



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

9 January 2024

7.00 pm

Annexe, Watford

Contact

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For further information about attending meetings please visit the council's [website](#).

Publication date: 21 December 2023

Committee Membership

Councillor P Jeffree (Chair)

Councillor R Martins (Vice-Chair)

Councillors N Bell, J Pattinson, A Saffery, G Saffery, R Smith, S Trebar and M Watkin

Agenda

Part A – Open to the Public

CONDUCT OF THE MEETING

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The [minutes](#) of the meeting held on 5 December 2023 to be submitted and signed.

4. 23/00928/FULH - 2 Rother Close (Pages 5 - 16)

5. 23/01007/FUL - 350 Cassiobury Drive (Pages 17 - 37)

6. 23/00968/FUL 205, North Approach, Watford, WD25 0ES (Pages 38 - 50)

Introduction

Please note that the officer report is a summary of the issues including representations made and consultation responses. Full details of the applications, plans submitted, supporting information and documents, representations made, consultation responses and correspondence can be found on the council's web based [Public Access system](#) using the application reference or address.

Specific policy considerations for each application are detailed within the individual reports. The background papers and policy framework listed below have been relied upon in the preparation of the reports in this agenda.

Background papers

- The current planning applications under consideration and correspondence related to that application.
- All relevant third party representations and consultation replies received.

Policy Framework

- The Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance listed below:

Local Planning Documents

Local Development Documents provide the framework for making planning decisions. These can be found on the Council's [website](#) and include:

- The Watford Local Plan 2021-2038 (adopted 17 October 2022); and
- Supplementary Planning Documents.

County Planning Documents

The Hertfordshire Waste Local Plan and Minerals Local Plan prepared by Hertfordshire County Council are material considerations alongside the Watford Local Plan. These documents can be found on the county council's [website](#).

National Planning Documents

Key legislation can be found using this [weblink](#), including:

- Growth and Infrastructure Act (2013)
- Housing and Planning Act (2016)
- Localism Act (2011) and subsequent amendments

- Planning Act (2008) and subsequent amendments
- Planning and Compulsory Planning Act (2004) and subsequent amendments
- Town and Country Planning Act (1990) and subsequent amendments
- Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent amendments.

National guidance can be found on the government service and information [website](#), including:

- National Planning Policy Framework (revised July 2021) and supporting Technical Guidance
- Planning Practice Guidance (PPG) (web based)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (which will be referred to in the individual reports as necessary)

Section 106 Planning obligations and Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted where relevant. Section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of off-site highways works.

Human Rights implications

The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. This may take the form of conditions or planning obligations on any grant of planning permission or, in some cases, a refusal of planning permission. With regard to any infringement of third party human rights, where these are not considered to be of such a nature and degree as to override the human rights of the applicant the refusal of planning permission may not be warranted.

Committee date	Tuesday, 9 January 2023
Application reference Site address	23/00928/FULH - 2 Rother Close, Watford, WD25 0DW
Proposal	Retrospective demolition of garage and retention of the existing outbuilding as built for incidental use in connection with the main dwellinghouse.
Applicant	Mr Amit Shah
Agent	Shah Designs Limited (Mrs Darshika Shah)
Type of Application	Full Planning Permission
Reason for committee Item	5 objections received
Target decision date	11 January 2023
Statutory publicity	Neighbour letters
Case officer	Estelle Pengelly, estelle.pengelly@watford.gov.uk
Ward	Stanborough

1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The subject site comprises a semi-detached bungalow on the corner of Severn Way and Rother Close.
- 2.2 The property is not located in a designated conservation area or other Article 2(3) land and is not a listed building.

Summary of the proposal

3. Proposal

- 3.1 Retrospective demolition of garage and retention of the existing outbuilding as built for incidental use in connection with the main dwellinghouse. The outbuilding is shown to be used for storage, a home gym and office. It is 5.9m wide and 5.5m deep with a dual pitched roof with a ridge height of 4.0m and two rooflights. The building is finished in brick with white upvc windows and doors.

3.2 Conclusion

The proposed uses of the outbuilding are considered to be for purposes incidental to the enjoyment of the main dwellinghouse. The character and appearance of the host dwelling and surrounding area would not be harmed, and the amenity of neighbouring dwellings would not be impacted.

There are considered to be no adverse effects that outweigh the benefits of the proposal, therefore it is recommended that the application should be approved subject to conditions.

