
Appeal Decision

Site visit made on 10 August 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/Y1945/W/25/3368344

Land adjacent to 111 Queens Road, Watford WD17 2QL

- 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 Sham and Shah against the decision of Watford Borough Council.
 - The application Ref is 24/01136/FUL.
 - The development proposed is an application to retain a new dwelling, alterations to previously approved house.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr A and B Sham and Shah against Watford Borough Council. The application is the subject of a separate decision.

Preliminary Matter

3. Planning permission was granted on appeal in 2018 for the erection of a two storey dwelling on the land. A further planning permission was granted for a dwelling, but with it set back to overcome street furniture constraints in 2020. Planning permissions were granted in 2024 to erect a single storey rear extension and front and rear dormer windows. The development subject of this appeal differs from the planning permissions granted, and the proposal seeks to regularise the dwelling and the changes, which include front and rear dormer windows and the size, shape and style of the window and door openings in the front, side and rear elevations. The plans submitted with the appeal reflect my observations on site, and I have considered the appeal on this basis.

Main Issues

4. The main issues are whether the proposal would preserve or enhance the character or appearance of the Estcourt Conservation Area ("CA"), and whether there are any other considerations that would outweigh any identified harm.

Reasons

5. The appeal site lies at the junction of Queens Road and Radlett Road within the CA; thus, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA displays a strong consistency in terms of the streetscape and the scale, height, materials and architectural detailing on the elevations of buildings. Typically, buildings are two storeys in scale and terraces with pitched roofs. This means that there is a tight-knit urban grain, and buildings have a close relationship to one another. Furthermore, fenestrations are well proportioned and are of a good size, and there is a regularity to their shape and size. Dormer

windows are not prevalent, but where they are found, they are proportionate to the roof plane that they lie within. Collectively, these characteristics, together with the consistency in the form and appearance of development, contribute to the character and appearance, and thus the significance of the CA.

7. Both the front and rear dormer windows are large, dominant additions to the respective roof planes due to their size and siting, with the roof of each dormer window extending off the property's ridge line. Furthermore, the windows in the front and rear dormer windows are larger than those at ground or first floor. This adds to the harmful discordant appearance of the dormer windows in the street scene and the wider CA. I note the adjoining property's dormer windows, but these are smaller, set back further and set down from the ridge line, which means that they do not dominate, unlike the proposal before me.
8. The first-floor windows in the front elevation and the ground and first floor windows in the side and rear elevations are uncharacteristically small for the area. They do not reflect the size of openings found in the area, and their proportions are harmful to the area's character, despite the use of timber sash units. The front door and bay window in the front elevation are, on balance, reflective of the area's character and thus have a neutral effect on the CA's significance. The other openings in the rear elevation are set back and do not play an active role in the street scene even with the alignment of Radlett Road. They also have a neutral effect on the CA's significance.
9. For the reasons set out, the windows and dormer windows are uncharacteristic for the area, as they are either too small or too large. Collectively, their proportions do not amount to good design, as they have introduced inconsistency in the form and appearance of the development. As such, they harm the significance of the CA and do not preserve or enhance the character or appearance of it. Having regard to the National Planning Policy Framework (the Framework), the degree of harm is less than substantial, with the harm sitting towards the lower end of that spectrum. Nevertheless, I afford great weight and importance to the conservation of the CA, as it is an irreplaceable resource.
10. My attention has been drawn to the detached studio dwelling approved on appeal behind 129-131 Queens Road. This is, however, a different form of development in that it lies behind existing development, whereas the appeal property lies at a junction between two roads, and it plays an active role in the street scene. The example referred to is not directly comparable to the scheme before me.
11. The proposal would provide a home in an accessible location, and its development has resulted in the regeneration of a plot which has brought with it additional natural surveillance and the use of suitable materials. The proposal has made effective use of the land, and it does add to the mix and supply of housing in the area. However, these same public benefits could be realised through a suitably designed scheme, and for the reasons explained, the proposal's design is not high quality. Further, although adverts may have formerly occupied the appeal site, I have considered this very different form of development on its planning merits. In this case, the public benefits do not outweigh the less than substantial harm that the proposal causes to the CA.
12. I conclude that the proposal does not preserve or enhance the character or appearance of the CA. It does not therefore accord with section 72(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Hence, the proposal conflicts with Policies SS1.1, QD6.1, QD6.2, QD6.4, HE7.1 and HE7.2 of the Watford Local Plan 2021-2038, Watford's Residential Design Guide 2016 and Framework paragraphs 135 and 215. These policies jointly seek, among other things, development to avoid causing harm to the significance of heritage assets by making a positive contribution to high quality design and placemaking, taking proportions and design cues from existing buildings where they make a positive contribution to the character of the area so that they have a positive relationship with the street.

Other considerations

13. Article 1 of the First Protocol of the Human Rights Act 1998 ("HRA") states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. This is a qualified right and should be approached on a similar basis to HRA Article 8, which requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind, but interference with them may be justified where in the public interest. The concept of proportionality is key.
14. The appeal property is not currently occupied, albeit it is the intention to start residential occupation in the future. However, based on the current circumstances, there are no occupiers whose private and family life, their home, and their correspondence would be affected by the outcome of my decision.
15. If the appeal is dismissed, it is possible that the Council will pursue planning enforcement action. What that might entail is not clear, but a potential option could be to require the property's demolition, though there may be other options bearing in mind the prior planning permissions. If an enforcement notice is issued, there would be a right of appeal against that notice if that eventuality came to pass, and that appeal would need to be heard before the steps in the notice would need to be complied with. As part of issuing a notice and considering a potential appeal, decision makers would need to consider the implications of the decision(s). That includes Article 1 of the First Protocol. I am considering the planning merits of the proposal, not its potential demolition or the effects that might flow from that.
16. That said, even if there is an interference with HRA Article 1 of the First Protocol, there is a public interest in ensuring a development that preserves or enhances the CA, and while the dwelling remains in its current form, the identified harm to the CA would continue to occur. A development that preserves or enhances the CA could be realised at this site whilst not interfering with HRA Article 1 of the First Protocol or Article 8. Therefore, these considerations do not indicate that I should take a decision other than in accordance with the development plan.

Conclusion

17. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR