
Appeal Decision

Site visit made on 29 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/Y1945/D/19/3234999

30 Orbital Crescent, Watford WD25 0HA

- 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 Bobby Chaudhari against the decision of Watford Borough Council.
 - The application Ref 19/00430/FULH, dated 11 April 2019, was refused by notice dated 24 May 2019.
 - The development is proposed single storey and part side and rear two storey extension and porch.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposed development upon: 1) the character and appearance of the host property and the area, and 2) the effect on the living conditions of neighbouring occupiers, with particular regard to light and outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site lies close to a bend on Orbital Crescent in an area of predominantly two storey semi-detached properties. The individual properties are set back from the highway and have medium sized front gardens several which are enclosed by low fencing or paved to provide off street parking facilities. The regular spacing of the properties, limited palette of materials and hipped or gabled roofs defines the character to the area. A short distance to the west there is a block of apartments, three storeys in height and to the east two short terraces providing retail uses with residential accommodation above.

5. The neighbouring maisonettes at Nos 32 and 34 are angled relative to the host property resulting in a significant gap between them and the host property. Although the new extension would be constructed on the party boundary and would conflict with the guidance within the Watford Borough Council Residential Design Guide (RDG) which seeks the provision of a 1 metre gap on the boundary, the relationship between the respective properties would ensure that the spacious qualities of this part of Orbital Crescent would not be adversely affected by the proposal. The RDG states that the gap is also required for maintenance purposes. However, there is no gap between the garage and party boundary at present and this issue did not form part of the Council's reason for refusing the application. Accordingly, this matter does not form part of my consideration of this case.
6. The set back of the two-storey side extension, and its set down below ridge level, would result in this part of the new extension being subservient to the host dwelling. Moreover, whilst the rear extension would exceed 4 metres in depth and as a result would contravene guidance provided in the RDG, it would respect the character and scale of the host property and its attached neighbour. These aspects of the proposal would be in keeping with the host property, the semi of which it forms part and the wider area.
7. However, the ground floor part of the side extension with its projection forward of the front wall of the host property would introduce a prominent, discordant feature which would be harmful to the visual appearance of the host property and the symmetry of the pair of properties of which it forms part, even taking into account the presence of a porch on the front elevation of No 28. As a result, the contribution that the extended dwelling would make to the character and appearance of the area would be significantly diminished, and harm to the character and appearance of the area would result. The examples of porches that have been drawn to my attention by the appellant are not directly comparable to the proposal before me and this limits the weight that I can give them in my overall consideration of the proposal.
8. In light of the above, I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area in conflict with Policy UD 1 of Watford's Local Plan Part 1 – Core Strategy 2006 - 31 (CS), the RDG and the National Planning Policy Framework (the Framework), which jointly seek to deliver high quality design which respects and enhances the local character of the area in which development is located.

Living Conditions

9. In the gable wall of the maisonettes at Nos 32 and 34 there is a door and window at ground floor level and 3 windows at first floor level. All the windows are obscure glazed. Given the juxtaposition of the respective properties the impact of the proposal on light and outlook to these windows would be very limited. Views from the windows in the rear elevation of No 32 and 34 would be at an angle oblique to the host property and would be largely down the properties rear garden. A satisfactory outlook from the rear windows would therefore be maintained.
10. Moreover, given the relationship of the extension to the rear windows, it is unlikely that the amount of ambient light reaching them would be affected by the proposal. Nos 32 and 34 lie to the west of the host property and any

overshadowing arising from the appeal proposals would be limited to the early part of the day. Given the relationship of the respective properties, it would be unlikely that the proposal would affect sunlight reaching the windows on the side and rear of Nos 32 and 34. As such I find that the proposal would be unlikely to affect the quality of the indoor space to these properties.

11. There may be a reduction of sunlight reaching the garden to these properties as a result of the proposal. However, the area of garden that would be most likely affected has a number of outbuildings within it and it is likely that any loss of sunlight would not be noticeable.
12. In the absence of substantive evidence to demonstrate otherwise, I conclude that the proposal would not result in harm to the living conditions of the occupiers of Nos 32 and 34 and there would be no conflict with the aims of Policies SS 1 and UD 1 of the CS or the RDG, which seek to deliver high quality design which protects residential amenity.
13. The ground floor element of the rear extension would be constructed on the party boundary with No 28 Orbital Crescent. The submitted drawings show that it would extend 4 metres beyond the rear elevation of No 28 which has a patio door near to the common boundary, with a first floor window above. The first floor element of the rear extension would be set off the party boundary and would project 3 metres from the rear of the host property.
14. The submitted drawings show that the two-storey rear extension complies with the '45 degree' code set out in its RDG. Although not shown on the drawing, it is clear that the single storey element of the rear extension would not accord with this code. What the drawings do not show however is the 45 degree line drawn on the elevation of the property, which the Council submit would be breached by both the ground and first floor extension.
15. Although the appellant submits that the Council's concern is not substantiated, it is clear that the new rear extensions would project significantly beyond the rear elevation of No 28. The rear extension would, as a result of its scale and rearward projection, be likely to reduce the ambient light to both the ground and first floor rooms of No 28 that the doors and window serve. Moreover, the proposal would have a significant impact on the current largely open outlook from the rear doors and windows of No 28 and would result in prominent, dominant features in close proximity to these features. The rear extensions would have a significant enclosing effect upon the rear of No 28. Such a situation would result in a gloomy rear room environment within this property which would make them less pleasant to use.
16. Taking these findings together I conclude that the proposed rear extension would be harmful to the living conditions of the occupiers of No 28 in terms of harm to outlook and light. In this regard there would be conflict with the aims of Policies SS 1 and UD 1 of the CS and the RDG as set out above.

Other Matters

17. I acknowledge the desire of the Appellant to improve the living conditions for himself and his family, providing versatile and long-term accommodation. I

also acknowledge that the Appellant has sought to work with the Council to understand their concerns. Such matters do not however outweigh the harm that I have identified or the conflict with the development plan.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR