



## Appeal Decision

Site visit made on 16 June 2016

**by Timothy C King (BA Hons) MRTPI**

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

Decision date: 28 July 2016

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**Appeal Ref: APP/Y1945/D/16/3146076**

**20 Cassiobury Park Avenue, Watford, Hertfordshire, 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 15/01520/FULH, dated 25 October 2015, was refused by notice dated 15 December 2015.
  - The development proposed is '*Retention of a two storey rear extension, a single storey conservatory beyond the proposed two storey rear extension, the conversion of the loft space into a habitable room including the installation of dormer windows to the front and rear elevations and the erection of a front porch.*'
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The proposal is retrospective in that the development has already been fully implemented. I also understand that, being unauthorised, the Council has seen it expedient to issue an enforcement notice against the development. However, I have not been presented with a copy of the enforcement notice and I thereby have no knowledge of its specific requirements. The enforcement Notice has also been appealed but any grounds advanced for such can have no bearing on the current S78 appeal which I have assessed essentially on the planning merits, or otherwise, of the development in situ.
3. Following my site visit, in accordance with a specific request, I viewed the development from the neighbouring property, No 22 Cassiobury Park Avenue. However, this has not affected my conclusions.

### Main Issues

4. The main issues are:
    - i) the effect of the proposal on the character and appearance of the host dwelling and its surrounding area; and
    - ii) the effect of the proposal on the living conditions of neighbouring occupiers.
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## Reasons

### *Character and appearance*

5. The appeal building was built as a two-storey, hip-ended dwellinghouse. Extensions and alterations thereto have been recently permitted following two successful appeal decisions. To illustrate, in August 2013 planning permission was granted for ground and first floor rear extensions and a new porch. Subsequently, in March 2014, permission was given for dormer extensions to the front and rear roof slopes. However, the said developments were not implemented in proper accordance with the approved plans, and the additions and alterations carried out have gone considerably beyond the scope and limitations of the developments permitted. Indeed, the modifications made have substantially altered the original dwelling's form and design to such an extent that the building is now largely unrecognisable from how it appeared prior to the works being undertaken.
6. In essence, the hip-ended clay-tiled roof has been replaced with a slate-clad roof with gable-ends. A front dormer extension, larger in form and materially different from that approved, has been erected, along with a full-width rear dormer that takes the form of a second floor, flat-roofed rear extension. This extension appears as the upper step of the ground and first floor extensions below; both of which are also flat-roofed and have been built deeper than were approved. The front porch feature has also been built larger than was permitted.
7. Policy UD1 of the Council's Local Plan (LP), which serves to promote high quality design, firmly indicates that new development should respect and enhance local character. More specifically, relating to this appeal, the Council's adopted Residential Design Guide (RDG) comments that residential extensions must respect the character and scale of the host building, appearing subordinate to, and complementing the size, shape and character of, the existing property.
8. Cassiobury Park Avenue is a pleasant residential street comprising of detached dwellings which, although of individual design, tend to relate well with each other, being largely of similar scale. The appeal dwelling's original relationship with Nos 18 and 22, its two immediate neighbours, would have been a case in point, but the extensive works carried out to No 20 has had a serious impact on this, not only due to the radical change in appearance and materials used, but also the dwelling's significant enlargement from the increased bulk. The presence of the substantial rear extensions along with the physical changes to the roof, particularly the resultant gable ends means that the appeal dwelling is now somewhat anomalous to the immediate street scene.
9. Although the appellant considers that the dwelling is well screened from the street by mature landscaping my site visit revealed otherwise. I found that the altered dwelling's incongruity, compounded by the prominent front dormer extension, and the expansive slate covered roof, contrasts starkly with the traditional appearance of No 18, affecting its setting. This awkward juxtaposition is made more obvious by the proximity of the dwellings' facing flank walls. Due, though, to the separation distance to No 22, the relationship between this property and the appeal dwelling, insofar as the street scene is

concerned, has not been significantly affected. Nonetheless, to the rear, the creation of the first and second floor extensions to No 20 and the consequential increased depth and bulk has resulted in a difficult relationship with No 22, now a much smaller house in comparison, accentuating the difference in scale. Both the appellant and the Council refer to a full width rear dormer having been constructed. However, as this does appear more as a second floor extension I do not consider that the advice provided by the RDG as to an acceptable design for dormer extensions is directly applicable here.

10. The appellant talks in terms of a comprehensive roof redesign and comments that the hip to gable alterations could have been done under householder permitted development entitlement. The parameter for such is that the volume increase should not exceed 50 cubic metres and a rough calculation of the hip to gable development alone from the submitted plans would tend to suggest that this limit was exceeded. However, the actual increase would need to be verified. The additional roof alterations carried out have, of course, significantly added to this figure.
11. Notwithstanding my findings above I do consider that the redesigned dwelling as a single entity, and taken in isolation, is not an unattractive building and the external finishes are largely unobjectionable in themselves. Further, I also consider that the large windows and patio doors installed at the rear are appropriate in size with the extended host property. Similarly, the enlarged front porch integrates satisfactorily. Good design, though, should also have regard to setting and local character and I do not consider that this was properly taken into account when considering the degree of extension and alteration to be undertaken.
12. Whilst certain elements of the development might, on balance, be acceptable, taken as a whole, together they visually compound and my concerns relate particularly to the extended dwelling's physical relationship with its immediate neighbours and also the effect on the street scene, especially from the gable ends and the consequential expanse of slate clad roof-plane and the sizeable front dormer feature.
13. I conclude that the development is harmful to the character and appearance of the surrounding area but less so that of the host dwelling itself. My reasoning here is that its appearance would have been altered by way of the planning permissions recently secured to extend the dwelling. Even if the approved developments had been implemented correctly I consider that the external changes would have been markedly significant. The failure to respect and respond to local character and context is in material conflict with LP Policy UD1, which I consider to be the most relevant local policy in this case, and is also contrary to advice within the Council's RDG and that of the National Planning Policy Framework (the Framework).

#### *Living conditions*

14. The Council considers that the development has affected the amenities of neighbouring occupiers. However, I do not consider that this is necessarily the case, especially given that both main parties have no objections to a condition being imposed, were I to grant planning permission, prohibiting the use of the rear flat roofs for sitting-out purposes. Similarly, a separate condition could be

imposed requiring that windows installed in the dwelling's side elevations, where potential loss of privacy from overlooking could be an issue, be obscurely glazed and maintained so thereafter. With such safeguards I thereby conclude that the development would not be harmful to the living conditions of surrounding occupiers and, in this particular regard, the aims and objectives of LP Policies SD1 and UD1, the Council's RDG and the Framework would not be compromised.

*Other issues*

15. The appellant makes the point that the development incorporates sustainable measures. This may be the case but any such features, either individually or taken together, do not outweigh the harm I have identified. Neither do considered inaccuracies in the case report which the appellant has raised. Whether or not the case report contains any errors, having visited the site and examined the development, I have not identified anything fundamental in this regard. The site's planning history is clear and the development at appeal is in situ. Finally, the appellant has drawn my attention to examples of other developments on the Cassiobury Estate which he considers support the appeal. However, each case has its own individual circumstances and direct parallels rarely arise. Besides, the existence of such does not outweigh the resultant harm arising from the development.

**Conclusion**

16. I have found that this appeal turns on the visual impact of the development and its effect on the character and appearance of its immediate surroundings. In this context conditional safeguards to protect the living conditions of the neighbouring occupiers do not override and render the development acceptable.
17. For the above reasons, and having taken into account all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR