
Appeal Decision

Site visit made on 17 November 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/Y1945/D/20/3245252

11 Rose Gardens, Watford WD18 0JB

- 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 Mrs Ismat Rathore against the decision of Watford Borough Council.
 - The application Ref 19/01145/FULH, dated 1 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A single storey extension has been erected joining the existing rear extension of the dwelling to the outbuilding within the garden. The Council refers to this as being unauthorised, and it is not shown on the plans that have been submitted. I therefore determine the appeal on that basis.

Main Issues

3. The main issues are the impact of the proposed development upon (i) the living conditions of the occupiers of the appeal dwelling and the occupiers of 12 Rose Gardens and (ii) the character and appearance of the area.

Reasons

Living conditions

4. Due to the presence of the rear extension to the appeal dwelling and the outbuilding within the rear garden, the amount of outdoor amenity space currently available at the property is limited. The proposal would extend the footprint of the dwelling whilst further reducing the available outdoor space. The amount of space would be significantly below the requirements set out in the Council's Residential Design Guide Supplementary Planning Document 2016 (SPD), and it would be so limited as to not be of an adequate size to provide acceptable living conditions for the occupiers of the appeal dwelling.
5. The appellant's appeal submission makes reference to the existing outbuilding at the property being demolished to increase the area of garden that would be available to the occupants of the dwelling. However, there are no precise details shown on the plans as to the extent of demolition that would take place or the amount of garden area that would be available as a result. Accordingly, I

cannot be certain on the basis of the information I have before me that this would achieve an acceptable level of outdoor amenity space.

6. Although the proposal would introduce additional built development along the boundary with 12 Rose Gardens, it would be of a single storey height with a flat roof. As a result of this and due to the fact that it would project only 2 metres from the existing rear extensions, it would not have a harmful impact upon the living conditions of the occupiers of No 12, notwithstanding that it would exceed the total projection specified in the SPD.
7. Therefore, whilst there would be no harm to the living conditions of the occupiers of No 12, the proposal would result in an inadequate amount of outdoor amenity space being available at the appeal dwelling and this would cause significant harm to the living conditions of its occupiers. Consequently, the proposal fails to comply with the SPD, which sets out the amount of outdoor amenity space that is expected at residential properties, and in turn conflicts with Policy UD1 of the Watford Local Plan Core Strategy 2013 (CS) which sets out an overarching aim to deliver high quality design.

Character and appearance

8. Whilst the proposal would add to the combined bulk of extensions to the rear of the property, its limited projection and height would mean that it would not result in harm to the character and appearance of the host dwelling. Due to its single storey height and proposed flat roof, there would be no significant impact when viewed from adjacent dwellings and it would not be visible from the public domain. Therefore, there would be no conflict with Policy UD1 of the CS where it seeks to safeguard character and appearance. There would also not be conflict with the SPD where it seeks to achieve the same aims.

Other Matters

9. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the reasons for the appellant wishing to provide extra internal floorspace at the property. However, the appeal dwelling has already been extended to the rear and the further extension proposed would result in an inadequate amount of outdoor amenity space remaining, for the reasons I have outlined. Therefore, whilst I attach substantial weight to the benefits that would arise from the additional internal floorspace, these benefits do not outweigh the significant harm that would arise from a deficiency of outdoor amenity space being available. The appellant also refers to a proposed alternative development that could be undertaken, however I can consider only the proposal that is before me.

Conclusion

10. Although I have not found harm to character and appearance or to the living conditions of the occupiers of No 12, I have found that an inadequate amount of outdoor amenity space would remain at the appeal dwelling and that accordingly there would be a conflict with the development plan. I therefore conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR