



Appeal Decision

Site visit made on 1 December 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/Y1945/D/20/3257462

85 Benskin Road, Watford WD18 0HN

- 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 C Giotta against the decision of Watford Borough Council.
 - The application Ref 20/00419/FULH, dated 20 April 2020, was refused by notice dated 6 June 2020.
 - The development proposed is described as a "single storey side/rear extension".
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Procedural Matter

3. Whilst the application form described the proposal as a single storey side/rear extension, the appellant confirmed that the appeal relates to a rear extension only. It is clear from the plans that the proposal relates to a rear extension, and therefore the appeal has been determined on this basis.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 87 Benskin Road (No 87), with particular reference to outlook.

Reasons for the Recommendation

Character and appearance

5. Benskin Road generally contains long terraces of two-storey houses, with some shorter terraces. Situated within a short terrace of three two-storey dwellings, 85 Benskin Road has a single-storey rear outrigger and a conservatory.
6. The proposal would extend across the full width of the dwelling to a depth of approximately 6 metres. This would be approximately 2.5 metres greater than that recommended by the Residential Design Guide (adopted July 2014 and amended August 2016) (RDG). Its eaves would be set at approximately

2.3 metres, rising to approximately 3.1 metres at the point of a set in from the boundary of No 87. Whilst it would be single storey and a large area of garden would remain, its depth, width and height would not be subordinate to the original house. This would conflict with the RDG. The resulting bulk of the proposal would be significantly at odds with the appearance of the host property, and would not respect its character.

7. It is acknowledged that the RDG only provides guidance. However, the proposal's lack of adherence to its advice would result in harm to the character and appearance of the area. As such, I see no reason to depart from its guidance. I observed examples of extensions to the east of the appeal site, and have had regard to the details provided regarding a grant of planning permission at 53 Benskin Road¹, but these are not desirable design precedents to follow and they do not alter my findings regarding the effect of the proposal. Even though there is a footpath adjacent to 83 Benskin Road and No 87 appears to be wider than the appeal property, these factors are not sufficient to compensate for the harm caused.
8. I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the area. It would therefore conflict with Policy UD1 of the Watford Local Plan Part 1 – Core Strategy 2006 – 31 (adopted 2013) (LP), the RDG, and the National Planning Policy Framework (the Framework). LP Policy UD1, amongst other things, requires new development to respect and enhance local character. The RDG advises that extensions must respect the character and scale of the host building. Paragraph 127 of the Framework confirms that planning decisions should ensure that developments are sympathetic to local character.

Living conditions

9. The proposal would be visible above the boundary fence with No 87. Although the proposal would breach the 45 degree line from the nearest window, this is already the case with the existing conservatory. Additionally, the maximum height of the proposal would be set off the boundary by approximately 1 metre, and the gap provided by the alleyway would further serve to mitigate any impacts with respect to outlook. Therefore, it would not result in a tunnelling impact for the occupants of No 87. Their outlook would be sufficiently preserved and no material harm to their living conditions would result.
10. In conclusion, the proposal would have an acceptable effect on the living conditions of the occupants of No 87, with particular reference to outlook. LP Policy UD1 relates to high quality design, and therefore is not relevant to this main issue. However, the proposal would comply with the guidance given in the RDG that extensions must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties. In this respect, the proposal would also comply with paragraph 127 of the Framework, which provides that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion and Recommendation

11. The proposal would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this has been

¹ Local Planning Authority reference: 14/01049/FULH

given limited weight. Overall, I find that the matters advanced in support of the proposal, and the acceptable effect of the proposal with respect to the living conditions of the occupants of No 87, do not, either individually or collectively, outweigh the harm identified in respect of character and appearance, nor the conflict with the development plan.

12. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Joanna Gilbert

INSPECTOR