
Appeal Decision

Site visit made on 5 November 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/Y1945/W/19/3234363

83 Whippendell Road, Watford WD18 7NH

- 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 Razwaan Hamid against the decision of Watford Borough Council.
 - The application Ref 19/00258/FUL, dated 6 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is first floor rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the host building and the area and (ii) the living conditions of the occupiers of 85A Whippendell Road with particular regard to outlook, sunlight and daylight.

Reasons

Character and appearance

3. The appeal property is a two-storey end of terrace building in commercial and residential use at ground floor with residential use above. The building faces Whippendell Road with its flank running along Durban Road East. The property is highly prominent in the street scene being finished with painted pink render. There is a two-storey rear projection which aligns with other outriggers within the terrace and there is a single storey projection below. The property is also host to a sizeable rear dormer set within the main roof of the original building. Parapet walls flank the single storey rear projection and present a stepped appearance to Durban Road East. The building is larger in scale than others within the host terrace, as is typical of a corner plot.
4. The proposed development would extend over the full depth and width of the existing ground floor rear projection. Despite the low-level roof pitch and the gap that would remain between the development and the neighbouring properties on Durban Road East, the overall scale, depth and height of the resultant rear projection would appear overly dominant in scale to the host building and within the street scene. Although there are a variety of styles of projections to the rear of the terrace, there is a general conformity in the depth

of these which the appeal proposal would considerably exceed. The proposal would therefore diminish the character and appearance of the host building, with consequent harm to the character and appearance of the area. This would not be mitigated by the use of matching materials.

5. I conclude that the proposal would unacceptably harm the character and appearance of the host building and the area. Thus, it would conflict with Policy UD1 of the Watford Local Plan, Part 1 Core Strategy 2013 (LP), the aims of the Watford Residential Design Guide 2016 (RDG) and the National Planning Policy Framework (the Framework) which together, amongst other things, seek high quality design and to ensure that development respects and enhances the local character of the area in which it is located.

Living conditions

6. The Council refer to LP Policy SD1 within their second reason for refusal. However, this policy is concerned with sustainable design and does not provide requirements relating to impacts of development on the living conditions of occupiers of neighbouring properties. I do not therefore consider that this policy is relevant in this instance. Nonetheless, the Council also make reference to the advice set out in the RDG. This supplementary planning document provides a set of design principles which are intended to assist with the creation and preservation of high-quality residential environments.
7. Section 8 of the RDG provides advice relating to proposed extensions to buildings. It states, amongst other things, that in assessing applications for domestic extensions, regard should be had for the effect of a proposal on the amenity of neighbouring residents. It sets out the types of effects that may occur and then provides guidance for assessing such effects. I consider that the RDG accords with the Framework and in particular paragraph 127(f) of section 12 which requires planning decisions to ensure that developments "create places... with a high standard of amenity for existing and future users".
8. The appellant contends that the proposal complies with the "45 degree rule" set out under paragraph 8.4.3 of the RDG and further that it complies with paragraph 8.4.5 in relation to the "orientation rule" thereby demonstrating the acceptability of the scheme.
9. In respect of the "45 degree rule" the appellant relies on the fact that the guidance states "...extensions should be designed so as not to cross a 45 degree line projected from the centre point of an adjacent neighbour's nearest ground floor habitable room window which is perpendicular to the proposed extension in both plan and elevation". As the proposed extension would not protrude forward of the rear elevation of No 85A's ground floor projection, there would be no infringement of the rule in relation to their ground floor window.
10. However, despite the precise wording of the RDG, the objective of the rule is to ensure that any proposals maintain a good level of daylight, sunlight and outlook and minimise any impacts upon the surrounding properties and spaces. Therefore, even though there is no infringement of the rule in relation to the ground floor rear window of No 85A, and even if the rule was not capable of being applied at first floor level, the relationship of the proposed development with the first-floor rear facing bedroom window of the adjoining outrigger of No 85A still requires consideration.

11. The flank wall of the proposed extension would be in very close proximity to that bedroom window. Even considering that this window serves a bedroom rather than a more primary living space such as a lounge, the height and depth of built form close to No 85A would be overbearing and result in restricted outlook to the detriment of the living conditions of the occupiers.
12. With respect to the "orientation rule", the RDG states that "sunlight levels are affected by orientation and loss of sunlight and overshadowing can occur when an extension is sited to SE-S-SW of another building". However, despite the proposal being situated to the north of No 85A, such that loss of sunlight and overshadowing of this neighbour would not be introduced, due to the extension's overall scale and positioning in relation to No 85A, the amount of daylight reaching next door would be reduced.
13. I conclude that the combined effect of the proposal in relation to outlook and daylight would result in unacceptable harm to the living conditions of the occupiers of No 85A. This would conflict with the requirements of the Framework, in particular paragraph 127.

Other Matter

14. I note that concern has been expressed regarding an inaccuracy within the elevation plans. However, I am satisfied that I have been able to adequately consider the proposal, having regard to all of the evidence provided and having visited the site and the surrounding area.

Conclusion

15. For the reasons given above the appeal is dismissed.

S Tudhope

Inspector