
Appeal Decision

Site visit made on 25 November 2019

by L J O'Brien BA (Hons) MA MRTPI

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

Decision date: 19th March 2020

Appeal Ref: APP/Y1945/W/19/3236362

52 Kingsfield Road, Watford WD19 4TR

- 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 S and A Rigby and Quidder against the decision of Watford Borough Council.
 - The application Ref 19/00520/FUL, dated 8 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is single storey side to rear extensions, conversion of single family dwelling into two self contained flats and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 54 Kingsfield Road with particular regard to outlook and light; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook and light.

Reasons

Living conditions at No 54

3. The appeal property, 52 Kingsfield Road, is a two storey dwelling which forms a semi-detached pair with the adjoining property at No 50. The neighbouring dwelling at No 54 is separated from No 52 by a small gap between the properties. Both No 52 and No 54 have two-storey rear outriggers with side returns between the dwellings.
4. The proposal would effectively infill the side return at No 52 and extend the property to the rear thus reducing the gap between No 52 and No 54. The extended side elevation of No 52 would be close to a number of windows which appear to serve habitable rooms in the outrigger of No 54. The side elevation facing No 54 would be largely blank brick/block work and would form a significant feature in the outlook from that property.
5. The scale and close proximity of the extensions to No 54 would lead to a notably reduced sense of spaciousness at that property. Moreover, due to the depth of the proposed side elevation, a significant tunnelling effect would be

- created to the ground floor windows and side return of No 54. Consequently, the outlook from No 54 would be eroded to an unacceptable degree and the proposal would create an oppressive sense of enclosure for the occupiers.
6. Due to the proximity and size of the proposed extension, the proposal would be likely to reduce the levels of light reaching the side windows of No 54. The orientation of the properties and their current layout would limit the level of degradation; however, the loss of light would still be such so as to cause some harm to the living conditions at No 54 in that respect.
 7. I note that the side return at No 54 contains an open sided structure with a glazed roof. However, the construction of the structure is permeable thus ensuring it does not cause undue harm to outlook or light levels.
 8. I acknowledge that, should the appeal be allowed, a fence with a hedge would remain visible within the outlook from No 54. This, however, would not be sufficient to overcome the harm I have identified.
 9. For the reasons outlined above, the proposal would cause an unacceptable degree of harm to the living conditions of the occupiers of No 54 Kingsfield Road with particular regard to outlook and light. Therefore, the proposal would fail to accord with the aims of Policy SS 1 of Watford's Local Plan, Part 1 – Core Strategy 2006 – 31, January 2013 (CS). This policy, amongst other things, seeks to ensure that new developments protect residential amenity.
 10. The proposal would also conflict with the Watford Borough Council Residential Design Guide, adopted July 2014 and amended August 2016 (RDG). Amongst other things the RDG states that single storey extensions which involve infilling the spaces between existing rear projections will generally be deemed unacceptable if this would cause a significant tunnelling effect or increased sense of enclosure to the adjoining property. The RDG also sets out that care should be taken in the design of residential environments to ensure unacceptable impacts on light to nearby properties are avoided.

Living conditions for future occupiers

11. The proposal includes the conversion of the dwelling into two, two bedroom, flats. Bedroom 2 of the ground floor flat would have two windows in the side elevation which faces No 54. Both of these windows would look directly onto the narrow side alleyway and the, largely blank, brick, side wall of No 54 at close proximity. The side elevation of No 54 would be excessively prominent in the outlook from both windows, thus creating a poor outlook from, and strong sense of enclosure within, that room.
12. Due to the orientation of the room and the limited distance between the windows of bedroom 2 and the neighbouring dwelling, the levels of natural light reaching the bedroom would be extremely limited. Whilst the door through to the en-suite bathroom serving bedroom 2 would be glazed and may, therefore, allow some further light into the room, in my view, this would not be to such a level so as to make the living conditions within that room acceptable.
13. I note the appellant's suggestion that light tunnels could be added to improve levels of light reaching the bedroom. However, I have not been provided with sufficient specific detail as to how this would be achieved and secured and, in any event, this would not overcome the harm in respect of outlook.

14. Both flats would be generously sized and bedroom 2 of the ground floor flat would benefit from an en-suite and walk-in wardrobe. These benefits, though, are not sufficient to compensate for the substandard outlook and levels of light provided to bedroom 2.
15. I therefore consider that, bedroom 2 of the ground floor flat would have an unacceptably poor outlook and insufficient levels of light. Consequently, the proposal would fail to provide satisfactory living conditions for future occupiers. As such, the proposal would fail to meet the aims of Policy SS 1 of the CS which, amongst other objectives, seeks to ensure that new development protects residential amenity.
16. The proposal would not accord with the aims of Policy SS 1 of the CS which emphasises that new development should protect residential amenity. The scheme would also be at odds with the guidance within the RDG which states that care should be taken to ensure that adequate levels of natural light can be achieved within new dwellings.

Other Matters

17. I acknowledge that the Council does not have an objection to the principle of the conversion of the property into flats and also accept that the property is situated in a location which is well served by existing facilities and infrastructure. I am also aware of the environmental efficiency and sustainability benefits which could be provided by the scheme.
18. I also recognise that the scheme has been designed to blend seamlessly with the host dwelling and other properties in the area and note that some of the tests and requirements set out within the Council's wider policy and guidance would be met. Whilst this design ensures that the proposal would not cause harm to the character and appearance of the area it does not sufficiently mitigate the harm to living conditions I have found.
19. The appellant makes reference to the existence of a number of other properties which could be considered similar to the proposed scheme. However, each case must be determined on its individual merits and the circumstances in each case are likely to be different. For instance, a number of the examples cited have different circumstances on site, such as different layouts and relationships between properties, which would avoid the creation of the harmful tunnelling effect outlined above. Furthermore, some of these cases also appear to have been determined within a different policy context.
20. I appreciate that in a built-up area such as this it is not entirely unusual for some rooms to have limited outlook and less light. However, the levels of light and outlook proposed in this scheme fall far short of those that could reasonably be expected in an area such as this.
21. I also note the appellant's suggestion that a condition could be imposed requiring the appellant to alter the position of the garden gate to No 52. However, in my view, such a condition would not overcome the harm I have identified above.
22. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the living conditions of the occupiers of No 54

Kingsfield Road and would fail to provide satisfactory living conditions for future occupiers.

Conclusion

23. For the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR