

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**14 DECEMBER 2016**

Present: Councillor R Martins (Chair)  
Councillors D Barks, S Bashir, N Bell, J Fahmy, A Joynes,  
J Maestas, I Sharpe and M Watkin

Also present: Councillor Jackie Connal and Councillor Matt Turmaine

Officers: Development Management Section Head  
Principal Planning Officer  
Democratic Services Manager

### **41 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

There was a change membership for this committee: Councillor Fahmy replaced Councillor Johnson.

### **42 DISCLOSURE OF INTERESTS (IF ANY)**

There were none.

### **43 MINUTES**

The minutes of the meeting held on 23 November 2016 were submitted and signed.

### **44 16/01355/FULH AND 16/01356/FULH 2 HARFORD DRIVE**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer introduced the item, explaining that the report addressed two applications at the same site for the erection of part single, part double storey side and rear extensions, and a loft conversion with dormer to the rear. These were similar to each other and had been addressed in one report to avoid confusion. He explained that at the end of the debate councillors would vote on each application.

The Principal Planning Officer explained that the difference between the two applications was that 16/01356/FULH was slightly wider and would come further forward than 16/01355/FULH. Work had commenced but only at ground floor

level and had been paused depending on the outcome of the applications. Planning permission had been granted in 2013 and the current work undertaken was not fully compliant with the 2013 plans hence why new applications had been submitted. Both applications before the committee generally complied with planning guidance apart from the dining room but this would not have a greater impact than the garage which had stood on the same spot. The same conditions were recommended for both applications. The Principal Planning Officer then showed slides to the committee to demonstrate the difference between the two applications.

The Chair invited Alan Rigby, a local resident, to speak against the application. It was noted that Mr Rigby had submitted some supporting material for his speech, which had been circulated to members of the committee in advance of the meeting. Mr Rigby pointed out that there were discrepancies in the drawings in regards to the size and bulk of the dining room extension. The drawings indicated the height to the creasing tile of 2.8m. In exhibit 4 which was circulated to the committee it showed head room in the dining room of 2.5m from floor to ceiling it had a height of 150cm from finished floor level to outside ground level it then had roof joists which were 200mm deep, overall it was 2865cm which would be higher than the creasing tile.

Mr Rigby explained he had been in the building industry for 55 years. With regards to the rear elevation on the right side there was a single storey extension, the flashing was immediately below the window at first floor level. Mr Rigby explained this would be impossible to achieve as it would mean a roof slope of 11 degrees; a minimum angle was needed of 17 degrees in order to hang tiles (and these would be specialist tiles). There were other discrepancies at the front of building: on one scheme it would not be possible to put in a staircase as a person would catch their shoulder on the underside of the hip roof.

The 2013 scheme which was approved had a flanked wall to the extension which was 2.3m high at the front and 2.5m at the rear. Mr Rigby drew the committee's attention again to exhibit 4 where it showed that the actual height of the parapet wall would be 3.354m not 2.8m as described in the plans. Mr Rigby then demonstrated the height of the wall which would impact the neighbours. He had included a document by the BRE regarding hedges and light loss to give an indication of how much light would come through a window or a door using a formula which took into account the relevant distance from a particular building. If the proposed wall was a hedge then the maximum height would be 2m, on the plans approved in 2013 the height was 2.3m. However, the current proposal of 3.3m was not acceptable. If the development went ahead it would blight no.2b and leave poor visibility for no.4 which would be in shadow. The design extended 8.2m from the original rear elevation. The size of dining room would

be 250% greater than the garage which previously could hardly be seen over the fence where the average height was 2.1m.

The Chair invited Mr Mayur Kerai, the applicant, to speak in support of the application. Mr Kerai explained he was the owner of 2 Harford Drive. The plans before the committee largely related to the previous schemes apart from first floor. 3m should be adequate in the dining room and the wall had been moved away from the neighbour's wall. The new proposed plans did not alter the street scene or cause any loss of light from the neighbour. The plans adhered well to the planning policies as outlined by Watford Borough Council. His hope was to be able to bring up his young family in the home.

The Chair invited the Principal Planning officer to respond to the points made by Mr Rigby regarding whether the building proposed was possible. The officer explained that the committee was being asked to consider whether plans were acceptable in planning terms, the issues of whether it could be built were not a planning consideration. The depth of the dining room was 6.3m from the original building line.

The Head of Development Management explained that the committee should consider whether the proposed scheme complied with the adopted guidance. In this case the scheme did so apart from the rear projection. However, it was necessary to take the previous garage into account as a material consideration. The committee should consider whether the new building would have a larger impact on neighbour than the old building which went right up to boundary.

The Chair invited comments from the committee.

Members of the committee were sympathetic with local residents due to the number of applications which had come forward about this location. However, it would be necessary for the committee to demonstrate how if what had been there previously was acceptable; the harm of what was proposed would be a reason to refuse permission. The government had made it easier for people to extend their houses and were in favour of such developments being approved.

Concern was expressed whether, given the awkward history of the site, in order to fit in a stair case the height of the building could creep higher and then there could be a further decision by the council that it was not expedient to take enforcement action.

The Principal Planning Officer responded that if it was the case that the building increased in size then enforcement would be considered and it may become necessary to stop the works. The Head of Development Management concurred and explained it was for the committee to decide on the plans before them.

The committee further commented that effectively both applications largely complied with the Residential Design Guide. The only significant issue was the depth of the dining room and the impact that this would have. If there had been no garage then it would have been difficult to justify the scheme. However, the scheme would be set in by 80cm from the neighbouring property.

The Chair moved the officer recommendation for both applications.

RESOLVED –

That planning permission be granted for both applications subject to the conditions listed below:

#### Conditions

1 The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

2 The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority:

Drawing PO30/001, Drawing PO30/002, Drawing PO30/003, Drawing PO30/004, Drawing PO30/005, Drawing PO30/006, Drawing PO30/007, Drawing PO30/008, Drawing PO30/009, Drawing PO30/0010, Drawing PO30/0011, Drawing PO30/0012, Drawing PO30/0013, Drawing PO30/0014, Drawing PO30/0015, Drawing PO30/0016

\* Note that the same number of drawings, with the same drawing reference numbers have been submitted with both applications (albeit some of the drawings are different) so there is no need to vary the wording of this condition for the two applications.

3 The walls of the extensions shall be finished in red bricks to match the front wall of the existing building. The roof tiles shall resemble those used on the existing house. The vertical faces of the dormer window shall be clad in hanging tiles to match those of the roof.

4 No windows or doors, other than those shown on the drawings hereby approved, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority.

- 5 No part of the flat roof of the development hereby permitted shall be used as a terrace, balcony or other open amenity space.
- 6 The proposed windows in the flank elevation facing 2b Harford Drive shall be fitted with obscured glass at all times, and no part of those windows shall be capable of being opened other than parts that are at least 1.7m above the floor of the room in which the window is installed.

#### Informatives

- 1 For details of how the Local Planning Authority has reached its decision on this application please refer to the planning officer's report, which can be obtained from the Council's website [www.watford.gov.uk](http://www.watford.gov.uk), where it is appended to the agenda of the Development Management Committee meeting of 14 December 2016; and also to the minutes of that meeting.
- 2 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner, having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find more information and for advice as to whether a Building Regulations application will be required please visit [www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com).
- 4 This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf)

- 5 You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990. In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours: Monday to Friday 8am to 6pm, Saturdays 8am to 1pm. Noisy work is prohibited on Sundays and bank holidays. Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work. Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:  
[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbor\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise)
- 6 A discrepancy has been noted between the proposed ground floor plan and the proposed flank elevation drawing in that the plan proposes that the flank wall of the dining room would include a window facing 2b Harford Drive while the elevation shows no such window. For the avoidance of doubt, this planning permission does not approve such a window.

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#### **16/01310/FULM LAND OFF TOLPITS LANE**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer introduced the item, explaining that the application was for a residential development comprising 36 one and two bed flats and 40 short term accommodation units with associated landscape, parking and public realm improvements, incorporating a new highway junction onto Tolpits Lane and amendments to the existing cycle way.

The Principal Planning Officer further explained that the application was for the southern portion of the land; the council was currently consulting on the north section. Currently the land had no use. At least 13 of the proposed flats would be affordable. Documents had been later submitted on 18 November along with amended drawings produced following the post-application advice from a planning officer. The documents had been considered acceptable and further consultation was carried out.

