



Appeal Decision

Site visit made on 19 May 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/Y1945/W/25/3361337

31 The Gossamers, Watford, Hertfordshire WD25 9AW

- 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 Mohammed Ajab against the decision of Watford Borough Council.
 - The application Ref is 24/01034/FUL.
 - The development proposed is for 'Demolition of part of existing dwelling house, erection of new build one bedroom dwelling house'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of part of existing dwelling house, erection of new build one bedroom dwelling house at 31 The Gossamers, Watford, Hertfordshire WD25 9AW in accordance with the terms of the application, Ref 24/01034/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in determining this appeal are the effect of the development on:
 - the character and appearance of the area; and
 - the internal living conditions of existing occupiers at 31 The Gossamers.

Reasons

Character and appearance

3. The appeal site, 31 The Gossamers, comprises a two storey, semi-detached dwelling that lies adjacent to a mature landscape belt next to the M1 motorway, in a predominantly residential neighbourhood. Owing to its position at the end of a cul-de-sac, it has a larger garden than most other properties in the area. It also has a single storey side projection which mirrors that of the attached property, a common feature in the locality.
4. No. 31, together with its attached neighbour and the terraces opposite, fronts onto an area of public open space, planted with established trees and shrubs. The highway terminates two houses closer to the entrance of the cul-de-sac.
5. Typically, dwellings in the area are post-war, two-storey semi-detached or terrace dwellings of a similar style and scale. These dwellings are laid out in a linear arrangement, with similar set back distances from the road and are set amongst parcels of green space and/or trees. These elements combine to give the area a uniformed, suburban character and appearance.

6. Due to the tapering of the appeal site, the proposed dwelling would be narrower at its frontage than at the rear. Consequentially, the width of the dwelling at the front is narrower than its neighbour. However, this difference does not equate to harm. Whilst slightly narrower, this is not fundamentally so. The scale of the appeal dwelling would reflect the attached property, with the roofline at the frontage matching the ridge and eaves heights. The development would appear as a terrace on the same building line front and rear, maintaining the uniformity and grain of the area and reflecting the terrace opposite.
7. The dwelling would respect the solid wall to void ratio of the attached building. Whilst neighbouring dwellings do not have obscure glazed windows on their frontages, it would be a similar size to the other smaller windows on the other houses in the area. Furthermore, its positioning in the corner of the cul-de-sac would mean that the proposed obscure glazed bathroom window on the front of this appeal property would be barely perceptible in the wider public realm, such that I do not find it to be detrimental.
8. Moreover, given its discreet positioning, tucked into the corner of the cul-de-sac and partially obscured by established landscaping within the public open space, the appeal proposal would have a very limited effect on the public realm. Therefore, for all of these reasons, I find the positioning, design and scale of the development would adequately respond to the local character and appearance of the area, whilst also making efficient use of land.
9. In respect of this main issue, I find the development accords with Policies QD6.1, QD6.2 and QD6.4 of 'A Sustainable Town: Watford Local Plan 2021-2038' (Local Plan). Amongst other things, these policies expect high quality design for the town, that reinforces distinctive local character, expects development to be visually attractive, of a scale and massing that relates to local context, and that proportions should be appropriate to the existing character of the area with facades having a positive relationship to the street.

Internal living conditions – 31 The Gossamers

10. Policy QD6.4 of the Local Plan expects new residential buildings to provide internal spaces that support the health and wellbeing for all those who use and experience them. Policy H03.10 of the Local Plan expects all new homes to meet or exceed the nationally described space standards. These space standards are set out within the Council's Residential Design Guide Supplementary Planning Document 2014 (SPD).
11. However, the dispute relates to an existing, established dwelling as opposed to a new dwelling for which the space standards were designed. Therefore, the appeal scheme does not lend itself to the rigid application of these standards.
12. Notwithstanding the above, there is agreement between the main parties that post development, following the demolition of the side projection, the existing dwelling would comprise 84sq m of floor space. According to the SPD, a new three-bedroom dwelling over two storeys with 5 bed spaces (persons) would require 93sq m of internal floor space, whereas a new two-bedroom dwelling with 4 bed spaces (persons) would require 79sq m.
13. At my site visit I observed that a modest sized rear conservatory has recently been removed and the single storey side projection is in use as a kitchen. The existing

dwelling is laid out as a three-bedroom house, with two doubles and one single bedroom, which the Council contend, would render it as a 5-person dwelling. However, the single bedroom does not meet the 7.5sq m standard set out in the SPD. Consequently, it would be more akin to a two-bedroom house.

14. This being the case, the existing dwelling would exceed the 79sq m minimum internal floor space standard. Even if operating as a three-bedroom dwelling, whilst on the modest size, despite the loss of the projection, the largely open plan layout shown on the drawings would not present as cramped. Rather, the dwelling would still form a fully functional family dwelling that would meet the needs of its occupants. Furthermore, it would be similar in size to many other dwellings in the area, of the same style.
15. Additionally, No. 31 benefits from a certificate of lawful development for a loft conversion. This offers flexibility for future occupiers should extra space be required. However, its implementation cannot be controlled through this appeal, and I therefore attach limited weight to this.
16. Nevertheless, I find that the effect of the development on the internal living conditions of No. 31 to be satisfactory. Thus, I find no conflict with Policies QD6.4 or H03.10 of the Local Plan.

Other Matters

17. In addition to the main issues, local residents have raised concerns including the effects of the proposal upon parking and local wildlife. Parking associated with this one-bedroom dwelling can be accommodated on the surrounding roads and parking bays without causing highway safety issues. I observed that on-street parking is not restricted in the immediate area. Without substantive evidence to the contrary on this matter, I do not come to a different view than the Council.
18. As part of a domestic garden laid to lawn and with paving slabs, the appeal site itself is unlikely to hold notable ecology value. Adjacent trees would be protected during the construction stage and no trees are proposed to be removed as a consequence of the development. Therefore, based on the evidence, I am satisfied that the ecology value associated with the adjacent landscaping belt would be preserved.

Conditions

19. The Council has submitted a list of suggested conditions. I have considered these in relation to the necessary tests. I have made changes to some, not imposed all suggested, and imposed additional ones for the reasons set out below.
20. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
21. The plans show external materials would match the existing dwelling which is appropriate and acceptable. However, insufficient details are provided in respect of some detailing. It is therefore necessary to impose Condition 3 to control these in the interests of character and appearance. A pre-commencement condition is not necessary, and I have therefore amended the Council's suggested draft.

22. Given the adjacent trees are to be retained, it is necessary for these to be protected during the construction period. Compliance with the Arboricultural Method Statement submitted in support of the scheme is therefore necessary and forms Condition 4.
23. In order to minimise the effects of the construction period upon the living conditions of neighbours, Condition 5 is imposed to restrict hours of construction and demolition.
24. Insufficient details of the design and appearance of the cycle shed and refuse storage provision are shown on the drawings. Condition 6 is necessary to require this at an appropriate trigger point in the interests of encouraging alternative modes of transport to the private car and the character and appearance of the area.
25. Policies CC8.1 and CC8.3 of the Local Plan expects development to positively contribute towards climate change through energy and water efficiency measures. Condition 7 to require compliance with the details submitted is therefore necessary and reasonable in order to comply with this policy expectation.
26. There is no need to control the installation of obscure glazing to the proposed bathroom as this would not affect the privacy of any existing neighbour.
27. Finally, the Council request the removal of permitted development rights in relation to certain classes of development. I am mindful that paragraph 55 of the Framework clearly states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification for doing so. I have not been shown that there is a clear justification for removing these rights in order to protect the living conditions of neighbours or the character and appearance of the area. It is therefore unnecessary, and I have not imposed it.

Conclusion

28. For the reasons set out above, the appeal is allowed.

C Walker

INSPECTOR

Schedule of 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 drawing no's:
 - 105 (Proposed Block Plan)
 - 103 (Existing and Proposed Block Plan)
 - 102 (Plans and Elevations)
 - 101 (Street Scene)
 - Unreferenced (Site Location Plan).

- 3) No development shall commence above slab level until detailed design drawings of the dwelling including the window reveals, surrounds and cills, external door reveals, eaves details, barge boards and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be implemented in full accordance with the Arboricultural Method Statement set out in Section 7.0 of the Arboricultural Impact Assessment and Method Statement by Allarboriculture dated 17 April 2024.
- 5) Demolition or construction works shall take place only between 08:00 and 18:00 on weekdays, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Prior to first occupation of the dwelling hereby approved, full details of both the external bin storage facility and the cycle storage shed as indicatively shown on drawing no. 103, shall be submitted to and be approved in writing by the local planning authority. The bin storage facility and cycle storage shed shall be implemented on site in accordance with the approved details prior to first occupation and thereafter shall be retained for the lifetime of the development.
- 7) The development shall be implemented in accordance with both the Sustainable Statement dated August 2024 and the Cross Ventilation report by Elmhurst Energy to achieve the energy and water saving efficiencies contained thereon in. The dwelling hereby approved shall not be first occupied until these measures have been achieved.

END OF SCHEDULE