



Appeal Decision

Site visit made on 10 March 2014

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 21 March 2014

Appeal Ref: APP/Y1945/D/14/2213205

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 13/01242/FULH was refused by notice dated 8 January 2014.
 - The development proposed is described as an orangery (4m long and 6.1m wide) to be added to the rear of the detached house, and a loft conversion with dormers to the front and rear elevations.
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Decision

1. The appeal is dismissed insofar as it relates to an orangery (4m long and 6.1m wide) to be added to the rear of the detached house. The appeal is allowed insofar as it relates to, and planning permission is granted for, a loft conversion with dormers to the front and rear elevations at 20 Cassiobury Park Avenue, Watford, WD18 7LB, in accordance with the terms of the application, Ref 13/01242/FULH, and the plans submitted with it so far as relevant to that part of the development hereby permitted, and 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 hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: 1:1250 location plan; WD187LB-DWG-101 Rev.04; WD187LB-DWG-102 Rev.04; WD187LB-DWG -103 Rev.04; WD187LB-DWG-104 Rev.04; WD187LB-DWG -105 Rev.04; WD187LB-DWG-106 Rev.04; WD187LB-DWG-107 Rev.04; and WD187LB-DWG-108 Rev.04.
 - 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.

Procedural Matters

2. The Planning Practice Guidance came into force on 6 March 2014, and supersedes much former guidance. The content of the guidance has been considered but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.
3. Planning permission was granted at appeal for a ground and first floor rear extension, a new porch and windows to the side elevation, under ref. APP/Y1945/D/13/2199130. These extensions have not yet been constructed. The Council determined the application on the basis of the development as

described above, but also included a two-storey rear extension and front porch. Notwithstanding that the Design and Access Statement refers to changes to the design of the extension approved in the appeal, these were not included in the description of the development on the application form, and the appellant disputes the terms of the application in the appeal statement. For the avoidance of doubt, I have determined the appeal on the basis of the development as described on the planning application form.

Main Issues

4. The main issues are the effect of the proposal on (1) the living conditions of neighbouring residents, with particular reference to outlook and privacy; and (2) the character of the area.

Reasons

Living Conditions

5. The appeal property is a detached house located in an area of dwellings of varied design but of similar period. It sits between two detached houses and has a deep rear garden. The extensions the subject of planning permission ref. APP/Y1945/D/13/2199130 have not been constructed, but the proposed orangery is to be built behind the approved extension rather than the original rear wall of the house. As a result, the combined depth of the approved extension and the orangery would be 7m from the existing rear elevation.
6. The dwelling and adjacent patio sit on raised ground above the rear garden. This arrangement of dwellings elevated above their rear gardens also applies to the dwellings which flank the appeal property. At present, there is a dense area of planting to the boundary between 18 and 20 Cassiobury Park Avenue (Nos. 18 and 20). However, given the proximity of the proposal to the shared boundary, I think the conclusion of residents that much of the boundary planting would need to be removed or significantly pruned to facilitate the orangery, is valid.
7. The submitted plans indicate that the orangery would be built at the same floor level as the existing dwelling, and would therefore be above the current level of the lawned garden. Given the garden levels at No.18, the proposed orangery would sit in an elevated position, deeply beyond the rear of No.18, and would have the potential to give rise to a material loss of privacy to occupants of that property. The resultant depth and height of the building in close proximity to the boundary would also be obtrusive to the outlook from No.18 and the private garden area closest to the property. I do not share the appellant's view that the orangery would not be visible from outside of the appeal site, as the retention of boundary planting is questionable.
8. There is limited planting to the boundary with 22 Cassiobury Park Avenue (No.22), and there are views from the existing raised patio at the appeal site into the garden of that property. Whilst I note the distance of the orangery from the boundary with No.22, a degree of visual intrusion, loss of privacy and outlook would arise as a result of the floor level and depth of the orangery, albeit this would not be at close quarters. The raised patio shown on the plans adjacent to the orangery would have greater impact, but this is not included in the description of development and does not form part of this appeal.

9. With regard to the proposed front and rear dormer windows, given the presence of existing upper floor windows at the appeal property, I do not find that these additions would give rise to a material loss of privacy or outlook, but this does not alter my conclusions of harm in respect of the impact on neighbouring residents.
10. I note the appellant's view that the orangery would not be habitable accommodation and would be Permitted Development (PD), but whether or not the proposal is PD is for determination by other procedures, and there is no Certificate of Lawfulness in place to confirm that planning permission is not required. The use of the orangery, which the proposed ground floor plan indicates would be open onto the extended living room, would provide usable space associated with the reception rooms of the main house.
11. I therefore conclude that the orangery would be detrimental to the privacy and outlook of neighbouring residents to a degree that their living conditions would be harmed, contrary to the aims of the National Planning Policy Framework, to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. However, in this regard, I find the proposed dormer windows to be acceptable.

Character of the Area

12. The orangery would be located to the rear of the dwelling, and due to the position of adjacent buildings it would not be visible from the road. I accept that the proposal would result in the building terminating well beyond the rear building line of dwellings in this part of Cassiobury Park Avenue, but this in itself would not be harmful to the character of the wider area. Whilst this projection would have an impact on neighbouring residents, due to the limited public viewpoints of the development the character of the area would be maintained.
13. The addition of a loft conversion with front and rear dormer windows was dismissed in a previous appeal, with the Inspector noting that around half of the dwellings within sight of the appeal property have front-facing dormers, and that a front dormer at the appeal property should not be ruled out in principle. The Inspector found the rear dormer window to be acceptable.
14. The front dormer window has been reduced in size and would appear proportionate to the front roofslope of the dwelling, with generous spacing around this feature. The Council's report confirms that the proposed front dormer would be modest in size and well-positioned within the roofscape and I agree with this assessment. The design and size of the front dormer window would comply with the guidelines set out in the Council's Supplementary Planning Document, 'Residential Design Guide Volume 2 - Extending Your Home'.
15. I therefore conclude that the appeal development would be acceptable in relation to the character of the area, and would accord with the design aims of Policies SD 1 and UD 1 of the Council's Core Strategy, but this does not outweigh my conclusions of harm in respect of the first main issue.
16. As the proposed loft conversion and front and rear dormer windows are clearly severable from the orangery, and both physically and functionally independent, I propose to issue a split decision.

Conditions

17. In addition to the standard time limit I consider it appropriate to control materials, to match the attached dwelling, in order to safeguard the character and appearance of the development and the area. For the avoidance of doubt and in the interests of proper planning I also impose a condition specifying the approved plans.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed in part and dismissed in part.

Hilary Lock

INSPECTOR