
Appeal Decision

Site visit made on 1 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2020

Appeal Ref: APP/Y1945/D/20/3244365
212 Hempstead Road, Watford WD17 4LL

- 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 O Heron against the decision of Watford Borough Council.
 - The application Ref 19/01068/FULH, dated 14 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is the erection of a part single storey/ part two storey front/ side extension and a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single storey/ part two storey front/ side extension and a single storey rear extension at 212 Hempstead Road, Watford WD17 4LL in accordance with the terms of the application, Ref 19/01068/FULH, dated 14 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings: 2019-212HR-EXT-2, 2019-212HR-EXT-3, 2019-212HR-EXT-4, 2019-212HR-EXT-5, 2019-212HR-EXT-6, 2019-212HR-EXT-7
 - 3) 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.
 - 4) The side extension hereby permitted shall not be occupied until the windows on the front at the first floor have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) No windows or doors, other than those shown on the plans hereby permitted, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority.

Application for costs

2. An application for costs was made by Mr and Mrs O Heron against Watford Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
- The character and appearance of the site and surrounding area; and
 - The living conditions of the occupiers of the neighbouring property, with particular reference to outlook and privacy.

Reasons

Character and appearance

4. The appeal site comprises a 2 storey detached house, which is set back from the road and sits behind No 214 Hempstead Road. The site is located behind a set of tall gates and there is a long driveway which runs alongside the neighbouring property. The surrounding area is predominately residential with a mixture of large detached and terraced properties. The nearby properties follow a mixed building line and most houses are generally individually designed or have been extended and altered in various ways, which contributes to a diverse street scene.
5. The proposed extension to the side would have a pitched roof arrangement, with the ridge equalling the ridge height of the existing dwelling. The double storey element of the scheme would include a second main gable feature on the front elevation to match the existing gable feature. The single storey front element of the side extension would match the existing single storey front projection of the dwelling. The rear extensions would be part flat roofed and part lantern roofed. The proposal would include matching external materials of the host dwelling in terms of construction, design and fenestration.
6. Whilst I acknowledge that the proposal would increase the overall size of the property, when seen in the context of the surrounding properties, it would generally be in keeping with the character and appearance of the properties in terms of scale and design. Furthermore, due to the set back from the road, the proposed extension would only be partially visible from Hempstead Road and would not form a visible or prominent part of the street scene.
7. I note that the extension to the rear would extend out the footprint of the existing property, however, this element is only single storey and Policy UD1 of the Core Strategy (CS) (2013) does not set a limit to how the footprint of a house may be extended, as long as the extensions are well designed and in proportion. Whilst elements of the proposal may not appear subordinate to the host property, as a whole, it would generally accord with the principles of the guidance in the Residential Design Guide SPD (RDGSPD) (2016) and would not appear out of place or incongruous.
8. There has been various applications submitted on the site, both approved and refused, and I note that the Council has made reference to a previous appeal¹ which was dismissed. However, the proposal considered by the previous Inspector was materially different due to the difference in the roof design. I note that the current proposal has similarities to a previously approved proposal², although this has since expired. Therefore, the dismissed appeal

¹ APP/Y1945/D/16/3155232

² 15/01784/FULH.

does not necessarily mean this proposal is unacceptable, which I have determined on its own merits.

9. Accordingly, the proposed development would not harm the character and appearance of the site and surrounding area. Therefore, it would accord with Policy UD1 of the CS and the principles of the RDGSPD. This Policy and guidance, amongst other things, seek new development to respect and enhance the local character of the area in which it is located.

Living Conditions

10. The proposal would be located behind the rear garden area of the neighbouring property, No 214 Hempstead Road. The Council has suggested that the proposal would not follow the 11 metre boundary rules set out in the RDGSPD which would harm the privacy of the occupiers of No 214.
11. However, I note that a similar scheme to this proposal was approved by the Council on the site and that it was accepted that the use of obscured windows at first floor level would be acceptable and could be secured by condition. In addition, the guidance in the RDGSPD allows for exceptions, where adequate privacy standards can be achieved, therefore, obscure glazing would minimise the potential for overlooking and would protect the privacy of the occupiers when in the garden area and within their property.
12. There is already an element of potential overlooking from the existing windows of the property, nevertheless, the proposal would introduce windows in a more direct location than the existing windows. However, given the distances between the properties, when combined with obscured glazing to the first floor windows of the extension, it would prevent any overlooking and loss of privacy and this could be secured by condition.
13. The Council has also stated that the proposal would appear overbearing and give a sense of enclosure. However, there is already an existing dwelling in this location, as well as other properties which are set behind No 214. In addition, the proposed extension would be reasonably set back from the garden area and the property of No 214 and it would still be relatively open to the sides of the rear garden area. As such I am not persuaded that the proposal would cause a sense of enclosure for the occupiers of No 214.
14. The proposed development would not harm the living conditions of the neighbouring property, with particular reference to outlook and privacy. Therefore, it would accord with Policy SS1 of the CS and paragraph 8.4.7 of the Residential Design Guide 2016. This Policy and guidance, amongst other things, requires a high quality of design in new development.

Conditions

15. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary to ensure that the appearance of the proposal would be satisfactory.
16. I have also imposed conditions to protect the privacy of the occupiers of the neighbouring property to ensure it complies with the relevant policies and guidance.

Conclusion

17. For the reasons set out above, the appeal is allowed.

D Peppitt

INSPECTOR