



Appeal Decision

Site visit made on 4 January 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/Y1945/W/21/3281928

21 Elm Avenue, Watford WD19 4BD

- 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 Nicholas Wickham, Hamden Development Homes Ltd against the decision of Watford Borough Council.
- The application Ref 21/00930/FUL, dated 20 June 2021, was refused by notice dated 19 August 2021.
- The development proposed was described as 'erection of 2 bedroom detached bungalow'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the planning application form. However, the Council altered the description to 'erection of 2 bedroom detached dwelling'. This is also the description used by the appellant on the appeal form, and I consider it a more accurate description of the development as it is shown on the submitted plans. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for future occupiers of the proposed dwelling would be acceptable with particular regard to light, outlook and the provision of private amenity space; and
 - iii) the effect of the proposal on the living conditions of the occupiers of 21 Elm Avenue with particular regard to light, outlook and privacy.

Reasons

Character and Appearance

4. The majority of dwellings on Elm Avenue are detached bungalows of a couple of generally similar designs, commonly including front gable projections and hipped roofs. A few two-storey properties add some variety, but dwellings are typically set back from the street on similar building lines behind gardens or areas of parking, and are positioned at fairly consistent intervals with gardens of reasonable length to their rear that are appreciable in gaps between buildings. Despite some variety in the external finishes of buildings, these

factors result in an overall sense of coherence and an attractive rhythm to the street scene, and contribute a relatively spacious character to the area.

5. The bungalows at 21 and 23 Elm Avenue are positioned on differing orientations on the inside of a bend in the street. The spacing between them reduces significantly towards their rear elevations as the angle of the buildings converge, although there remains a gap of reasonable size between their rearmost sections. The appeal proposes a dwelling occupying a roughly triangular plot that would be created between Nos 21 and 23. The plot's rear boundary would be set slightly forward of the rear elevations of these neighbours, and it would widen towards the curved front boundary with the street.
6. The dwelling would be positioned on its boundary with No 21. Separation between this boundary and the side of No 21, and between the dwelling and the side of No 23 which adjoins the site, would not be large, and the development would therefore substantially fill the width of the space between its neighbours. Given the relative positions of the buildings and the angled relationships, the dwelling would be likely to largely obscure views from the street of the existing gap between the rear parts of Nos 21 and 23. In my judgement, the resulting impression would be of a near continuous block of development and the effective closure of the current visual break on the site.
7. Moreover, the plot to the dwelling would be of far smaller depth and overall size than is usual within this area. The rear garden would narrow considerably towards the rear and would be very shallow, in striking contrast to the established pattern of relatively long gardens which are apparent in the vicinity of the appeal site. The vertex of the angled front elevation of the dwelling would also extend significantly closer to the boundary with the street than is typical of buildings on Elm Avenue, and would step notably forward of the closest part of No 23. I appreciate that the shape of the site is a constraint on development, but the resulting proximity of the dwelling to its boundaries would be at odds with the more generous spacing afforded to other dwellings nearby, and would deprive it of a proper setting. As a consequence, it would appear cramped on its plot, and I find that the development would lead to a significant erosion of the area's spaciousness.
8. In addition, the position of the dwelling stepping closer to the street frontage than the established building line of nearby dwellings, as well as its greater height in comparison to the neighbours to either side, means that it would be a prominent feature in views along the street scene. I acknowledge advice within the Council's Residential Design Guide adopted 2014 amended 2016 (RDG) that development should respect, but not necessarily replicate, the height and scale of adjoining buildings. However, the form and appearance of the dwelling would in this case be highly unusual, including angled sections with a succession of flat and sloping roof forms, a first-floor overhang that would lack windows to much of the front elevation, and windows of assorted size and design in a seemingly random arrangement to the rest of the building.
9. In my assessment, the result would be a contrived and visually incoherent feature that would be jarring and discordant against the generally similar designs and regular proportions that are characteristic of nearby development. Boundary hedging to the front of the site would only partly screen the dwelling, and cannot

in any event be relied on long-term to conceal the development which I find would be an unsympathetic and intrusive addition to the street scene.

10. For these reasons, I conclude on this main issue that the proposal would fail to integrate sympathetically with its surroundings and that it would cause unacceptable harm to the character and appearance of the area. As a consequence, it would conflict with Policies UD1 and SS1 of Watford's Local Plan Part 1 – Core Strategy 2013 (CS) which together broadly seek high standards of design which respects and enhances the local character of the area in which it is located. For the same reasons, it would be contrary to guidance within the RDG seeking development that reinforces local characteristics.

Living Conditions – Future Occupiers

11. The cumulative area of private amenity spaces indicated to the front and rear of the dwelling would be around 57sqm, exceeding the requirement for 50sqm indicated by the RDG. However, the area to the rear would be effectively surrounded by the proposed dwelling and neighbouring properties. The adjacent buildings in combination with the limited depth of the space would significantly restrict light to the space, and would additionally result in a considerable degree of enclosure causing it to feel confined and hemmed in. The space to the front of the dwelling would similarly be of limited depth, squeezed between the dwelling and boundary hedging, and despite this hedging, its proximity to the street and potential views of the space across the access would limit the impression of privacy. Notwithstanding the overall quantum of amenity space, I find that these factors would severely constrain the attractiveness and usability of the intended areas such that their value would be limited, harmfully diminishing the quality of life of occupiers of the dwelling.
12. In addition, levels of light and outlook for most rooms at the ground-floor of the dwelling would be compromised by the close proximity of glazing to the boundaries of the site and, in the case of glazing to the rear, to the adjacent dwellings. Rooflights would provide for some light to the bedrooms at first-floor level. However, and irrespective of the appellant's suggestion that the size of the rooflight to Bedroom 2 could be increased, I have not been provided with a robust assessment of the likely levels of daylight or sunlight to substantiate an assertion that the dwelling would receive adequate light. Moreover, rooflights would only allow for views upwards, and would not provide for meaningful outlook for occupiers. While there would be windows to the Master Bedroom, the very close proximity of No 21 which would extend significantly deeper to the rear would restrict outlook to this room somewhat, while Bedroom 2 would have no other windows, and in my judgement would suffer an oppressive degree of enclosure.
13. Given these factors, I find that the overall standard of accommodation offered by the dwelling would be poor, and I conclude on this main issue that living conditions for occupiers of the dwelling would be unacceptable. The proposal would therefore conflict with Policy UD1 of the CS which seeks high quality design, as well as with the RDG insofar as it broadly seeks adequate levels of natural light and outlook as part of development.

Living Conditions – Neighbouring Occupiers

14. The height of the dwelling and its position on the boundary with No 21 would cause a considerable loss of light and outlook for a kitchen window and glazed door to the side of this neighbour which would also be overlooked at close range by the first-floor window to the Master Bedroom. However, the appellant indicates that the window to No 21 would be altered to obscure glazing and would serve a utility room, with the kitchen relocated to the rear of the dwelling. Consequently, levels of light, outlook or privacy to habitable rooms of No 21 would not be adversely affected by the development. The Council suggests that this would be a disingenuous change, but I have not been provided with substantive evidence demonstrating that the resulting layout of No 21 or overall provision of space would be inadequate or otherwise detrimental to the quality of life of occupiers.
15. I therefore conclude on this main issue that the proposal would not unacceptably harm the living conditions of the occupiers of No 21, and in this regard, I find no conflict with Policies SS1 or UD1 of the CS which require, amongst other things, that new development protects residential amenity. I also find no conflict with similar objectives within the RDG outlining that development should maintain appropriate relationships to the homes and gardens of neighbouring properties.

Other Matters

16. The Framework establishes a presumption in favour of sustainable development. It provides at paragraph 11(d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
17. The proposal would make effective use of the site to deliver an additional dwelling towards the supply of housing locally. The Framework identifies an objective to significantly boost the supply of housing, and further highlights that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area. However, the contribution made to the supply of housing overall would be limited by the modest scale of the proposal, and I have further found that the dwelling would not offer a good standard of living for future occupiers which limits the weight that I give to this benefit.
18. There would be associated economic and social benefits both during construction and on occupation of the dwelling, and residents would have some access to nearby local services and public transport. However, the magnitude of these benefits would also be restricted by the small scale of the development, and I afford them limited weight.
19. Against these benefits, I have found that there would be significant harm to the character and appearance of the area, and that living conditions for future occupiers of the dwelling would be unacceptable. These aspects weigh against the proposal, and are contrary to requirements in the Framework for high quality design and development that is sympathetic to local character and that

provides a high standard of amenity for future users. I attach significant weight to the harm that would arise in these respects.

20. Even if the policies which are most important for determining the application were deemed out of date for the purposes of paragraph 11 of the Framework, I find that overall, the adverse impacts of the development would significantly and demonstrably outweigh the limited 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 set out at paragraph 11(d) of the Framework.

Conclusion

21. For the reasons given above, 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. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR