



# Appeal Decision

Site Visit made on 1 June 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> June 2021**

---

**Appeal Ref: APP/Y1945/W/21/3268651**

**31A St Johns Road, Watford WD17 1QB**

- 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 NEBS Property Services against the decision of Watford Borough Council.
  - The application Ref 20/01220/FUL, dated 4 November 2020, was refused by notice dated 18 December 2020.
  - The development proposed is extension to first floor flat and internal alterations.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. From the evidence before me, planning permission was granted for a first-floor flat on the appeal site under application reference 20/00379/FUL (known as 31A St Johns Road). The Council's delegated report comments that neither this flat, nor the dwelling below at ground floor level (31 St Johns Road) were installed as approved and are unauthorised. However, these are not matters which are before me as part of this appeal. Notwithstanding the existing layout of the appeal property, I have determined the appeal on the basis of extension and alterations to the approved first-floor flat as shown on the submitted plans.

## Main Issues

3. The main issues are:
  - i) the effect of the proposal on the character and appearance of the host building and area;
  - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to light, outlook and privacy; and
  - iii) whether or not living conditions for occupiers of the development would be acceptable with particular regard to the provision of internal space.

## Reasons

### *Character and Appearance*

4. The appeal building is in a prominent location at the junction of Albert Road North with St Johns Road. No 31A is accessed from Albert Road North, and has an elongated footprint that extends at first floor level from the St Johns Road frontage of the building into a deep rear projection. This projection is of greater width at ground floor, and links externally to a two-storey projection at the rear

of the attached property at 33 St Johns Road, enclosing a small lightwell adjacent to the recessed main rear elevation of the building.

5. The Council's Character of Area Study notes that the appeal site is part of an area that was developed mid-late 19th Century and that although some infill development has occurred, it overwhelmingly retains its Victorian character. A modern four-storey police station is located to the opposite side of St Johns Road, but other development in the immediate vicinity of the site largely comprises two-storey dwellings. While there is some variety in the appearance and form of individual buildings, they are of predominantly traditional designs and materials with common features including bay projections and sloping hipped roofs which provides for an overall sense of coherence and harmony.
6. The appellant suggests that the extension proposed over the rear part of the ground-floor level of the appeal building would be of modest proportions. However, it would connect to the rear projection at No 33 and the central void would not be readily appreciable from outside of the site. The proposal would consequently result in a significant increase in the apparent bulk and mass of extensions against the host building. The impression of scale would be further exacerbated by the bulky crown roof design, and while set down from the main roof of the host building, this would be higher than the roof of the projection that it would extend from. There would as a result be an awkward step up in the ridgeline that would be conspicuous including in views from Albert Road North and St Johns Road. Irrespective of the use of matching materials or retention of architectural details, I consider for these reasons that the extension would be a dominant and unsympathetic feature, and that it would relate poorly to the host building detracting from its character and appearance.
7. Spacing between the extension and the side of the neighbour at 16 Albert Road North would also allow views of the perpendicular edges to the flat section of the roof. The crown form would therefore be apparent from the street scene despite the appellant's assertion to the contrary. Notwithstanding the diversity in the appearance of individual buildings nearby, it would be out of keeping with the typical traditional sloping roof forms and would stand out as a prominent and incongruous feature. In reaching this view, I have considered comments that there are numerous examples of similar developments in the vicinity of the site. However, I have not been directed to specific examples, and at my visit I did not see comparable developments visible to dwellings within the street scenes of St Johns Road or Albert Road North. While I acknowledge there is a flat roof to the police station close by, this is part of the original design rather than a later extension, and as a large commercial building it is of different character to the appeal site.
8. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the host building and area. As such, it would be contrary to Policies UD1 and SS1 of Watford's Local Plan Part 1 Core Strategy 2006-2031 (CS) which together broadly seek high standards of design and require that development should respect and enhance the local character of the area in which it is located. It would also be contrary to the National Planning Policy Framework (the Framework) which requires, amongst other things, the creation of high quality buildings and development that is sympathetic to local character, as well as guidance within the Residential Design Guide 2016 (RDG) that roofs to extensions should respect the host building and complement the roof forms of neighbouring buildings.

### *Living Conditions – Neighbouring Occupiers*

9. The appeal building includes glazing to the recessed rear elevation between the two-storey rear projections, as well as further ground-floor openings serving neighbouring dwellings at Nos 31 and within No 33. The extension would be in very close proximity to the neighbouring first-floor rear window which serves a bedroom. While it would have a sloping roof, its height above the window would fully enclose available views which are already restricted by the existing rear projections to either side. In combination, these factors would result in a highly dominant and oppressive feature, and the extension would substantially obscure outlook from this room.
10. The additional height of development enclosing the lightwell would also further compromise the already substantially constrained outlook for the ground floor level windows onto it. I note that under planning permission granted for use of No 31 as a House in Multiple Occupation, one of these windows would serve a hallway and that while a second would serve a living area, it is indicated to be obscure-glazed. However, the appellant comments that one of the windows to No 33 serves a bedroom, and while it may be the smallest in the property, that does not mean that the living conditions of occupiers and the loss of outlook would be irrelevant or insignificant.
11. With regard to light, the RDG notes that loss of sunlight and overshadowing can occur when an extension is sited between the south east, south, or south west of another building. Section details have been submitted and indicate that the extension would not intrude a 25 degree angle taken from the recessed first-floor rear window. However, its position broadly to the south means that shadowing to this window would be possible, and I consider that some impact on light levels would be likely. Given the height and depth of the existing rear projections which may already affect light received to some degree, I am concerned that even a small change could be significant. I note the appellant's sunpath diagrams, but no detailed assessment of daylight and sunlight to the room served by this window, nor to the ground floor level windows, has been provided. I am therefore unable to determine whether any impacts on light levels would be meaningful, and am not satisfied that the proposal would not cause harm to the living conditions of the occupiers of Nos 31 or 33 through loss of light.
12. Turning to consider privacy, I acknowledge that some overlooking may occur in built-up areas. However, the development includes a window to the side of the extension immediately adjacent to the rear of No 33 with very limited separation to neighbouring first-floor rear windows. Despite their differing orientations, the proposal would allow views between these windows at close quarters, as well as down onto the outdoor space to the rear of this building. In my judgement, the resulting overlooking would be significant and would cause a harmful loss of privacy for the neighbouring occupiers.
13. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings through loss of outlook and privacy, and it has not been demonstrated that there would not be further harm as a consequence of light loss. Irrespective of the ownership of the neighbouring dwellings, they are occupied separately from the appeal property. I acknowledge that the occupiers have not objected to the development, but the harm I have identified would be

permanent and would conflict with Policies SS1 and UD1 of the CS. Amongst other things, these policies require high quality design and that residential amenity is protected. There would also be conflict with the RDG which sets out that extensions should not adversely affect the amenity enjoyed by occupiers of neighbouring properties.

#### *Living Conditions – Future Occupiers*

14. The Council advise that the proposed flat would have a floorspace of 81sqm. This has not been challenged by the appellant, and would exceed the 74sqm minimum standard for a three-bedroom four-person dwelling sought by the RDG in line with the Nationally Described Space Standards (NDSS). However, the Council considers that the dwelling should be assessed as a three-bedroom five-person dwelling for which the standards indicate a minimum of 86sqm.
15. The appellant asserts that the proposal is for a three-bedroom four-person dwelling, and I note that this is set out as part of the supporting information submitted with the application. However, the appellant's evidence refers to the flat granted planning permission at No 31A as a two-bedroom three-person unit. From the evidence before me, one of the approved bedrooms, as well as the additional bedroom within the proposed extension, would both exceed the minimum area for a double bedroom specified within the NDSS and RDG standards, even excluding the en-suite bathrooms. They could therefore be reasonably expected to accommodate two people, and it would not be possible to control whether the resulting dwelling was occupied as a four or five person unit. If occupied as a five-person dwelling, its area would fall short of the minimum standards sought by the NDSS and RDG by around 5sqm.
16. The dwelling's arrangement with en-suite bathrooms also results in bedrooms of irregular shape, particularly within the extension where the bathroom would encroach awkwardly into the main space of the additional bedroom. This would limit options for the positioning of furniture and storage, and impact on the practicality and use of these spaces. Moreover, the kitchen would be very small and of narrow shape with the resulting space available for the preparation and storage of food far more limited than I consider would be reasonably expected to adequately serve even a four-person household. The provision of a separate dining space would not offer a substitute to compensate for this deficiency.
17. Even if I were to accept the appellant's position and find that the overall quantum of space was in accordance with standards, I therefore consider that it would be inadequate to comfortably accommodate varied domestic activities as sought by the RDG. Notwithstanding levels of light and outlook or finishing of the extension to a high specification, this would be detrimental to the living conditions of future occupiers and I do not consider that the development would deliver exemplary design.
18. I am not therefore satisfied that the proposal would provide acceptable living conditions for occupiers of the development. Accordingly, I conclude on this main issue that the proposal would be contrary to Policy UD1 of the CS which seeks high quality design, as well as the provisions of the RDG.

#### **Other Matters**

19. I note the appellant's view that the development would improve the quality and versatility of accommodation for the future. However, I have found that the flat

would not offer acceptable living conditions for occupiers. In any event, these factors would not outweigh the harm I have identified to the character and appearance of the area and to the living conditions of the occupiers of neighbouring dwellings.

20. The Framework encourages a positive and creative approach to development proposals, but I am required to make a determination in accordance with the Development Plan unless material considerations indicate otherwise. No material considerations have been provided in this instance which would outweigh my concerns.

### **Conclusion**

21. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**