

DEVELOPMENT MANAGEMENT COMMITTEE

25 APRIL 2018

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors N Bell, R Laird, I Sharpe, M Turmaine and T Williams

Officers: Development Management Section Head
Principal Planning Officer (CO, AR)
Committee and Scrutiny Support Officer (IM)

80 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

The Committee and Scrutiny Support Officer advised that since the last meeting there had been two permanent changes to the committee membership: Councillor Watkin had replaced Councillor Barks and Councillor Williams had replaced Councillor Kent.

Apologies were received from Councillor Bashir. Councillor Watkin was absent.

81 DISCLOSURE OF INTERESTS

The Chair advised that he had been in correspondence with neighbours regarding application 18/00128/FULH (125 Cassiobury Park Avenue). As a consequence, this part of the meeting would be chaired instead by the Vice Chair.

82 MINUTES

The minutes of the meeting held on 28 March 2018 were submitted and signed.

83 18/00259/FULH 120 CASSIOBURY PARK AVENUE

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 (CO) introduced the report explaining that the application sought retrospective planning permission to erect a single storey side

and rear extension. This related to an increase of external heights due to the ground gradient or slope.

Attention was drawn to the update sheet which included details of two representations received since the publication of the committee report and an additional condition.

The Chair invited Janet Evans, a local resident, to speak to the committee in opposition to the application. Mrs Evans questioned the extent to which the balance of needs had been accurately assessed in this application. The impact on neighbouring properties and on the character of the area had been underestimated and residents were concerned about overshadowing, dominance and a sense of enclosure as a result of the property alterations. These concerns had been exacerbated by the considerable dormer roof extension, which had not been included in the plans.

Local residents disputed the actual height of the side and rear extensions, which were considered to be in excess of the 3.4 metres stated in the officer's report. They also contested the sun and daylight impacts, as well as the detrimental effect on outlook from neighbouring properties.

The Chair invited Ricky Khosla, the applicant, to speak in support of the application. Mr Khosla expressed his desire not to be involved in a protracted dispute with his neighbours as a result of undertaking improvements to his family home. He and his wife had not set out to usurp the planning process and would take any remedial steps necessary to comply with planning advice and consent.

In response to concerns raised by residents, the Chair advised that any dimensions would be taken from scale drawings submitted with the application. He acknowledged the cumulative impact of the alterations, which included a sizeable dormer extension, however confirmed that these were within permitted development rights.

Responding to a query from the Chair, the principal planning officer further advised that the depth of the rear extension did not contravene the council's residential design guide.

Thanking the speakers the Chair invited comments from the committee.

Committee members were sympathetic to residents' concerns about the impact of the alterations undertaken by the applicant on the character and appearance of the area and on the residential amenities of neighbouring properties.

Although some of the alterations were considered excessive by members of the committee, it was acknowledged that the applicant had received planning permission and permitted development rights enabled other works to be undertaken. It was accepted that the alterations did not contravene the council's policies.

The Chair moved the officer's recommendation subject to the inclusion of an additional condition.

RESOLVED –

that planning permission be granted subject to the following conditions:

1. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (and any order revoking and re-enacting that order) no additional ground floor windows or doors shall be inserted in the south-eastern or north-western side elevations of the extension hereby permitted.
2. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:
120cassioburyparkavenue/2015/01; 120cassioburyparkavenue/2015/02A rev A; 120cassioburyparkavenue/2015/03A rev A; and
120cassioburyparkavenue/2015/06 rev A.
3. Notwithstanding the details shown on drawing No. 120cassioburyparkavenue/2015/03A rev A, the external walls of the extension hereby approved shall be finished in brickwork and the windows shall have frames that are similar in colour to the windows in the existing house. Details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with any alternative details approved by this Condition.

Informatives

1. 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 2010, as amended.

2. 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 out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

3. 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
4. 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

5. The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's

website www.watford.gov.uk/planning, or on request from the Regeneration and Development Department.

Vice Chair in the Chair

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18/00128/FULH 125 CASSIOBURY PARK AVENUE

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 (AR) introduced the report. She explained that this was a retrospective application for the erection of a front porch and the retention of a single storey side and rear extension with revised roof (variation from 16/01723/FULH).

The Chair invited Janet Millard, a local resident, to speak to the committee in opposition to the application. Mrs Millard explained the frustration and dismay of surrounding neighbours as alterations were made to the property. These lacked proper adherence to the published plans, were poorly executed and were out of character with the appearance of the area.

Neighbours in adjacent properties had particular concerns about the loss of sun and daylight, as well as outlook, as a result of the building works. They also questioned the legitimacy and purpose of a further building constructed in the applicant's back garden.

The Principal Planning Officer explained that although developments to the property were unauthorised, this did not provide grounds to refuse planning permission. Refusal required there to be demonstrable planning harm to neighbours.

The Chair thanked the speaker and invited comments from the committee.

Committee members were sympathetic to neighbours' concerns about the alterations which had been carried out by the applicant. However, the council and committee had limited powers to act and their focus was to assess whether or not the changes to the approved scheme were acceptable in planning terms.

Members noted that substantial elements of the extensions could have been built with permitted development rights, that what had been built did not contravene the council's residential design guidance or BRE sunlight and daylight assessments and did not result in undue overlooking or harm to neighbours.

The Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted subject to the following conditions:

1. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: Site Location Plan 1:1250 and CPA-125/7 Rev H.
2. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

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Chair

The meeting started at 7.00 pm
and finished at 8.05 pm