
Appeal Decision

Site visit made on 31 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/Y1945/D/22/3309783

81 Woodland Drive, Watford, Hertfordshire WD17 3LA

- 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 T Navaneethan against the decision of Watford Borough Council.
 - The application Ref 22/00989/FULH, dated 11 August 2022, was refused by notice dated 29 September 2022.
 - The development is extended patio and minor external variation from approved planning drawings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council Officer's report describes the development as retrospective. It is clear from the evidence provided and my site visit that the extended patio area and minor external variations had been constructed. I shall determine the appeal on this basis accordingly.
3. Since the determination of the application the Council has adopted the Watford Local Plan 2021-2038 (October 2022) (LP). The Council has advised that Policy UD1 of the Watford Local Plan Core Strategy 2006-2031 has now been replaced by Policies QD6.2 and QD6.4 of the LP. I have therefore considered the development against the relevant policies of the LP.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No. 79 Woodland Drive with particular regard to light and outlook.

Reasons

5. The appeal property consists of a two storey extended semi-detached dwelling. The appeal site has an extensive planning history with additional extensions and alterations including a raised patio area at the rear of the property¹.
6. The appeal scheme seeks to amend the previously approved plans relating to proposals to extend the property to include, amongst other things, an extension

¹ 19/00308/FULH and 20/00142/FULH

to the original raised patio area by additional depth of about 3.3m together with a new 1.7m high boundary fence. The new 1.7m high fence, which is yet to be erected, would be fitted to the back of a low parapet wall running along the common shared boundary with the adjacent two storey property at No. 79 Woodland Drive (No. 79) to the south-east of the site.

7. The extended raised patio area and the new fence are located adjacent to the rooms and garden at the rear of No. 79. The garden area at No. 79 is set down below the raised patio area and the new fence. They are separated from the rooms and garden at the rear of the adjacent property by a high close boarded fence and some mature vegetation running along the common shared boundary between the properties.
8. Whilst I accept that there would be some impact from the development, given the overall design and layout of the extended raised patio area, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the development does not result in a significant light to the main habitable rooms and garden at the rear of No. 79. However, this is not a determinative factor on its own.
9. Whilst the layout of the adjacent property and the existing single storey rear extension at No. 81 already limit views directly from the rooms and the patio area at the rear of the adjacent property at No. 79, the inclusion of a new 1.7m high fence would result in an elongated boundary projection running parallel and above the common shared boundary and enclosed garden area at the rear of No. 79. The occupants of no. 79 would use this area to carry out leisure and household activities when relaxing and sitting out, particularly during the summer months.
10. Given the overall height and layout of the extended raised patio area, together with the site levels and the separation distance between the properties, I consider that the inclusion of the new 1.7m high fence on the raised patio area would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the enclosed garden area at the rear of No. 79. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 79. I therefore consider that the development results in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
11. I have considered the appellant's argument that the design and layout of the extended raised patio area and new fence has been carefully considered and redesigned in order to minimise any adverse impacts on the living condition of the neighbouring property. Whilst the use of matching materials would assist in integrating the development with the host property, these aspects do not overcome the adverse effects outlined above.
12. Consequently, I conclude that the development results in unacceptable harm to the living conditions of the occupiers of the neighbouring property at No. 79 Woodland Drive with particular regard to outlook. It would be contrary to the overall aims of Policies QD6.2 and QD6.4 of the LP and the Council's Residential Design Guide 2016. These policies and guidance, amongst other things, seek to ensure that development and residential extensions make a positive contribution to high quality design, provide internal and external space that

support the health and wellbeing of all those who use and experience them and do not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties.

Other Matters

13. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family including allowing for wheelchair accessibility to the extended raised patio area. I have considerable sympathy for the appellant's circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. As such these are matters to which I can attach only moderate weight in making this decision.
14. I have considered the appellant's comments regarding the support from the occupiers of the neighbouring property to the appeal scheme. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the scheme on the living conditions of the neighbouring property and is not a determinative factor on its own.
15. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's high quality design, promoting the effective use of land and optimise the potential of the site, enhancing the health and wellbeing and meeting the needs of the appellant's family. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR