



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: 08 April 2020

Appeal Ref: APP/Y1945/D/19/3240550

Rear of 96b Queens Road, Watford, Hertfordshire WD17 2NX

- 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 M.R. Khaliq against the decision of Watford Borough Council.
 - The application Ref 19/00823/FULH, dated 15 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is described as proposed first floor extension above previously approved single storey living unit.
-

Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. Planning permission was granted in 2016 for the erection of a single storey dwelling, given its age it is possible that the permission is no longer extant. However, I have not been provided with a copy of the decision and there is no dispute between the parties as to whether the permission has expired. In light of this and the lack of evidence to the contrary, I have treated the 2016 permission as extant.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the courtyard adjacent to the appeal site; and,
 - The living conditions of the occupiers at 81D, Loates Lane with particular reference to outlook and light.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located at the rear of properties fronting on to Queens Road, adjacent to a recent residential development around a courtyard. While

physically separated from the courtyard by boundary treatments the site forms part of its visual character. 81D Loates Lane is a single storey dwelling that forms the northern end of the courtyard development; the garden on the eastern end of the property runs alongside the appeal site boundary.

6. The courtyard is a tightly designed area surrounded primarily by two-storey buildings which, due to their closely sited nature, effect a sense of much taller buildings. No 81D and the currently undeveloped appeal site create a sense of openness to the northern end of the courtyard. Although the proposal would somewhat erode this sense of openness by erecting a first-floor extension set back from the courtyard, this would be in keeping with the close character produced by the grain of development within the courtyard.
7. The appeal site is located within the Estcourt Conservation Area (ECA), which covers a relatively large area. From my visit, the area surrounding, including the appeal site, was characterised primarily by the age of the buildings and the dense grain of development made up of predominantly terraced and semi-detached properties (both residential and commercial). Having regard to my statutory duty I am satisfied that given its discreet location and the relationship of the appeal proposal to the conservation area the proposal would preserve its character and appearance. Harm to the significance of the heritage asset would not occur. I note that the Council did not raise the impact on ECA as a concern, instead focusing on the courtyard specifically, when it refused the planning application.
8. In light of the above I find that the proposed first floor extension would not be a cramped form of development out of keeping with the courtyard. As such the development would not harm its character and appearance and would comply with Policies UD1 and UD2 of *Watford's Local Plan: Part 1 – Core Strategy (CS)*, and Section 12 of the *National Planning Policy Framework (the Framework)* which seek development to, amongst other matters, respect the local character of an area and conserve the historic environment.

Living conditions

9. My attention has been directed to a previous scheme dismissed at appeal¹, for a first-floor extension over the approved single storey dwelling. I understand the previous scheme to have been a first-floor extension which followed the footprint of the permitted ground-floor. The Inspector dealing with the previous appeal found that the scheme would be unduly prominent, resulting in an overbearing impact on the occupiers of No 81D as well as a loss of light.
10. The eastern end of No 81D is served by glazed double doors that open on to the eastern garden area. The western end of the previous proposal has been removed resulting in a smaller first floor, set further away from No 81D and its eastern garden. As such, I consider that the impact on natural light reaching No 81D's eastern garden would be sufficiently reduced so as to no longer be unacceptable. I find that the remaining impact on the double doors would not be unacceptably greater than existing, as No 81D is already surrounded by two-storey properties which would restrict light at similar times of day.
11. Nevertheless, the proposed first floor extension, while further away than the previous scheme, would still be significantly closer to the neighbour's eastern

¹ APP/Y1945/W/19/3225299

garden than any of the existing two-storey properties to the north, east and south. These properties would afford a relatively open outlook from the double doors serving No 81D, due to their distance. By way of its close proximity, and irrespective of its roof design, the proposal would remove that sense of openness from the south and be an imposing feature both within the garden and from the double doors at No 81D. As a result, the proposal would have an unacceptable overbearing impact on the occupiers at No 81D which would not be overcome by the reduced scale of the proposed scheme.

12. I note from the previous appeal decision that the Inspector considered that; *"Notwithstanding the appellant's assertion that No 81D is served by a further garden area situated to the west, it was readily apparent from inspection that the garden situated adjacent to the appeal site provides an important facility for No 81D's occupiers. Indeed, the double doors were open, and the garden space was actively being used by the property's occupier(s) during inspection."* Although the garden was not being used at the time of my visit, I have no reason to consider the garden as an any less important facility for the neighbouring occupiers.
13. The proposed first-first floor extension would, by harming the outlook from, and causing an overbearing impact on, the occupiers at No 81D, result in the neighbouring property being a less pleasant place to live. The proposal would not protect the living conditions of neighbouring occupiers and, as such would conflict with Policy UD1 and Section 12 of the Framework which seek development to promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

14. The appellant has drawn my attention to Paragraph 118(e), and the overarching presumption in favour of sustainable development, of the Framework. However, the planning application was decided against an up-to-date development plan, the relevant policies of which are Framework complaint. As such the development plan must take primacy in decision making. Nevertheless, as raised above, the proposal would also conflict with Section 12 of the Framework.

Conclusion and Recommendation

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

S Watson

APPEAL PLANNING OFFICER

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 dismissed.

Kenneth Stone

INSPECTOR