



Appeal Decision

Site visit made on 20 June 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2023

Appeal Ref: APP/Y1945/D/22/3308593

10 Elm Avenue, Watford, Hertfordshire WD19 4BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
 - The appeal is made by Mr and Mrs Chapman against the decision of Watford Borough Council.
 - The application Ref 22/00981/HPD, dated 8 August 2022, was refused by notice dated 1 September 2022.
 - The development proposed is described as 'Proposed single storey rear extension following demolition of existing conservatory and partial demolition of existing garage'.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended (the GPDO), for a proposed single storey rear extension following demolition of existing conservatory and partial demolition of existing garage at 10 Elm Avenue, Watford, Hertfordshire WD19 4BE in accordance with the terms of the application, Ref 22/00981/HPD, dated 8 August 2022 and the details submitted with it, including plan numbers 222105/02 Rev A and 222105/01.

Preliminary Matters

2. The description of development in the banner above has been taken from the planning application form. In Part E of the appeal form, it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application in this decision.
3. Since the determination of the application the Watford Borough Council Watford Local Plan 2021-2038 (the Local Plan) has been made. The Council advise that Policy UD1 of the Watford Local Plan Core Strategy 2006-2031 has now been replaced by Policies QD6.2 and QD6.4 of the Local Plan. The appellant has had the opportunity to submit representations in respect of the changed planning policy context.

Background and Main Issue

4. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
5. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
6. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises where any owner or occupier of any adjoining premises objects to the development.
7. Consequently, and having regard to the reason for the refusal of the application, the main issue is whether prior approval should be granted having regard to the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

8. A detached single-storey residential property with a long and good-sized rear garden occupies the appeal site. It comprises one dwelling within a row of dwellings which generally have small separation distances between them, and which address the road known as Elm Avenue. The dwellings on either side of the appeal site occupy plots of similar sizes and proportions to that of the appeal site.
9. Although at appeal stage the occupier of number 12 has indicated that they no longer object to the development proposals subject of this appeal, this does not remove the need to assess the development in accordance with the requirements of A.4(7) of Schedule 2, Part 1, Class A of the GPDO.
10. Policy QD6.2 of the Local Plan requires development to make a positive contribution to high-quality design and place-making. Furthermore, an objective of Policy QD6.4 of the Local Plan is to create safe, healthy and attractive internal and external environments. The depth of the proposed extension would exceed that identified as a 'general rule' for the depth of rear extensions on detached houses, as indicated within the Watford Borough Council Residential Design Guide amended in 2016 (the residential design guide). However, the residential design guide also indicates that the impact on the existing property and neighbouring dwellings should be the principal consideration when determining the appropriate depth of an extension.
11. The houses at numbers 10 and 12 Elm Avenue (numbers 10 and 12) are separated by an area of hard-standing to the side of number 12. A tall timber fence, which demarks the common boundary to the rear of these houses, extends much of the way down the length of the rear gardens. From the evidence and my observations on site, the occupiers of number 12 are currently able to enjoy a good outlook from the rear of their house and garden.

12. The proposed extension would be constructed very close to the common boundary between numbers 10 and 12. However, from within the house at number 12 - which is set away from the common boundary between the properties - only the upper section of the walls of the extension and the shallow-pitched roof - which would slope up and away from the boundary, would be visible above the height of the fence. Furthermore, the development would project alongside considerably less than half of the depth of the sizable rear garden at number 12. Because parts of the development would be visible from number 12, the outlook from this neighbouring property would undoubtedly be altered. However, for the reasons given above, the development would not create a harmful sense of enclosure either within the house or garden at number 12, as a result of its height, depth or location.
13. Due to the separation distance between the proposed development and other adjoining premises, I have no reasonable basis to conclude that the development would cause material harm to the conditions or living conditions of users of other properties neighbouring number 10.
14. For the reasons given above, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Conditions

15. The council has requested that two conditions be imposed, to specify the plans to which the decision relates, and to require the use of external materials to match those used in the existing dwelling. A condition at A.3(a) of Schedule 2, Part 1, Class A of the GPDO, is that the materials used in any exterior work (other than those to be used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the dwellinghouse. The plans to which this decision relates have been identified within the decision. Therefore separate conditions requiring compliance with these details are not necessary.

Conclusion

16. I conclude that the appeal should be allowed and prior approval should be granted.

V Simpson

INSPECTOR