposal would provide adequate garden space for future residents and would have no other harmful impacts, thereby adhering to local and national policy, the proposal is sustainable development for which the Framework carries a presumption in favour.

### **Conditions**

19. I have had regard to the advice in the Planning Practice Guide and the conditions set out in the Council's Case Officer's committee report. In addition to the 3 year commencement period I consider it necessary in the interests of precision and safeguarding the character and appearance of the area to attach a condition for the development to be implemented in accordance with the submitted drawings. I also consider it is necessary for the finishing materials used in the proposed dwelling to match those of the existing house. This is in the interests of safeguarding the character and appearance of the area.
20. Given the dense urban environment and in the interests of safeguarding the living conditions of nearby residents, I consider it necessary to require boundary treatment to be in situ prior to occupation and to restrict the hours that demolition and construction can occur. It is also necessary for a construction management plan to be submitted and approved before works commence. As the management plan will need to cover all works, it must be submitted prior to commencement of any development. In the interests of highway safety the existing crossover should be stopped up and the kerb increased in height. This would provide space for additional on street parking.
21. Whilst permitted development rights should only be removed exceptionally, I have nonetheless removed them, as suggested by the Council (Part 1, Classes A-G), in this instance given the dense urban environment and the real likelihood there could be harm to the living conditions of the occupants of neighbouring properties, as well as the character and appearance of the area, from works usually undertaken as permitted development. It is also necessary, in the interests of highway safety and the character and appearance of the area for precise details of bin and cycle storage to be submitted and approved.

### **Conclusion**

22. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall only be carried out strictly in accordance with the following approved plans (or any approved non material amendment to these plans or any drawing or amendment required by a condition attached to this permission):
  - SHT. No. 1 and SHT. No. 2 (amended plan received 18.11.15).
- 3) The materials used for the external finishes of the building hereby approved shall match those of the existing property within the site, being as per the details shown on drawing SHT. No. 2 (amended plan received 18.11.15).
- 4) Demolition of the existing buildings and construction of the development hereby approved shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
- 5) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of contractors' parking, the delivery and storage of materials, wheel washing facilities, measures to mitigate noise and dust and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.
- 6) The new dwelling hereby approved shall not be occupied until the existing crossover point has been stopped up through the raising of the existing dropped kerb and reinstatement of the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.
- 7) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the existing dwelling or the dwelling hereby approved without the prior written permission of the Local Planning Authority.
- 8) Notwithstanding the information already submitted, the new dwelling hereby approved shall not be occupied until details of the siting, size, type and finish of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The storage shall be installed and made available for use prior to the occupation of the new dwelling and shall be maintained as such at all times thereafter.
- 9) The new dwelling hereby approved shall not be occupied until all the gates, walls, and fencing, as detailed on the drawing numbered SHT. No. 2 (amended plan received 18.11.15), have been provided. The approved means of enclosure shall thereafter be maintained and retained in the approved form.