



Appeal Decision

Site visit made on 4 February 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/Y1945/W/24/3347854

35 Bucks Avenue, Watford, Hertfordshire WD19 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr B Randhawa of KJI Investments Ltd against the decision of Watford Borough Council.
 - The application Ref is 24/00198/FUL.
 - The development proposed is described as 'Extension of existing family house to the rear side and loft. Creation within new volume of 5 new dwellings / flats (1 retained). Giving a total of 2 x 1 bedroom unit. 2 x two bedroom unit and 2 x 3 bedroom unit'.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission 20/00772/FUL was previously granted on the site for the erection of rear, side and loft extensions with front rooflights to create additional volume and conversion into 2 x 1 bed units, 2 x 3 bed units and 2 x 2 bed units with bin and cycle stores. I am informed that this was then varied under Ref: 23/01068/VAR to amend the headroom at first floor level with an adjusted configuration.
3. At the time of my site visit it was apparent that some development had taken place but had not been finished. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted with the application.
4. The description of the development set out in the banner heading above, is taken from the application form. Nonetheless, it is clear from the plans and accompanying details before me that the proposed development also includes dormers, front roof lights, and a bin and cycle store. The Council have dealt with it on this basis and so shall I.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Having considered the content of the revisions it is not necessary to re-consult the main parties about this change in national policy as they do not alter my conclusion.

Main Issues

6. The main issues are;

- The effect of the proposed development on the character and appearance of the dwelling and the surrounding area.
- The effect of the proposed development on the living conditions of the residents of 1-5 Horsehaven Mews, with particular regard to privacy.
- Whether the level of parking provision is acceptable with regard to promoting sustainable methods of transportation.

Reasons

Character and Appearance

7. The appeal relates to a large two storey detached dwelling which is located in a predominantly residential area that comprises a mixture of detached and semi-detached properties. No 35 sits in a large spacious plot, adjacent to the junction of Bucks Avenue, Sherwoods Road and Horsehaven Mews.
8. The principle of development for new dwellings on the site has already been established by previous planning permissions. Whilst I do not have the previously approved plans before me, the appellant's evidence indicates that several large extensions have already been granted permission.
9. The Council's concerns appear to predominantly relate to the first-floor side extension element of the proposal, to the south-eastern end of No 35. This would provide additional visual scale and bulk to a building that is currently being substantially enlarged. When combined with the previously consented extensions, the proposed development would dominate, subsume, and substantially change the form, character and appearance of the original dwelling. Accordingly, the proposal would result in the introduction of bulky, oversized additions, that would not be sympathetic to the size, scale and design of the host dwelling.
10. Due to the appeal site's corner position the discordant nature of the proposal would be plainly visible from along Bucks Avenue, Sherwoods Road and Horsehaven Mews.
11. I therefore find that the proposed development would unacceptably harm the character and appearance of the dwelling and the surrounding area. As such, it would conflict with Policies QD6.1, QD6.2 and QD6.4, of Watford's Local Plan 2021-2038 (Local Plan). Amongst other matters, these aim to achieve high quality design and visually attractive buildings respecting the character, size and shape of neighbouring buildings. The proposal would similarly conflict with the Council's Residential Design Guide (RDG) and the design objectives of the Framework.

Living Conditions

12. The proposed second floor dormer window and first floor windows within the south-east side elevation of the proposal would be orientated to face the garden areas of 1-5 Horsehaven Mews. According to the Council's uncontested measurements the distance between these windows and the shared boundary with these neighbouring properties is only approximately 3-4 metres. The proximity of these first and second floor windows to the shared boundary with No 1-5's rear

garden area is therefore such that it would result in a significant amount of overlooking and loss of privacy for its neighbouring residents.

13. It has been put to me that the window detail could be secured by condition, which presumably means providing them with frosted glass, like those proposed within the dormer above. However, I do not consider that the reduction in light and outlook that would be caused by the obscure glazing to these habitable rooms would provide an acceptable living environment for future residents. As such, this would not be sufficient mitigation to overcome the harm that would be caused to the privacy levels of neighbouring residents. Whilst there is also a line of trees along the shared boundary, these would not constitute permanent screening, particularly in the winter months when some of the trees would not be in leaf.
14. Accordingly, I find that the proposed development would cause unacceptable harm to the living conditions of the residents of 1-5 Horsehaven Mews arising from the loss of privacy. It would thereby conflict with Local Plan Policy CC8.5 which aims to ensure that developments protect the amenities of adjacent land uses, including in terms of privacy, outlook, sunlight and daylight. Conflict would also arise with design advice within the RDG, and paragraph 135 of the Framework, insofar as it requires a high standard of amenity for existing and future users.

Parking Provision

15. I do not have the previously approved car parking layout before me. Nevertheless, the Council's delegated officer report states that the proposal would reduce the number of parking spaces from 7 to 6. This would accord with Local Plan Policy ST11.5 which sets a maximum provision of 1 space per dwelling.
16. Furthermore, given the narrow width of the track to the side of the property it is very unlikely that cars would be able to access this or park to the rear. I therefore have no substantive reason to find that the level of parking provision would not be acceptable in promoting sustainable methods of transportation. It would thereby not conflict with Policy ST11.5 of the Local Plan, or the objectives of paragraph 115 of the Framework, which seek to ensure that sustainable transport modes are prioritised.

Other Matters

17. It has been put forward that the proposal would result in a net gain of 5 dwellings with a good mix of communal and private amenity space that would be safe, secure, accessible and comply with internal space standards. However, the site already benefits from an extant planning permission for the same number of dwellings, for which development has commenced.
18. I have also had regard to the planning history of the site and the appellant's list of previous applications. Nonetheless, on the evidence presented I cannot be certain that they represent a direct parallel to the proposal in terms of their size, scale and position of windows. As such, all of these matters do not weigh significantly in favour of the proposal.

Conclusion

19. Although I have found that there would be no adverse impact on sustainable methods of transportation, this, and the other matters identified above, are

significantly outweighed by the unacceptable harm that I have identified in respect of character and appearance and the living conditions of neighbouring residents.

20. The development consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR