
Appeal Decision

Site visit made on 27 November 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.12.2023

Appeal Ref: APP/Y1945/D/23/3329806

26 Glen Way, Watford, Hertfordshire WD17 3JL

- 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 D Coleman against the decision of Watford Borough Council.
 - The application Ref 23/00418/FULH, dated 11 May 2023, was refused by notice dated 4 July 2023.
 - The development proposed is a ground floor rear extension and a first floor extension over the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension and a first floor extension over the existing dwelling in accordance with the terms of the application Ref 23/00418/FULH, dated 11 May 2023, 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: PA-001, PA-002, PA-003, PA-004, PA-005, PA-006, PA-007, PA-008, PA-009, PA-010 and PA-011.
 - 3) The materials to be used in the construction of the external surfaces of the walls and pitched roofs of the extensions hereby permitted shall match those used in the existing building.

Preliminary matter

2. The appellant submitted amended plans PA-03A and PA-06A with the appeal, showing a layout change for the proposed first floor extension. These plans are meant to address the Council's concerns regarding neighbours' privacy. The *Procedural Guide – Planning Appeals – England* advises, however, that the appeal process should not be used to evolve a scheme so changes like this are not usually acceptable. Although this change would be minor and internal only, there is no opportunity within the householder appeals process for neighbours and the Council to comment. There is a small but nevertheless significant chance that this would cause procedural unfairness (with reference to the

court's decision in *Holborn Studios Ltd*¹). I therefore have not considered these amended plans.

Main issues

3. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area; and
 - ii) Living conditions at the next door property, 24 Glen Way.

Reasons

Character and appearance

4. 26 Glen Way is a low single storey bungalow at the end of this residential cul-de-sac. The area is mainly characterised by 2 storey houses fronting the streets, with Nos 26, 28 and 32 being unusual in that they are 1 or 1½ storey dwellings sitting much further back from the street. The proposal would add a first floor and a single storey rear extension, making No 26 into a much more substantial 2 storey house.
5. No 26 is set away from main views along Glen Way, at a lower level and behind its much more prominent garage. Views from the open space to the rear are largely screened by trees. The bungalow therefore has very little visual impact. The proposed first floor extension, though bulky, would be kept low by the use of a crown roof so that it would remain a minor, recessive presence in the street scene. No 28 next door already has an extensive upper floor so that this addition would not be out of scale with its immediate surroundings. With its low roof, and in its lower position, the house as extended would remain appropriately subsidiary to the frontage houses. Its scale would furthermore be reasonably proportionate to its large plot.
6. The Council otherwise raises no objection to the detailed design of the house, which would fit in with the varied architectural character of nearby houses. I conclude that the proposal would not harm the character or appearance of the local area. It accords with Watford Local Plan 2021-2038 (WLP) policies QD6.2 and QD6.4, the Council's Residential Design Guide (RDG) and the National Planning Policy Framework (the Framework), which aim to achieve high quality design and visually attractive buildings - respecting the character, size and shape of neighbouring buildings.

Neighbours' living conditions

7. Although the proposed new first floor front windows would have angled views towards No 24's rear windows and rear garden, these dwellings are far enough apart to maintain a reasonable level of privacy. Overlooking would be similar to that existing in many residential situations and appears to be within the guidelines set out in the RDG.
8. The proposal would create a bulky structure near to the bottom section of No 24's extensive rear garden. That garden would, however, retain a largely open outlook and plenty of light. In its situation well away from the house at No 24, the extended house at No 26 would not be overbearing or intrusive.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

9. I conclude that the proposal would not significantly affect living conditions at the next door property 24 Glen Way. It accords in this respect with WLP policy CC8.5, the RDG and the Framework, which aim to ensure that developments protect the amenities of adjacent land uses, including in terms of privacy, outlook, sunlight and daylight.

Conditions

10. I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of matching materials is needed to protect local character and appearance.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR