



Appeal Decision

Site visit made on 5 November 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/Y1945/D/24/3342249

250 Bushey Mill Lane, Watford, Hertfordshire WD24 7PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Smith against the decision of Watford Borough Council.
 - The application Ref is 24/00118/HPD.
 - The development proposed is a single storey rear extension with flat roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 248 Bushey Mill Lane, with particular regard to outlook and natural light.

Reasons

3. The appeal property is one of a pair of semi-detached dwellings located on the western side of Bushey Mill Lane. The other dwelling that forms part of this pair, No 248, is located to the north. The properties are of a traditional design and contain front and rear gardens.
4. A single storey rear extension spans almost the full width of the appeal dwelling, with a gated access from the driveway to the south by a detached garage in the rear garden. A small, angled bay, with largely glazed walls and a pitched, glazed roof, projects rearwards as part of the extension a distance of some 3.0 metres from the principal rear elevation of the dwelling.
5. The proposed development would entail the replacement of the existing rear extension with a single storey flat roofed structure, with a central roof lantern window. The extension would have a very similar width to the existing rear extension by the original dwelling, and the existing access from the driveway by the garage would be maintained.
6. However, the proposal would extend some 6.0 metres from the principal rear elevation of the dwelling along the boundary with No 248. The side walls of the proposed extension would be some 2.9 – 3.0 metres in height and constructed of bricks with no fenestration, and would be readily visible above the existing boundary wall.

7. The existing rear extension currently limits outlook from the rear ground floor room of No 248 closest to the appeal property to some extent. However, the scale and massing of the proposed extension would be significantly greater than the existing extension, whilst its position relative to the boundary with No 248 would be effectively the same. This would result in a significantly reduced outlook from the nearest ground floor room and from part of the rear garden, and a harmful sense of enclosure.
8. No details of the amount or duration of sunlight currently reaching the rear ground floor rooms, or the rear garden at No 248 have been provided. However, the design, scale, massing and position of the proposed extension means it would be likely to significantly reduce the amount of sunshine reaching the property to the north in comparison with the existing situation. This would be a particular issue in the late afternoon and early evening, especially in winter, late autumn and early spring
9. For these reasons, the proposed development would adversely affect the living conditions of the occupiers of 248 Bushey Mill Lane, with particular regard to outlook and natural light.

Other Matters

10. The Council's decision notice includes reference to conflicts between the proposal and policies in the development plan. A prior approval development should not be determined, expressly or otherwise, on the basis of s38 (6) of the Planning and Compulsory Purchase Act 2004, or as though the development plan must be applied; the principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. I have not, therefore, had determinative regard to the development plan policies referenced by the Council in determining this appeal.
11. The appellant has made reference to various other Prior Approval decisions in 'Exhibit NS1'. However, I found no such decisions in that document, and in any event, each proposal should be determined on its individual merits, which is what I have done in this case.
12. I also note the references to animosity between the appellants and the occupiers of No 248. This has had no bearing on my decision.

Conclusion

13. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR