



Appeal Decision

Site visit made on 14 October 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/Y1945/D/21/3276755

45A Cassiobury Park Avenue, Watford, WD18 7LD

- 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 Abdul Khan against the decision of Watford Borough Council.
 - The application Ref 21/00161/FULH, dated 4 February 2021, was refused by notice dated 25 March 2021.
 - The development proposed is a loft conversion, first floor side extension, ground floor rear extension, two storey front extension and a wider vehicle access pavement crossing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the dwelling and the area;
 - the living conditions of the neighbouring occupiers at 47 Cassiobury Park Avenue with regard to sunlight and outlook.

Procedural matters

3. The application description and location plan refer to a two storey front extension but that is not shown in the submitted elevations and as there are no floor plans, I have not considered that in this appeal.
4. Although the application does not include floor plans, the site location plan, roof plan and elevations are sufficient for me to consider the other elements of the proposals.

Reasons

Character and appearance

5. The development plan includes policy UD1 in Watford's Local Plan Part 1 - Core Strategy 2006-31 (2013) which sets out a number of principles for ensuring high quality design in new developments.
6. The appeal dwelling is located on a leafy suburban street of mainly detached dwellings of varying designs. It is this variety which makes a positive contribution to the character of the area. Many properties have been extended

but in general those extensions are subservient to the original dwelling allowing the character of each dwelling to remain evident.

7. The appeal dwelling is a 1960's built detached house on a large plot and retains much of its original design with a flat roof porch and garage on the front elevation reflecting the style of that period.
8. The proposed first floor side extension would continue the existing building line with a pitched roof as a continuation of the existing roof. Although the Council's supplementary planning guidance (SPG) in its Residential Design Guide (2016) requires that such extensions are set back from the front of the house, in this case that would not be appropriate because it would disrupt the simplicity of the front elevation. As the scale and proportions of that extension are not dissimilar to those of the existing dwelling and the front elevation would retain its character, that part of the proposals would be acceptable in this regard.
9. The proposed single storey rear extension, together with the rear part of the side extension would extend some 8.6m beyond the rear wall of the dwelling. However, the single storey extension would have a flat roof form and a relatively low height. The ridge height of the hipped roof over the two storey element would be significantly below that of the main ridge. As such, given the large plot in which it is sited and the width of the dwelling, those elements would not be overly prominent and would be acceptable in terms of this issue.
10. However, the size and scale of the proposed rear dormer, given its height, width and the lack of a set in from the eastern side elevation, would not reflect the scale and proportions of the dwelling and would appear overly bulky. Although not seen in clearly in public views, it would be seen from neighbouring properties and would be unduly dominant on this elevation.
11. I conclude then that, whilst I have found the proposed side and ground floor extensions acceptable in terms of this issue, the proposed rear dormer would significantly harm the character and appearance of the dwelling and the area and would be contrary to the development plan policy referred to above.

Living conditions

12. The proposed side extension would be only 1m from the side boundary with the neighbouring property at no 47 Cassiobury Park Avenue, a locally-listed Arts and Crafts style dwelling which is sited some 4m from the side boundary. I saw at my visit that it has two habitable room windows in the side elevation (which the Council says are to a dining room and a bedroom and are the sole windows to those rooms). The windows face south-east and would directly face the proposed side extension.
13. By reason of the length, height and proximity only 5m away of the two storey part of the side extension, together with the siting and height of the proposed dormer, the proposed extensions would be oppressive and overbearing resulting in a poor outlook from those windows, a loss of morning sunlight to the bedroom window and overshadowing of both windows. Taken together, this would result in significant harm to the living conditions of the neighbouring occupier/s of no 47.
14. I disagree with the Council regarding the impact of the proposed single storey rear extension. Although it would be adjacent to the side boundary, it would

not be excessively long and the low height of its flat roof would not be unduly dominant or overbearing given the large size of the neighbouring garden. Therefore, that element would not cause significant harm to the occupier/s of no 47.

15. Although I have found that the ground floor rear extension would not result in significant harm to neighbouring living conditions, the side extension and dormer would do so and would therefore be contrary to development plan policies SS1 and UD1 in the LP. Together these seek to ensure a high quality of design and reference the Council's supplementary planning guidance (SPG) in its Residential Design Guide (2016) which says that extensions must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties.

Other matters

16. I have noted that national policy in the National Planning Policy Framework (the Framework) seeks to ensure that decisions should not discourage innovation or change and that developments should optimise the potential of a site and make efficient and effective use of land. However, the Framework qualifies that by the wording 'an appropriate amount' of development. My findings above indicate that in this case, the amount of development is not appropriate.
17. The appellant has submitted information relating to a health condition of a family member but there is insufficient evidence of how they are affected by the condition or why the accommodation as proposed is essential for their needs.
18. The other examples of proposals that the appellant considers set a precedent for this scheme are not directly comparable because they relate to properties of a different age, type and character and with a different relationship to their neighbours.
19. These other matters do not, therefore, outweigh the harm I have identified above.

Conclusion

20. Whilst I have concluded that the ground floor rear extension would be acceptable in respect of both of the main issues, I am unable to issue a split decision allowing that part of the proposals because it is not clearly severable from the rest of the development. For the reasons given above, the proposed development would be contrary to the development plan and there are no material considerations that would indicate otherwise. I conclude that the appeal should be dismissed.

Sarah Colebourne

Inspector