

Appeal Decision

Site visit made on 8 February 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/Y1945/D/21/3289052

36 Devereux Drive, Watford, WD17 3DE

- 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 Sager & Mrs Dipti Patel against the decision of Watford Borough Council.
 - The application Ref 21/01354/FULH, dated 7 September 2021, was refused by notice dated 22 October 2021.
 - The development proposed is erection of a single storey front extension, hip to gable roof alteration to front facing roof, rear and side extension at first floor and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey front extension, hip to gable roof alteration to front facing roof, rear and side extension at first floor and single storey rear extension at 36 Devereux Drive, Watford, WD17 3DE in accordance with the terms of the application, Ref 21/01354/FULH, dated 7 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E-100, E-101 rev. A, P-101 rev. F, P-102 rev. A, P103
 - 3) The extensions hereby permitted shall not be occupied until the side facing first floor window has been fitted with obscure glazing. The window shall be non-opening unless the parts of the window that can be opened are more than 1.7m above the floor of the room in which the window is installed. The obscure glazing and limited opening shall thereafter be retained.
 - 4) The tree in the garden of 38 Devereux Drive whose root protection area extends into the site shall be protected by strong fencing, the location and type of which to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the
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site. Nothing shall be stored or placed within the fenced area, and the ground levels within that area shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extensions on the character and appearance of the host dwelling, the street scene of Devereux Drive and the surrounding area; and secondly, the effect of the proposed extensions on the living conditions of occupiers at 34 and 38 Devereux Drive with respect to daylight, sunlight and outlook.

Reasons

3. Devereux Drive is an established residential street characterised by large, detached dwellings on generous plots. The dwellings are set on a generally regular building line behind modest front gardens. Most of the dwellings retain their original, traditional appearance but exhibit a wide variety of architecture such that there is no uniformity of design. A number of houses have undergone significant extension and/or modernisation or been demolished and replaced leading to an evolving street scene and further variety.
4. The appeal dwelling is a two storey, asymmetric, hip-roofed house with a front facing hipped projection and two catslide roofs which provide a characteristic diagonal emphasis to the front elevation. It is of no particular architectural or historic importance and therefore alterations to give the dwelling a more modern appearance would be acceptable in principle both in terms of the host building and the street scene of Devereux Drive.
5. The proposed extensions visible from the street include a hip to gable extension of the front facing hipped roof, incorporating an enlarged feature window in the new front gable. Although this would materially alter the appearance of the dwelling it would not be out of place in a street scene characterised by both hipped and gabled roof forms and would preserve the characteristic diagonal emphasis of the catslide roofs. The Council's Residential Design Guide (RDG), 2016, expects the roof form, pitch and angle of roof extensions to respect that of the host property. Although the gable differs in form it would nevertheless respect the host dwelling. Therefore, whilst the RDG generally discourages changes to the plane of an existing front roof slope, I find it acceptable in this case.
6. The proposed roof would have a crown set behind the existing main ridge and surrounded by pitched roof slopes on other elevations. It would be inconspicuous and small compared to the overall roof. In consequence, it would not detract from the character or appearance of the dwelling.
7. The proposed single storey front extension would infill the return in front of the existing garage and project a further 0.5m in front of the existing front elevation. It would have a pitched hipped roof to the front which would extend part way across the front facade to provide a canopy over the front door. The Council is concerned that it would have an uncharacteristic horizontal emphasis. However, it would echo the horizontal line of the main ridge and would not disrupt the existing diagonal emphasis or detract from the appearance of the front elevation. Although the Council's RDG resists extensions in front of the

front elevation I note that porches up to 1m deep are generally supported. In view of the limited front projection, its partially open, porch-like design and function and its clear subservience to the host building I find it acceptable in this case.

8. Turning to the single storey rear extension, this would increase the size of an existing extension and continue across the whole rear elevation. In combination with the first-floor extension it would give the rear elevation a more coordinated appearance. When combined with the existing rear extension which infills a set-back section of the original rear wall it would have a maximum depth of some 6.45m. However, its overall projection behind the original dwelling would be some 4m, similar to that of the single storey rear extension at No 34 and on a similar rear building line to the large single storey extension at No 38. Given the sympathetic design, the large rear garden and existing extensions at neighbouring dwellings, the proposals would not be disproportionate in the context of either the host dwelling or the surrounding area. I note that the Council's RDG suggests a maximum depth of 4m for a rear single storey extension on a detached house. However, whilst this provides helpful guidance each case should be assessed on its own merits, taking account of the overarching aim of the RDG that extensions should respect the character and scale of the host building.
9. Overall, the proposed extensions, although architecturally modern would be of sympathetic scale and design to the host dwelling. It is therefore concluded on the first main issue that the extensions would have no materially detrimental effect on the character or appearance of the host dwelling and would maintain its positive contribution to the street scene of Devereux Drive and the surrounding area. In consequence there would be no conflict with Policy UD1 of the adopted Watford Local Plan (Core Strategy) 2006-2031 (LP) or with the National Planning Policy Framework (NPPF) insofar as they seek to ensure that new development is of a high quality of design which, amongst of the things, respects and enhances the local character. Moreover, whilst I have found detailed conflict with the RDG, its wider objectives would be achieved.
10. Turning to the second main issue, I agree with the Council that although the front extension would be visible from main windows in No 34 the separation distance and limited forward projection would ensure that there was no material loss of outlook or light to this dwelling.
11. In terms of the rear extension, the Council confirms that the first-floor element would not conflict with any guidance relating to living conditions and would be acceptable. It also appears from the evidence that the proposed single storey extension would comply with the "45 degree rule" as set out in the RDG. Nevertheless, the Council is concerned that its depth adjacent to the boundary with No 38 would result in a loss of outlook, daylight and sunlight to that property, including its garden. However, the separation distance between the buildings, intervening approximately 1.8m close boarded fence and distance to the nearest ground floor window serving a habitable room would ensure that no loss of outlook or daylight occurred. These factors, together with the orientation of the dwellings which have northeast facing rear elevations with the appeal dwelling lying to the southeast of No 38, would ensure that there was also no material loss of sunlight.

12. It is concluded on the second main issue that the proposed extensions would have no materially harmful effect on the living conditions of occupiers at either 34 or 38 Devereux Drive with respect to daylight, sunlight or outlook. In consequence, there would be no conflict with Policies SS1 and UD1 of the LP or with the NPPF which, taken together, expect new development to protect and provide a high standard of residential amenity for existing and future users.
13. The occupiers at No 38 are concerned that the proposed rear patio may lead to soil collapse or flooding into their garden. However, the level difference between the two gardens is small and I see no reason why the patio could not be constructed so as to retain soil and drain towards the garden at the appeal property.
14. In addition to the statutory commencement condition, the Council suggests three other conditions. I agree that for the avoidance of doubt the development should be carried out in accordance with the approved plans. However, the plans set out details of all proposed external materials. These differ in part from the existing external materials. A condition requiring matching materials to those used in the existing building would thus be unreasonable and unnecessary. A condition requiring protective fencing during the construction period to protect the root protection area within the garden of the appeal dwelling of a tree in the garden of No 38 that is protected by an Area Tree Preservation Order is suggested. I agree this is necessary in order to prevent damage to the tree roots. However, I shall adjust the suggested wording to be proportionate to the level of protection needed. Finally, for the avoidance of doubt and to protect the privacy of occupiers at No 38 I consider that a condition is necessary to ensure that the proposed first-floor side facing window is obscure glazed and non-opening below 1.7m above floor level.
15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR