
Appeal Decision

Site visit made on 30 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/Y1945/W/21/3276148
798 St Albans Road, Watford WD25 9FF

- 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 Jeremy English against the decision of Watford Borough Council.
 - The application Ref 21/00376/FUL, dated 15 March 2021, was refused by notice dated 6 May 2021.
 - The development proposed is application to extend the first floor residential flat (C3) comprising first floor extensions over the single storey existing extensions to the rear and side.
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Decision

1. The appeal is allowed and planning permission is granted for application to extend the first floor residential flat (C3) comprising first floor extensions over the single storey existing extensions to the rear and side at 798 St Albans Road, Watford WD25 9FF in accordance with the terms of the application, Ref 21/00376/FUL, dated 15 March 2021, subject to the following 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 approved plans: Site Location Plan, 010 P2, 015 P2, 017 P2, 024 P2, 025 C P2, 026 C P2, 027 B P2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (and any order revoking and re-enacting that order) no additional first floor windows shall be inserted in the south-western side elevation of the extensions hereby permitted.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the host property and the area, and
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 1 Kilby Close with particular regard to privacy.

Reasons

Character and appearance of the area

3. The appeal site comprises of a two storey detached extended property with a dental practice and chiropractic clinic at ground floor level and residential flat above situated on a corner plot at the junction of St. Albans Road and Kilby Close. It is located in a mature well-established residential area, including some commercial uses, with a mixture of properties of varied styles and design set back from the road behind a front garden/driveway. A number of the properties have single storey and two storey extensions of varying styles and designs that generally appear as clearly subordinate to the buildings.
4. The appeal site has an extensive planning history relating to proposals to extend the property. The proposal would involve the construction of a first floor side extension that would be set back from the front elevation and stepped down below the ridge of the main house with a pitched gabled tiled roof. The proposed first floor rear extension would project out about 4.8m from the south east corner of the main property. It would be set back from the highway boundary with Kilby Close to the side of the site and would be stepped down below the ridge of the main house with a hipped tiled roof.
5. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. Equally, the closing of the gap between the side elevation of the appeal property and the adjacent dwelling at No. 796 St Albans Road would not appear out of character. From my site visit I noted a number of properties in the road appear to have been built to the side boundaries or in close proximity to such. The reduced space between the extended property and the adjacent dwelling would be offset to some degree by the boundary treatment along the side of the appeal property and the different heights and styles of the properties, that would allow reasonable space to prevent any significant terracing effect.
6. Whilst the proposed first floor side extension would be located in a relatively prominent position, it would be seen in the context of the current varied architectural styles at the host property and the surrounding properties. Against this backdrop, the scale, form and siting of the proposed first floor side extension, set back and stepped, would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and form of the extension together with the use of matching materials and fenestrations would ensure that the proposed side extension would sit relatively unobtrusively against the built form of the main property.
7. Given the location of the development, the proposed rear first floor extension would only be visible over short distances from the adjacent properties and when passing the site. Although the proposed first floor rear extension would extend the rear of the appeal property, the degree of projection would not appear excessive due to the staggered built form along the rear of the properties on St. Albans Road. It would be seen in the context of the current extensions and alterations at the rear of the host property and adjacent properties.

8. Against this backdrop, the scale, form and design of the proposed first floor rear extension, set back and stepped down, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and proportions of the proposed first floor rear extension, together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property.
9. The proposed first floor side and rear extensions would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene.
10. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host property and the area. It would be consistent with the overall aims of Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2013 and the Council's Residential Design Guide 2016. These policies and guidance, amongst other things, seek to ensure that development and residential extensions are of a high quality design that complement the host property and respect and enhance the local character of the area. The proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Living conditions of the occupiers of the neighbouring property

11. The proposed first floor side and rear extensions would be set back from the side elevation and the common shared boundary of the neighbouring detached bungalow at No. 1 Kilby Close (No. 1) to the rear of the site. The side elevation and garden at the side and rear of No. 1 would be separated from the appeal site by a car park, outbuilding, detached garage/driveway and a high closed boarded fence running along the common shared boundary.
12. Whilst I accept that there is some impact from the development, given the overall height and design of the side and rear first floor extensions, set back and stepped down, together with the boundary treatment and the separation distance between the properties, I consider that the extensions would not result in significant overlooking or harm to the privacy of the occupiers in the rooms and garden at the side and rear of the adjacent property. The neighbouring property is already overlooked from the existing windows and car parking area at the rear of the appeal property. As such, I consider the relationship between the new extensions and the adjacent property would not be significantly different to the existing situation on the site and would not warrant dismissal of the appeal on these grounds.
13. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 1 Kilby Close with particular regard to privacy. It would be consistent with the overall aims of Policy UD1 of the Watford Local Plan Core Strategy 2013 and the Council's Residential Design Guide 2016 that, amongst other things, seek a high quality design and that an extension must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties. In addition, it would accord with the Framework that

development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Other Matters

14. I have taken into the account a letter of support and a letter of objection submitted by third parties to the proposal. The objections include the impact on the character of the area, amenities of local residents, parking and discrepancies in the drawings submitted by the appellant. However, I have addressed the matters relating to the character and appearance of the host property and the area and the living conditions of the neighbouring property at No. 1 Kilby Close above. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate.
15. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

16. Having regard to the Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property. In order to protect the amenities of neighbouring properties, I have also imposed a condition restricting the insertion of additional first floor windows in the south-western side elevation of the side and rear extensions.

Conclusion

17. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR