



## Appeal Decision

Site visit made on 24 January 2017

**by Clive Tokley MRTPI**

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

**Decision date: 1 February 2017**

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**Appeal Ref: APP/Y1945/D/16/3163585**

**17 Woodwaye, Watford, WD19 4NN.**

- 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 Mrs K Jayasuriya against the decision of Watford Borough Council.
  - The application Ref 16/01212/FULH dated 27 August 2016 was refused by notice dated 27 October 2016.
  - The development proposed is conversion of the garage to a habitable room and the erection of a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The Council is critical of the accuracy of the drawings as regards the depth of the house as shown on the site plan and the configuration of the bay windows. My site visit enabled me to identify the position of the dwelling in relation to its neighbours and the dimensioned drawings clearly indicate the depth of the proposed rear extension with the existing building as a reference point. The appellant agrees that the drawings do not accurately depict the facets of the front bay windows; however the proposal does not affect those windows and this inaccuracy does not prevent or prejudice the proper consideration of the appeal.

### Main Issues

3. The officer report indicates that the conversion of the garage to a habitable room, replacing the garage door with a window, is acceptable in design terms. The property has ample parking and I have no reason to disagree with the Council's view that this aspect of the proposal is acceptable.
  4. The main issues are the effect of the single storey rear extension on the character and appearance of the area and its effect on the living conditions of the occupiers of neighbouring dwellings as regards natural lighting and outlook from their gardens.
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## **Reasons**

### *Character and appearance*

5. Woodwaye is a well-established residential street fronted on both sides by detached dwellings. These are set behind low walls and hedges and a large proportion of their front gardens have been paved for parking. The dwellings are built to a variety of designs but there is a recurring theme of bay windows, decorative brickwork, tile hanging and applied timber. The appeal property possesses all of these features and when seen from the front it embodies the character of the street.
6. The main range of the house, parallel to the road, has been extended to the rear in three two-storey hipped-roof bays two of which are linked by a section of flat roof. The narrow space between the houses limits the extent to which the two storey rear projections can be seen from the road. The walls and roof of the proposed single storey extension would be inset from the line of the extended flank walls of the house. As a result of this and the narrow angle of view the extension would be almost imperceptible from the road and would have no effect on the character or appearance of the street.
7. The rear wall of No 17 steps forward at its northern end resulting in part of the extension being about 3.8m in depth; however for over two-thirds of its width the extension would be 3m in depth. The use of a "crown" roof with its roof line just below the cill level of the first floor windows would result in the single storey addition being relatively bulky; however its visual impact would be mitigated to some extent by the sloping roof planes. The single-storey addition would not encroach significantly into the large rear garden and taking account of the scale and bulk of the existing house the proposal would not be a disproportionate addition.
8. The proposal does not have the refinement of design that would be expected at the front of the house; however the rear of the dwelling does not reflect the harmonious character of the front. I consider that the proposed rear extension would not unacceptably detract from the character or appearance of the existing dwelling.
9. Mature trees and hedges limit the extent to which neighbouring houses can be seen from the garden of the appeal property. Nevertheless I was able to see that houses in the vicinity had been extended at both ground floor and first floor level. My impression was that the extension proposed at No 17 would project further into the rear garden than nearby additions; however taking account of the depth of the rear gardens, the mature vegetation that limits views and the variety of houses and extensions the proposal would not be harmful to the character or appearance of the area.
10. On this issue I conclude that the proposal would not detract from the character or appearance of the area and would not conflict with Policy UD1 of the *Watford Borough Council Local Plan (Core Strategy) 2006-31*.

### *Living conditions*

11. The officer report refers to a potential breach of a "45 degree rule" in respect of both No 15 and No 19 Woodwaye. This "rule" is referred to in paragraph 8.4.3

of the *Watford Residential Design Guide 2014* (the Design Guide) under the heading "daylight". The Design Guide cites The Building Research Establishment guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2011) and it is therefore evident that the "rule" expressed in paragraph 8.4.3 concerns natural light reaching the windows of habitable rooms. This contrasts with refusal reason 2 which relates to an over bearing effect when viewed from adjoining gardens and makes no reference to daylight. I have nevertheless considered both matters.

12. Drawing No 017 indicating 45 degree lines in the horizontal plane has insufficient detail and is of too small a scale and to enable me to determine with confidence whether the proposal would infringe the Council's adopted guidance. I saw at my site visit that the rear wall of the northernmost part of No 17 is positioned forward of the wall at No 15. From the garden of No 15 I was able to see the rear extension at No 15 and I noted that that the nearest "windows" at the rear of No 15 are glazed doors centrally-placed within that extension. I estimate that the centre line of those windows would be sufficient distance from the proposed extension to prevent an encroachment into a line drawn at 45 degrees in the horizontal plane. The vertical component of the 45 degree test as set out in the Design Guide would not be offended. Therefore whilst No 15 is north of the proposal the rear extension would not conflict with the Design Guide as regards natural light reaching its habitable room windows.
13. No 19 lies to the south of the appeal property and there is a wider space between the buildings than at No 15. The absence of a survey introduces an element of doubt but based on what I saw at my visit I consider that the proposal would not conflict with the Design Guide as regards its effect on daylight to the rear windows of that property. The proposal would have an effect on the outlook from a number of north-facing windows in the side of No 19 but the distance between them and the proposal would be sufficient to prevent an unacceptable effect on light.
14. Refusal reason 2 indicates that the Council's principal concern lies with the effect of the proposal on the amenities of gardens at No 15 and No 19. The rear extension would be offset from the boundary with No 19 and whilst the occupiers of that property would be aware of the extension it would be sufficient distance from the boundary to prevent it from appearing over dominant.
15. In contrast the northern flank wall of the extension would be inset by only 0.2m from the brick boundary wall with No 15. In the absence of stated dimensions there is an element of uncertainty about the height of the extension; however the appellant does not challenge the Officer report which indicates that it would be over 3.35m to the ridge of the roof. The ridge is off-set a short distance from the flank wall but as a result of the steep pitch of the roof the full height of the extension would be clearly perceived from the garden of no 15.
16. I consider that the proposal would be an un-neighbourly dominating structure that would unacceptably detract from the amenities of the garden area of No 15 closest to the rear of the dwelling. Lying due south it would also cast a shadow over the garden immediately to the rear of the dwelling. Refusal reason 2 refers to Core Strategy Policy UD1 but I find nothing in that policy that would be offended by the proposal. However it would conflict with one of the core principles set out in the *National Planning Policy Framework* (the Framework)

which indicates that planning should always seek to secure a good standard of amenity. It would also conflict with the Design Guide which indicates that extensions should not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties as regards (amongst other things) an increased sense of enclosure and the reduction in sunlight to a garden.

### **Conclusion**

17. Taking account of all matters I have concluded that the proposal would not detract from the character or appearance of the area; however it would be an un-neighbourly development that would unacceptably detract from the living conditions of the occupiers of No 15 Woodwaye and would therefore conflict with the Design Guide and the Framework which seek to ensure that good standards of amenity are secured and maintained.

18. For that reason I have concluded that the appeal should not succeed.

*Clive Tokley*

INSPECTOR