

Appeal Decision

Site visit made on 27 November 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Y1945/C/19/3227269

89 Princes Avenue, Watford WD18 7RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Tim Poultney against an enforcement notice issued by Watford Borough Council.
 - The enforcement notice was issued on 26 March 2019.
 - The breach of planning control as alleged in the notice is without planning permissions:
 1. The addition of a first floor side extension to the property.
 2. Alterations to and the enlargement of the main roof and outrigger roof of the property.
 - The requirements of the notice are:
 1. Remove the roof on the front elevation and reinstate the original roof plane and ridge height.
 2. Remove the unauthorised first floor side extension and reinstate the original side wall and roof plane of the outrigger.
 3. Remove the large 'L' shaped rear roof dormer and reinstate the rear main roof and the outrigger roof to the original roof plane and height respectively.
 4. Remove from the land and dispose of all rubble, waste materials and debris in relation to compliance with steps 1, 2 and 3 above.
 - The period for compliance with the requirements is 6 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)[a], [f] and [g] of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld as set out below in the formal decision.

Ground (a)

Main Issue

2. The main issue is the effect of the appeal scheme on the character and appearance of the area.

Reasons

3. The appeal property comprises an end terrace property, along a generally residential road with dwellings of similar design fronting onto the highway. Properties along this section of Princes Avenue have a generally consistent roof line to the front, which helps to maintain a degree of symmetry and rhythm, making a positive contribution to the character and appearance of the area.

4. Although the appeal property is an end of terrace, only a footpath separates the dwelling from the adjacent row of terraces. Public views of the rear of the property are therefore very limited, though the rear of the building can be glimpsed from Whippendell Road. To the rear, I saw that most properties have a two-storey, pitched roof outrigger. A number of properties along both Princes Avenue and Whippendell Road have been modified by the construction of box dormers and L-shaped dormers to the rear. The examples that I saw were constructed in contrasting materials to the existing roof slopes. Significantly, the adjacent dwelling, No 87, has been modified with an L-shaped box dormer at the second floor.
5. Policy UD1 of the Watford Local Plan Core Strategy (WLPCS)(2006-2031)¹ seeks to ensure that development respects and enhances the local character of the area in which it is located. The Watford Residential Design Guide (2014) states that extensions must respect the character and scale of the host building. The National Planning Policy Framework (the 'Framework')(2019) seeks well-designed places and development that are sympathetic to local character.
6. The main roof to the front of the property has previously been enlarged. Works were carried out after the issuing of the enforcement notice to alter the main roof back to the angle of the original. Roof lights have also been subsequently inserted in the roof on the front elevation. However, as these modifications were carried out after the enforcement notice was issued, they are not part of the development the subject of the deemed application before me and do not fall to be considered. The enlargement of the roof on the front elevation would disrupt the established rhythm along this section of Princes Avenue and would appear an incongruous feature which would harm the character and appearance of the area, contrary to Policy UD1 of the WLPCS.
7. The property has been extended to the rear at the ground floor, first floor and second floor. The pitched roof to the first floor has been squared off, creating a limited section of flat roof. L-shaped box dormers have been erected to the second floor. The Council's concerns and subsequent enforcement notice relate to the first and second floor works and works to the roof. Although the rear extension is visible from the rear of properties along Whippendell Road, there are no significant views from the public domain. The extension can be glimpsed from Whippendell Road between Nos 262 and 264, however, there is no apparent disruption of rhythm since views of the rear of other properties along Princes Avenue are not readily available. Whilst the extension has been constructed of materials which contrast with the roof, as a result of the substantial distance between the appeal property and properties along Whippendell Road, the appeal scheme does not appear overly dominant.
8. Given the modification of other properties in the area and the very limited public views of the site, I do not consider that the modifications to the rear of the property significantly harm the character and appearance of the area. Thus, there would be no conflict with Policy UD1 of the WLPCS, which seeks to ensure that development respects and enhances the local character of the area in which it is located.

¹ Adopted 2013

Conditions

9. The Council has requested conditions to prevent the use of the flat roof area as amenity space. I agree that it is necessary to restrict the use of the flat roof area, in the interests of preserving the living conditions of the occupants of the neighbouring property. Given the variation in roof tile types used in the area, I do not consider it necessary to impose a condition requiring that the roof tiles resemble those used on the existing house. I also do not consider it necessary or reasonable to require that the development is completed within 3 months. However, I do consider it necessary to ensure that works to the second floor window are carried out prior to its occupation and have therefore amended the condition accordingly.

Conclusion

10. The appellant advises that works to alter the main roof back to the angle of the original were carried out in April 2019, which is after the enforcement notice was issued. Whilst the appellant asserts that this removes the need to appeal this part of the enforcement notice, I have no power to grant planning permission for those later alterations. Were I simply to grant planning permission for the works covered by the deemed application for planning permission, this would be for all the alleged works, as originally carried out, not as altered by the appellant after the notice was issued.
11. Thus, for the reasons give above I conclude that the appeal should succeed in part only, and I will grant planning permission for the works to the rear, namely the first floor side extension and the large 'L' shaped rear roof dormer, but otherwise I will uphold the notice and refuse to grant planning permission for the enlargement of the main roof on the front elevation. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.

Grounds (f) & (g)

12. Since I have concluded that planning permission should be granted for the works carried out to the rear of the property and since the appellant has already complied with the part of the notice that requires the reinstatement of the original roof plane there is no need for me to consider ground (f) or (g) further.

Formal Decision

13. The appeal is allowed in part and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for part of the development already carried out, namely the addition of a first floor side extension to the property and alterations to and the enlargement of the main roof and outrigger roof at the rear of the property on land at 89 Princes Avenue, Watford, WD18 7RR, referred to in the notice, subject to the following condition:
 1. The flat roof over the rear outrigger shall not be used as a terrace, balcony or other open amenity space. The full height window to the second floor bedroom over the outrigger shall open inwards only and shall have access to the flat roof barred by a fixed railing which shall not be capable of being opened and which shall be installed prior to occupation of the said bedroom.

14. Otherwise the appeal is dismissed and the notice is upheld. Planning permission is refused on the application deemed to have been made under S177(5) for the alterations to and the enlargement of the main roof to the front of the property.

M Savage

INSPECTOR