Attention was drawn to the update sheet, which was circulated.

The Chair invited Gareth Lewis to speak in support of the application. Mr Lewis explained that this scheme was the first joint venture project between Watford Borough Council and Watford Community Housing Trust. Overall the initiative was to support housing within the borough. The number of people who were facing homelessness was at a crisis. The sheer weight of numbers meant people had to be housed outside the borough. It had been sought to bring the project forward as quickly as possible to respond to these pressures and have the scheme operational by the end of the financial year. As the report commended it was a scheme which officers supported and which could be delivered.

Mr Lewis continued that with regards to the dwelling mix it had been commented that there were no 3 bedroom accommodation units. He explained that the scheme finances were very marginal, however, he undertook to examine the feasibility of providing a number of three bed dwellings and would discuss this with officers. The joint venture would be looking at further phases on the site with larger dwellings. The planning policy set out in the update sheet would be met and may be exceeded. With regards to highways Mr Lewis explained that work with Hertfordshire Highways had been collaborative. The joint venture had also taken account of feedback from local residents, stakeholders and officers and as a result had reduced the height, altered the elevation and adjusted the roofs from pitched to flat.

The landscape provision had been addressed and would guarantee safe and clean access from Croxley View to Tolpits Lane. The joint venture had engaged the services of Urban Wildlife to ensure that necessary mitigations were in place for the wildlife on the site. The majority of concerns from local residents were around those who would be in the temporary accommodation, these would be mainly families. In conclusion the scheme was compliant with the council's policies and would facilitate the expansion of the public transport system.

The Chair invited Holywell Ward Councillor, Matt Turmaine, to speak to the Committee. Councillor Turmaine commented that whilst the application related to only three buildings it was known that the council was proposing to develop the rest of the strip of land. This would be more overdevelopment, however, he welcomed that some of the development would be affordable. The local residents were not happy as there had been no notice for two public meetings and there were very short cut off dates for responses. The temporary accommodation block was for people who were on the housing list. At a public meeting neither the council nor Watford Community Housing Trust had answered local people's concerns about residents of the temporary accommodation block. There had also been comment on the management of other similar blocks. The site had been dismissed as of no natural interest, however, bats, badgers and slow worms had made the land their home. It was also noted that the inspectors were pest control representatives. The council

was ignoring the wishes of local residents in order to build in a densely populated part of the town. The land had much potential to be of benefit to the community and offer new housing to families. The proposed flats would not house families. The council needed to produce a better set of plans and to properly consult with residents.

The Chair emphasised that the committee was blind to the applicant.

The Chair invited comments from the committee.

Committee members commented that the planning system at a national level was about increasing the use of urban land efficiently. In Watford there was a pressure for more housing and no available land on the outskirts. It was noted that the piece of land had originally been marked to be a dual carriageway.

In response to a question by the committee regarding Councillor Turmaine's comments on the area being densely populated the Principal Planning Officer explained that most of West Watford was two storey housing and there was a good amount of green space in Holywell. The Head of Development Management commented that the committee had to consider the application before them and not the surrounding area.

Some members of the committee commented that receiving 15 pages of update sheet on the afternoon of the meeting had not given sufficient time for them to be read and for questions to be raised with the officers if necessary. The chair offered to adjourn the meeting to allow members to read the update sheet but this was not considered satisfactory by some of the committee.

The Head of Development Management explained that as a planning authority there was a duty to determine planning applications and not unnecessarily hold up the planning process. The right information was before the committee.

Some of the committee felt that the information in the update sheet was only clarifying what had been contained in the report and that there was sufficient information there to make a decision. A deferral would not mean a refusal just a delay in making a decision.

Other members of the committee felt there had been insufficient time in order to seek clarification of officers. It was a substantial development and should not be rushed through. A deferral would also be an opportunity for the applicant to look at the proposed housing mix and clarify the plans.

The Chair proposed that the application be deferred to a later meeting, to enable officers to provide the clarification requested by the Committee.



On being put to the vote, the application was deferred.

Chair

The Meeting started at 7.30 pm  
and finished at 8.45 pm