



Appeal Decision

Site visit made on 4 February 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/Y1945/D/19/3239436

74 Upper Paddock Road, Oxhey, Hertfordshire WD19 4DZ

- 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 Andrew Biernacki against the decision of Watford Borough Council.
 - The application Ref 19/00739/FULH, dated 20 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is a ground floor side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a ground floor side extension at 74 Upper Paddock Road, Oxhey, Hertfordshire WD19 4DZ in accordance with the terms of the application, Ref 19/00739/FULH, dated 20 June 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development permitted shall be carried out in accordance with the approved plans listed: Site Plan 1:200 and Proposed 19/116/2

Appeal Procedure

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

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and surrounding area including Oxhey Conservation Area (OCA).

Reasons for the Recommendation

4. The appeal site is on the north side of Upper Paddock Road, a residential street at the south-east corner of the OCA which extends north-west. The site contains a semi-detached two-storey dwelling set back a short distance from

the highway by a front garden. There is access down the side of the property to the rear garden. To the south-east of the site is a detached dwelling, while to the north-west, beyond the attached neighbour, are rows of terraces of differing lengths. At the rear of the appeal property is an existing single storey extension, the proposal is for a side extension that would link up to this rear extension.

5. The significance of the OCA generally derives from its age, mostly around the last half of the 19th Century, and its distinctness from the other conservation areas by way of its varied architectural character. Particularly, on Upper Paddock Road, and within the wider area, there is a mixture of terraced, detached and semi-detached dwellings.
6. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires me to pay special regard to the desirability of preserving or enhancing the character and appearance of a conservation area. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At Paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The proposal, by way of its siting and design, would be read as an addition to the host dwelling rather than part of its original design. In this way it would not erode the legibility of the original form of the building. Moreover, the size of the extension would be relatively limited in relation to the host dwelling as a whole, and as such would not adversely impact the balance of the property, which would remain significantly larger.
8. The proposed extension is a single storey and would only include a minor protrusion beyond the side wall of the host dwelling, therefore it would retain a physical space between it and the side boundary. Moreover, the proposal would be sited well back from the front elevation of the appeal property and the road and would be screened by the gate piers on the front boundary, side-passage gate and side boundary which collectively restrict views along the side passage. As views along Upper Paddock Road would not readily include the proposed extension, given its set back and scale the importance of the space between properties as part of the rhythm and pattern of development would not be eroded and the character and appearance of the OCA would be preserved.
9. The proposed extension would be, in part, a rear extension but it would not extend beyond the rear most part of the existing property. As such, I find that it would not conflict with the character and appearance purposes of the 3.5m depth limit for rear extensions set out in Section 8.5.1b of the *Residential Design Guide* (RDG).
10. In light of the above, I conclude that the proposal would preserve the character and appearance of the conservation area and the host dwelling. As such the proposal would comply with Policy UD1 of the *Watford's Local Plan: Part 1 – Core Strategy 2006-31* and the guidance in Paragraph 8.5 of the RDG which both seek high quality design which protects the character and appearance, and historic importance of an area.

Other Matters

11. Concerns have been raised by the neighbouring occupier at No 145 Lower Paddock Road over a loss of light and privacy as a result of the proposed extension. However, as the extension would be a single storey, and set away from the shared boundary, it would not have any unacceptable impact on light to the neighbouring property or its garden. Moreover, the only side facing windows serving the extension would be rooflights which would not allow overlooking to the neighbouring garden.
12. It has also been raised that the proposal would affect the value of the neighbouring property at No 145 Lower Paddock. The Planning Practice Guidance makes it clear that private interests such as the alleged impact of a development on the value of a neighbouring property is not a material consideration.

Conditions

13. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. I have amended some of the suggested wording to reflect this advice.
14. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, in the interests of the character and appearance of the building and surrounding area, a condition is required to ensure that the external materials of the extension match those of the host dwelling.

Conclusion and Recommendation

15. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING INSPECTOR

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

Kenneth Stone

INSPECTOR