



Appeal Decision

Site visit made on 25 June 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 26TH July 2022

Appeal Ref: APP/Y1945/D/22/3298035
157 Hempstead Road Watford WD17 3HF

- 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 M Ahmed against the decision of Watford Borough Council.
 - The application Ref: 22/00007/FULH dated 30 December 2021, was refused by notice dated 2 March 2022.
 - The development proposed is erection of a single storey rear extension and raised patio with steps.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and raised patio with steps at 157 Hempstead Road Watford WD17 3HF in accordance with the terms of the application Ref: 22/00007/FULH dated 30 December 2021 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent 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: 21103/A102; 21103/A501; 21103/A202-01; 21103/A202-02.
 - 3) No development shall take place unless and until a full arborecultural survey and impact assessment has been submitted to, and approved in writing by, the local planning authority; the submission shall include an arborecultural method statement. The development hereby approved shall not be implemented other than in accordance with the approved documents.
 - 4) Notwithstanding what is shown on the drawings listed in condition 2, or the extent of paving shown, no development shall commence unless and until detailed drawings of the layout of the terraced areas have been submitted to and approved in writing by, the local planning authority. The details shall include existing and proposed levels, details of steps and planted areas, trees and adjoining boundary treatments. The development shall proceed in accordance with the approved details.
 - 5) The roof of the extension hereby approved shall not be used for sitting out or accessed other than for the purpose of maintenance and repair.

Main Issues:

2. The main issues are the effect of the proposed development on:
 - the living conditions of neighbouring users, and
 - the character and appearance of the host dwelling and its setting.

Reasons

Neighbouring users

3. 157 Hempstead Road (No.157) is within a group of substantial detached dwellings located in mature settings and extensive rear gardens which, in the case of the appeal site and its neighbours, are set much lower and accessed by multiple steps or terracing. No.155, which adjoins the appeal site on its south-east boundary is an extended property which at the rear would broadly align with the proposed extension, whereas No.159 which sits on its north-west side would be set back such that the proposal such that the flank wall of the development would run several metres beyond the existing built form.
4. Images supplied to the Council show the relationship between what is currently found on site and the adjoining garden; it is apparent that there is a line of sight from the existing conservatory (which would be removed) and existing upper parts of the stepped terrace into the neighbouring garden area of No.159. Boundary planting is missing in parts. I note objections as to overlooking from the proposal but my observations indicate that the fenestration proposed would overlook the host garden, being deeper into the plot and closer to existing tree screening, thereby improving privacy rather than reducing it.
5. Whilst this flank wall would be apparent from the garden of No.159, any increased sense of enclosure has to be considered with reference to the southerly outlook over open garden areas. Given the differing levels of terrace and the visual permeability of the current boundary arrangements, a single-storey flank wall such as is proposed would tend to increase privacy and this benefit outweighs the modest impacts of the wall at the boundary.
6. There appears to be some inconsistency between the Tree Preservation Order¹ and what is found on site as the tree most likely to be affected by the proposal due to proximity is not a purple-leaved plum (T1) which is seemingly absent, but a coniferous tree within the curtilage of No.157 whereas T2 & T3 (both Thuya) are, perhaps correctly, shown within the adjoining garden. The Council indicate that in the event of a grant of permission there should be an arborecultural report and impact assessment; resulting measures would address these issues and ensure important trees are protected. I have determined the application on the basis that such measures would achieve that objective.
7. I therefore conclude that there would be no conflict with Policy UD1 of the Watford Local Plan Core Strategy (Core Strategy), saved Policy SE37 of the Watford District Plan 2000, or with the Watford Residential Design Guide 2016 (WRDG) which, together, seek high quality design to protect the amenity of adjoining users from the effects of development.

¹ Tree Preservation Order No.167 (Land at 157 & 159 Hempstead Road Watford)

Character and appearance

8. The host dwelling is a large property which appears to mostly retain its original floor plan, other than a small conservatory which is to be removed. What is proposed would allow a necessary updating of the host dwelling. The proposed 5m depth of extension from the rear wall is greater than the Council's design guidance suggests (4.0m). However, although the extension wraps the side of the host dwelling it does not impinge upon the street scene; the appeal site is not in a Conservation Area or subject to directions which would restrict development permitted by the Town and Country Planning (General Permitted Development) (England) Order. It seems to me that such development without formal permission would not necessarily result in less impactful development than that here proposed and this weighs in favour of granting permission with conditions which would protect amenity and privacy.
9. The Council express concern about the lack of information concerning the terrace and its relationship with the adjoining property. I share that concern, however additional information can be required and provided for approval by a suitably-worded condition to ensure the terrace areas relate well to the layout and levels of the garden having regard to these concerns.
10. Consequently, on balance, I conclude that the proposal would not harm the character and appearance of the area or conflict with Policy UD1 of the Core Strategy or with the relevant sections of the Watford Residential Design Guide which seek to enhance and protect the amenity of areas through good design.
11. As my reasons indicate, the proposal would accord with the development plan taken as a whole and, taking all matters into account, it follows that the appeal should succeed.
12. In addition to the usual time limit, conditions are necessary to ensure the development is carried out on the basis by which I have reached my conclusions and that would require not only a plans condition but also measures to protect trees and further details of the terraced areas to ensure there is no undue impact on the privacy of adjoining users. In addition, although no party has raised this issue, I consider a condition preventing the use of the flat roof as a terrace would be appropriate to prevent overlooking of adjacent properties.

Andrew Boughton

INSPECTOR