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## Appeal Decision

Site visit made on 29 July 2013

**by Stuart Hall BA (Hons) DipTP FRTPI MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 August 2013**

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**Appeal Ref: APP/Y1945/D/13/2199130**

**20 Cassiobury Park Avenue, Watford, WD18 7LB**

- 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 Ali Hadawi against the decision of Watford Borough Council.
  - The application Ref PP-02402451 was refused by notice dated 11 March 2013.
  - The development proposed is described as a ground and first floor rear extension, a loft conversion with dormers on front and rear elevations, a new porch, and windows on the side elevations at first and second floor.
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### Decision

1. The appeal is dismissed insofar as it relates to a loft conversion with dormers on front and rear elevations. The appeal is allowed insofar as it relates to, and planning permission is granted for, a ground and first floor rear extension, a new porch, and windows on the side elevations, at 20 Cassiobury Park Avenue, Watford, WD18 7LB, in accordance with the terms of the application Ref PP-2402451, dated 13 January 2013, 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 shall be carried out in accordance with the following plans insofar as they are relevant to that part of the development that is hereby permitted: 001, 002, 003, 004, 005, 006, 101, 102, 103, 104, 105, 106, 107 & 108, all prefixed WD187LB-DWG- and suffixed Rev. 02.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window other than those expressly authorised by this permission shall be constructed on the side elevations of the rear extension hereby permitted.

### Clarification

2. The description of development in the heading to this decision is extracted from an extensive narrative on the application form. However, it is incorrect in that the submitted plans show that the proposed windows would be at ground and

first floor, not first and second floor levels. This is corrected, without causing injustice to any party, in the terms of the above decision.

### **Main Issues**

3. The main issues in this appeal are the effects of the proposed extension and loft conversion on the character and appearance of the dwelling and its surroundings, and on the living conditions of occupiers of adjacent dwellings in relation to light, outlook and privacy.

### **Reasons**

#### *Character and appearance*

4. The Avenue has substantial detached dwellings of similar scale but individual design, with semi-mature trees and other planting in many front gardens. Some dwellings have been altered or extended without undermining the street's pleasant suburban character. The appeal building is a two storey hipped roofed dwelling, with three chimney stacks and a subsidiary hip projecting forward from the main roof across about half of the front elevation. Its prominence and traditional design give it a positive role in contributing to the street scene, in which there is no clearly prevalent roof form. Contrary to the Council's evidence, around half of the dwellings within sight of the appeal property now have front-facing dormers. Therefore, a front dormer at the appeal dwelling should not be ruled out in principle.
5. Even so, with few exceptions dormers are modest in scale and complementary in design relative to their host roofs. The proposed front dormer would not have those attributes. In being no more than half the height of the main roof, and set wholly within its plane, it would follow the Council's 2008 Supplementary Planning Document *Extending Your Home* (SPD). However, on one side its height and width would cause it to protrude extensively from the main roof, at a point close to the hip edge. Whilst there is no submitted drawing of that side elevation, in my estimation this would severely disrupt the form of the main roof when viewed obliquely from the street.
6. In front, from eye level this disruption would be heightened by the scale of the dormer's front elevation relative to the width of the upper part of the main roof, and by the contrasting rectangular form created by its almost flat roof. Its centrally placed window would align with one edge of a first floor window in the main elevation. However, the eye would be drawn to the dormer's bulk and substantially greater width, which would not align symmetrically with that feature or with the proposed porch below. This would further detract from the dwelling's presently well-mannered appearance.
7. The appellant's wish to extend an existing oak staircase into the roof space is acknowledged. However, it is not clear from the drawings that this could not be accommodated by a dormer more in keeping with the scale and design of the dwelling. In any event, greater weight attaches to matters of public interest than to personal preferences. The above considerations lead me to conclude that the proposed front dormer would materially harm the character and appearance of the host dwelling and detract from those attributes of its surroundings. Thereby, it would conflict with the high quality design objectives of Policy UD 1 of the Council's *Local Plan (Core Strategy) 2006-31*, which now supersedes policies quoted in the Council's decision notice, and with the related thrust of the *National Planning Policy Framework*.

8. To the rear of the dwelling, a three metres long two storey addition would extend across its full width. Its shallow-pitched roof would terminate just below the existing eaves. This would be at odds with the style of the main roof, and in that respect would not follow the Council's SPD guidance. However, its roof form would help to contain the bulk of the extension, which would have materially less impact on neighbours' living conditions than if the existing hipped roof form were to be extended over the addition. Further, the Council states that a rear dormer larger than that proposed, which would itself detract from the dwelling's character at the rear, could be constructed with the benefit of permitted development rights. These rear features would not be visible from within the public realm. Accordingly, like the front porch to which no objection is raised, I conclude that this part of the scheme does not render it unacceptable in terms of this first issue.

#### *Living conditions*

9. No 18 and No 20 are close to their common boundary, near to where the rear extension would protrude a little beyond No 18's rear elevation. However, it would be visible through a sitting room main rear window only at a very acute angle. It would do little to restrict further the passage of light through two small side-facing windows in that room, in view of their obscure and coloured glazing and the current shielding effect of the tall trees on the boundary. The extension would not create a significantly greater sense of enclosure in that part of No 18's large rear garden closest to the dwelling than those trees do now. Other tall trees on the boundary would limit any greater degree of overlooking that may be possible from the proposed rear dormer.
10. The proposed rear extension would be prominent in the view from No 22's rear patio, located towards the common boundary with the appeal site, and would be visible from within its dining area. However, the position of the extension relative to No 22 complies with advice in the Council's SPD, and overshadowing would be limited to the early morning. No 22's generously proportioned rear garden affords it a generally open aspect from its rear living spaces. Proposed side-facing windows would be obscure glazed, while the rear dormer would not materially add to the extent to which No 22's rear garden would be overlooked.
11. The representations of occupiers of Nos 18 and 22 are acknowledged. However, the above points lead me to concur with the Council's view that the scheme would not cause material harm to their living conditions in relation to light, outlook and privacy.

#### *Conclusion*

12. Notwithstanding my conclusions on other aspects of the main issues, the harm to character and appearance that I have identified remains a compelling objection to the proposed front dormer. The dormer is an integral part of the proposed loft conversion. Therefore, the appeal fails in relation to that part of the scheme. However, the ground and first floor rear extension, and the porch, are functionally and structurally independent features. Therefore, having regard to my conclusions on those elements, the appeal succeeds insofar as it relates to those parts of the scheme.
13. Regard is had to conditions suggested by the Council in the light of advice in *Circular 11/95 The Use of Conditions in Planning Permissions*. The interests of appearance would be served by requiring new external materials to match

those of the existing building. Neighbours' privacy would be safeguarded by removing permitted development rights in relation to further openings in side elevations. For the avoidance of doubt, and in the interests of the proper planning of the area, a condition is added specifying the plans to which this decision relates insofar as planning permission is granted.

*Stuart Hall*

INSPECTOR