

Appeal Decision

Site visit made on 28 June 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/Y1945/D/21/3285882
10 Cherry Tree Road, Watford WD24 6SB

- 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 L Angosta against the decision of Watford Borough Council.
 - The application Ref 21/01299/FULH, dated 24 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is single storey front, side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the officer report reference is made to a Final Draft Local Plan 2018-2036. I understand that this plan is now at examination stage. No policies within this plan have been referred to within the submitted appeal documentation, and as such it has not affected my decision.

Main Issues

3. The main issues are:
 - The effect of the development upon the character and appearance of the area; and
 - The effect of the development upon the living conditions of the occupiers of flat 1, 102 Leggatts Wood Avenue with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a 2-storey semi-detached house within a residential area. There is some variation to the built form with properties having been altered and extended to the front, rear and side. Nevertheless, while there are a small number of flat roofs, including a nearby garage, the predominant character of the area is of a regular pattern of pitched roof semi-detached dwellings, many with mono-pitch porches. This provides a pleasing consistency to the street scene in terms of scale and design of development.
5. The proposed extension which would be mostly flat roofed, would not reflect the predominant character and pattern of development within the street or the appeal property where pitched roofs are the far more prevalent norm. Consequently, it would result in the introduction of a form of development

which would not be either visually attractive or sympathetic to the design quality of the host house or wider area. Notwithstanding the presence of a tall close board fence along the site boundary, the side and rear extension would be readily visible within the public realm on the Leggatts Wood Avenue side of Cherry Tree Road. The development would therefore represent an incongruous addition to both the house and the wider street scene, which would fail to respect or enhance the character and appearance of the area.

6. While being wider than the design guide requires, being single storey and mainly flat roofed, the extension would not dominate the host building. The mono pitched front extension element would be typical of others within the area, and the width of the extension would be appropriate having regard to the width of the plot and the general pattern and density of development in the area. Furthermore, the tapering side wall would not be obvious from the street.
7. Nonetheless, the proposed development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy UD1 of the Local Plan¹, which requires development to respect and enhance the character of the area within which it is located. It would also be contrary to the Residential Design Guide SPD² which aims to ensure that development respects the character and scale of the host building and street scene. Finally, it would also be contrary to Paragraph 130 of the National Planning Policy Framework where it states that developments should add to the overall quality of the area and be visually attractive.

Living conditions

8. Within the garden and from the rear window/door serving flat 1, the upper sections of the walls and roof of the extension would be visible above most of the length of the close-board boundary fence between the appeal site and flat 1. However, the outlook from the window/door is down the garden rather than directed towards the proposal. In addition, the proposed development would be single storey, it would be set in from the boundary, and it would have a flat roof to the sections adjacent to the garden and rear window/door of flat 1. Consequently, any change to the outlook available from within the garden or rear window/door of flat 1 would be minimal and not visually dominant. I do not therefore consider that the development would create an oppressive sense of enclosure or appear visually dominant and overbearing when seen from the rear window/door and garden area serving flat 1.
9. The appellant makes reference to a previous permission for a 2-storey extension on the site. I do not have full details of that case. I am therefore unable to draw comparison between the previous scheme and the development subject of this appeal in terms of the impact upon outlook for the occupiers of flat 1, 102 Leggatts Wood Avenue.
10. For the reasons set out above, I conclude that the development would not have an unacceptable effect upon the living conditions of the occupiers of flat 1, 102 Leggatts Wood Avenue with regard to outlook. Accordingly, I find no conflict with the requirements of Policy SS1 of the Local Plan¹, in so far as it requires development to protect residential amenity, or paragraph 130 (f) of the

¹ the Watford Local Plan – Part 1 - Core Strategy 2006-31

² the Watford Borough Council Residential Design Guide 2016 Supplementary Planning Document

National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future users of places.

Other Matters

11. Whilst there is disagreement regarding the extent of the appeal site identified on the site location plan, the matter has not affected my assessment of the main issues in this appeal.
12. The proposed development is for an extension to an existing house. If allowed, and if the development were not to be either built or used as proposed or subject of a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.

Conclusion

13. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which include age and disability. Since there is the potential for my decision to affect persons with protected characteristics, I have had due regard to the three objectives of the equality duty as set out in Section 149(1).
14. The negative impacts of dismissing this appeal would arise from an occupant continuing to live in accommodation that is unsuitable for their needs. However, it does not follow from the PSED that the appeal should succeed. I have taken into account the personal circumstances of the appellant and their family. However, on the basis of the evidence before me I am unable to conclude that the appeal scheme would be the only solution to meeting the appellants requirements. The planning system operates in the wider public interest which has legitimate aims of upholding the purposes of planning policies. The proposed development would be harmful to the character and appearance of the area. Whilst it wouldn't unacceptably affect the living conditions of the occupiers of flat 1, 102 Leggatts Wood Road, the absence of harm associated with this consideration does not justify a different conclusion being reached regarding the acceptability of the development. The harm I have identified outweighs the personal matters, and others that weigh in favour of the scheme, and it is a proportionate and justifiable reason to dismiss the appeal.
15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
16. I conclude that the appeal should be dismissed.

V Simpson

INSPECTOR