



Appeal Decisions

Site Visit made on 1 June 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Appeal A Ref: APP/Y1945/W/21/3270338

Land rear of 199 Cassiobury Drive, Watford WD17 3AN

- 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 G Sewell, Clovercourt Homes (Ebury) LLP against the decision of Watford Borough Council.
 - The application Ref 20/00980/FUL, dated 16 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is removal of existing garage and erection of three bedroom detached dwelling with car parking and garage.
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Appeal B Ref: APP/Y1945/W/21/3270339

Land Rear of 199 Cassiobury Drive, Watford WD17 3AN

- 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 G Sewell, Clovercourt Homes (Ebury) LLP against the decision of Watford Borough Council.
 - The application Ref 20/01501/FUL, dated 30 December 2020, was refused by notice dated 25 February 2021.
 - The development proposed is demolition of existing garage and erection of two bedroom detached dwelling with car parking and garage.
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Decisions

Appeal A Ref: APP/Y1945/W/21/3270338

1. The appeal is dismissed.

Appeal B Ref: APP/Y1945/W/21/3270339

2. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of two bedroom detached dwelling with car parking and garage at Land Rear of 199 Cassiobury Drive, Watford WD17 3AN in accordance with the terms of the application, Ref 20/01501/FUL dated 30 December 2020 subject to the conditions set out in the attached Schedule 1: Appeal B Conditions.

Procedural Matters

3. There are two appeals on this site, each proposing a dwelling to the rear of 199 Cassiobury Drive. The dwellings vary in their scale and appearance, but given the overall similarities of the schemes I have dealt with them in a single decision letter. I have nevertheless considered each proposal on its individual merits.
4. The description of the Appeal A development in the banner heading above is taken from the planning application form, although I note that the appeal form

records a slightly amended description consistent with that stated on the Council's decision notice.

Main Issues

5. The main issues in both Appeal A and Appeal B are:
- i) the effect of the proposal on the character and appearance of the area; and
 - ii) the effect of the proposal on the living conditions of the occupiers of 199-203 Cassiobury Drive with particular regard to outlook.

Reasons

Character and Appearance

6. The appeal site includes a flat-roof garage to the rear of 199 Cassiobury Drive which has a vehicular access from Bellmount Wood Avenue. These streets and others nearby are predominantly characterised by detached dwellings which are set on strong building lines within large plots. This provides for a spacious character to the area, and despite variation to the architectural design and appearance of individual buildings, there is an attractive rhythm and sense of coherence to the street scenes overall.
7. In both appeals, the dwelling proposed on the site would be of slightly smaller overall size than many nearby. However, this would not be conspicuous or discordant given the assorted form and scale of buildings around the site which include both two-storey and bungalow properties. Their appearance and suggested external materials would also be sympathetic to the surrounding area, and I am satisfied that their set back from the front of the site would be appropriate relative to neighbouring buildings. Accordingly, I find that the buildings themselves would sit comfortably as a continuation of the street frontage and would not appear isolated.
8. However, the plots to serve the dwellings would be of much lesser depth and overall size than is typical in the vicinity of the site, and the proposal would also reduce the plot to No 199. As a result, the dwellings would have an unusually tight relationship with boundaries at their rear, and rear gardens of uncharacteristically limited depth. Despite some additional spacing to the side of the dwellings, built form would occupy a fairly large proportion of the plots, and these factors would together cause the dwellings to appear somewhat cramped and squeezed on to the site. As a consequence, I find that the development in both appeals would be at odds with the prevailing pattern locally, and would erode the generally spacious quality which adds to the character and appearance of the area.
9. The appellant suggests that the depth of the site would not be readily apparent from public vantage points, but I saw that the existing boundary between No 199 and its neighbour at 201 Cassiobury Drive is appreciable including in views from Bellmount Wood Avenue close to the junction with Cassiobury Drive. As a consequence, I consider that there would also be likely to be some perception of the depth of the plot to the developments. Be that as it may, the width of the plots would not be significantly out of keeping with other development nearby so that I consider the visual impact on the street scene would be relatively modest overall, and views would also be localised. I additionally note examples of other dwellings on shallow plots highlighted by

the appellant which add some variety to the layout of development within the wider area. However, this is to a limited degree, and they do not form part of the street scene nearest to the appeal site.

10. For these reasons, I conclude on this main issue that both Appeal A and Appeal B would result in some harm to the character and appearance of the area. The harm would be fairly modest, but would nevertheless result in conflict with Policy UD1 of Watford's Local Plan Core Strategy 2013 (CS) which includes a requirement for high quality design which respects and enhances local character. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it requires development that responds to local character and adds to the overall quality of an area.
11. The Council's reasons for refusal refer additionally to Policy HS1 of the CS, but the basis for this is not clearly explained within its evidence, and from the details before me I see no inherent conflict with the requirements of this policy. Similarly, while I have been provided with extracts of the Residential Design Guide 2016 (RDG), these relate to considerations of outlook and neighbourliness rather than character and appearance.

Living Conditions

12. Separation between the rear of No 199 and the dwellings proposed by both appeals would not be large, but the appeal site is at a lower land level than neighbouring dwellings on Cassiobury Drive, and the Appeal B development would have low eaves and be of modest overall height. The sloping design of the roof with a hipped section would also help to reduce the upper mass of the dwelling and its visual impact. Given the position of the dwelling and its depth relative to the site, there would also remain open views to its front and rear from windows and the garden of No 199. I am therefore satisfied that while noticeable, the Appeal B development would not appear overly dominant or unacceptably diminish outlook for occupiers of No 199.
13. For similar reasons and noting additionally that views of the Appeal B dwelling from windows to the rear of 201 and 203 Cassiobury Drive would be oblique, outlook from these dwellings would not be unacceptably harmed. The dwelling would extend along part of the rear garden to No 201, but would be set away from the boundary and given its scale and relationship to the large overall size of the neighbouring gardens, I do not find that it would cause a harmful sense of enclosure or visual dominance when seen from these gardens, nor a significant reduction in light. Boundary treatment would prevent overlooking from ground floor windows, and a planning condition could require that the rear rooflight which would serve a bathroom is obscure glazed and fixed shut. On this basis, there would not be unacceptable loss of privacy for neighbouring occupiers, and because there would be no upper level habitable room windows to the sides or rear of the dwelling, I find no conflict with RDG guidelines seeking 11m between upper level habitable rooms on a side or rear elevation and boundaries to minimise overlooking.
14. I therefore find that the Appeal B development would not be overbearing, visually intrusive or unduly prominent in views from neighbouring dwellings or gardens, and that the living conditions of the occupiers of 199-203 Cassiobury Drive would not be unacceptably harmed.

15. However, while the Appeal A dwelling would have a similar footprint, it would be larger with notable increases to both its maximum and eaves level heights. In my view, the consequent increase in the upper mass and bulk of the building would be significant, considerably increasing its visual impact and prominence to a degree that I find would be dominant and an imposing feature to the neighbouring gardens given its proximity to these spaces. It would as a consequence detract from the use and enjoyment of neighbouring gardens to the detriment of the living conditions of the occupiers of Nos 199 and 201, although given the additional separation to No 203, I do not find that there would be significant harm to the occupiers of this dwelling.
16. For these reasons, I conclude on this main issue that Appeal B would not cause unacceptable harm to the living conditions of neighbouring occupiers, and in this regard it would comply with guidance within the RDG seeking to maintain suitable standards of outlook, as well as with the Framework which requires a high standard of amenity for existing and future users. Conversely, Appeal A would cause unacceptable harm to the living conditions of occupiers of 199 and 201 Cassiobury Road through a loss of outlook, and would be contrary to the same provisions of the RDG and the Framework.

Other Matters

17. I have taken into consideration representations by interested parties, including regarding neighbouring trees and potential for shading of the development. The Council did not raise the effect of the proposals on trees during construction or occupation of the developments as a concern, and with regard to the contribution that trees on and neighbouring the appeal site make to the character and appearance of the area and the evidence before me, I have no firm reason to take a different view. I acknowledge additional concerns that the developments would cause damage to a neighbouring fence, but that would be a private matter between the relevant parties and not within my jurisdiction.
18. Bellmount Wood Avenue provides access to a nearby school, but there is no clear evidence before me that the development would harm highway safety, nor to indicate existing parking pressure in the vicinity of the appeal site. Moreover, While the proposals would result in the removal of the existing garage and hardstanding on the site, No 199 would retain parking for at least 2 vehicles accessed from Cassiobury Drive, and the Council advise that parking for the proposed dwellings would be in accordance with standards.
19. I have also noted comments suggesting that the Housing Secretary has stated there would be 'no back garden development'. However, the source for this has not been provided. The Framework refers to the desirability of maintaining an area's prevailing character and setting including residential gardens and excludes gardens from the definition of previously developed land, but this is not an automatic presumption against all development of residential gardens and I note that the site is currently partly occupied by existing garages.

Planning Balance

20. The Council has not disputed that it is unable to demonstrate a 5-year supply of deliverable housing sites, or the appellant's evidence indicating that the supply position is 4.61 years. The presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework is therefore engaged and provides that permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

21. The Framework identifies an objective to significantly boost the supply of housing, and highlights that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It also indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes.
22. Both proposals would make effective use of a site within an existing settlement to provide one dwelling. The extent of the benefit towards local housing would be limited by the small amount of development, but I nevertheless give it great weight in light of the housing under-supply position. Occupiers of the site would have access to local services and public transport links within the town centre, helping to support a reduction in private vehicle use resulting in environmental benefits. There would also be social and economic benefits associated with construction and occupation of each dwelling, including support for local services, but these would be qualified by the modest scale of the developments and I give them limited weight.
23. Against these benefits, I have found that both Appeal A and Appeal B would be contrary to requirements of the Framework seeking to achieve well-designed places. There would also be conflict with Policy UD1 of the CS which is broadly consistent with the expectations of the Framework for development that is sympathetic to local character. The visual impact of both developments would however be localised and of low magnitude, moderating the harm caused to the character and appearance of the area. In the case of the Appeal A development though, there would additionally be conflict with the requirement within the Framework for a high standard of amenity for existing users.
24. I find that the adverse impacts of the Appeal A development as a whole would be significant, and in the context of paragraph 11(d) of the Framework would together significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. On this basis, I find that Appeal A would conflict with the development plan when it is read as a whole and that material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.
25. However, the more limited adverse impacts of the Appeal B development would not in my judgement significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies. While the proposal would not fully accord with the development plan when it is read as a whole, I find that this is a material consideration of sufficient weight in favour of the development to indicate that Appeal B should be allowed, notwithstanding the conflict with the development plan.

Conditions

26. The Council has not suggested conditions in response to the appeals. For Appeal B, I have imposed the standard time limit condition and a condition specifying the approved plans for the avoidance of doubt and in the interest of

certainty. I have also imposed conditions requiring that the development is carried out in accordance with the details of external materials shown on the submitted plans, provision for landscaping and parking including drainage of hardstanding in order to ensure a satisfactory appearance, the living conditions of future and neighbouring occupiers and in the interests of highway safety.

27. In order to ensure a satisfactory appearance and in the interests of promoting sustainable travel, I consider that conditions referred to within the Council's officer report to require provision for the storage of cycles, refuse and recycling are necessary. I also consider that a condition to require that the rear rooflight is obscure glazed and fixed shut is necessary to avoid harmful overlooking to neighbouring occupiers.

28. I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. However, given the relationship of the dwelling with its plot and neighbouring buildings, I am satisfied that a condition referred to by the appellant to prevent extensions or alterations to the dwelling or its roof and the construction of outbuildings is necessary in this case in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.

Conclusion

29. For the reasons given above, I conclude that Appeal A should be dismissed, but that Appeal B should be allowed.

J Bowyer

INSPECTOR

Schedule 1: Appeal B 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 following approved plans: J885/100, J885/101, J885/201, J885/202, J885/203, J885/204, J885/205, J885/206, J885/207 and 200 Plan.
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on plan nos J885/204 and J885/205.
- 4) The development hereby permitted shall not be occupied until a detailed landscaping scheme based on drawing number J885/202 has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out no later than the first available planting and seeding season after the completion of the development save for the means of enclosure which shall be carried out in accordance with the approved details before the development is first occupied. Any new plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the

- next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
- 5) The development hereby permitted shall not be occupied until the parking/turning area shown on plan no J885/202 has been drained and surfaced in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
 - 6) The development hereby permitted shall not be occupied until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.
 - 7) The development hereby permitted shall not be occupied until the rear facing rooflight to the first-floor bathroom has been fitted with obscure glass and is fixed shut. The rooflight shall be permanently retained as such thereafter.
 - 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development permitted under Schedule 2, Part 1, Classes A, B, C or E of the Order shall be carried out without the prior written permission of the Local Planning Authority.