4. Relevant policies

- 4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

- 5.1 11/01139/FULH: Erection of a single storey side and rear extension including loft conversion. Granted 11.01.2012.

22/01400/FULH: Proposed extension of existing garage and conversion to habitable space for use as a gym. Granted 13.01.2023.

67/04220/FUL: Erection of garage. Granted 23.05.1967.

It is noted that the current application was submitted as the outbuilding was not constructed in accordance with the previously approved drawings under application 22/01400/FULH. The previously approved outbuilding was 6.4m deep and 5.8m wide with a lower ridge height and only one door. A garage door was supposed to be installed in the new outbuilding and a pre-existing garage wall was supposed to be incorporated into the new outbuilding. The garage was entirely demolished.

- 5.2 The current application was therefore submitted on 12th October 2023 to regularise the outbuilding.

6. Main considerations

- 6.1 The main issues to be considered in the determination of this application are:
- (a) Use of the outbuilding
 - (b) Scale and design

(c) Impact on the residential amenities of neighbouring properties

6.2 (a) Use of the outbuilding

Paragraph 8.16 of the Residential Design Guide (RDG) states that outbuildings are generally appropriate in residential areas when their uses are incidental to the use of the dwellinghouse. Non-incidental uses would include, but are not limited to, independent business premises or independent dwellings. These non-incidental uses can create unacceptable habitable accommodation, harm to the built form of an area and harm the amenities of the neighbouring occupiers. Determining the nature of the non-incidental use is a case by case matter considering factors such as the size and location of the building, its relationship to the main dwelling, its facilities, its amenities and the intended use by the current occupier.

6.3 In this case, based on the information submitted and the case officer's site visit, the outbuilding is to be used for storage, a home gym and office. There isn't a kitchen and therefore officers are satisfied that the outbuilding would be used for purposes incidental to the enjoyment of the main dwellinghouse. The LPA requested a s.106 unilateral undertaking to prevent the landowner of the property, and any future landowners from using the outbuilding for uses that are not incidental to the main dwelling, thus restricting the building being used as an independent dwelling. An acceptable undertaking has been received.

6.4 (b) Scale and design

Policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan seek high quality design in all new development. Paragraph 8.16 of the Residential Design Guide (RDG) states that stand-alone detached buildings within the curtilage of existing properties are only likely to be acceptable in the gardens of properties where such buildings form part of the existing character of the area. Their acceptability will be subject to their size and the size of the garden.

6.5 An outbuilding was already assessed and considered acceptable under application 22/01400/FULH. The current outbuilding has a slightly smaller footprint (33m²) compared to the previously approved outbuilding (38m²) and the ridge height is 1m higher than previously approved. It is considered that the reduced footprint and increased height would not result in a development which is unduly out of character in the streetscene. On this basis, it is acceptable in terms of scale and design.

6.6 (c) Impact on the residential amenities of neighbouring properties

Paragraph 8.4 of the Residential Design Guide (RDG) states that proposals must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties. The adjoining properties potentially affected by the outbuilding would in this case be No. 3 Avon Close.

- 6.7 The outbuilding is sited close to the shared boundary with No. 3 Avon Close. The outbuilding might have a modest impact on the neighbour at No. 3, however, due to the separation distance between the outbuilding and the neighbour's dwelling, and the neighbour's existing outbuilding close to the boundary, the impact of the outbuilding is considered limited and not so detrimental such as to warrant a reason for refusal on amenity grounds.
- 6.8 On this basis, the proposal would not result in any unacceptable effects on the neighbour's residential amenity and therefore the proposal is deemed acceptable.

7. Consultation responses received

7.1 **Statutory consultees and other organisations** – None

7.2 **Internal Consultees** – None

7.3 **Interested parties**

Letters were sent to 8 properties in the surrounding area. Five objections were received from 5 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Demolition of a garage, according to planning information, the garage was built in 1967. Before demolition was it checked for asbestos and if it did contain any was it removed in a legal manner?	This matter is not a material planning consideration. The former garage has been demolished and the application is to retain the existing building.
The erection of the new structure is not the same as the original plan and now looks like an independent dwelling.	The applicant is trying to regularise the outbuilding retrospectively with this application. The outbuilding would not be used as an independent dwelling.
The plans now show a toilet/basin/shower and kitchen facilities	The pre-existing plans show a kitchen. The kitchen has now been removed.

<p>Has the Council received Building Regulation certificates for this building?</p>	<p>This matter is not a material planning consideration. Building control documents are not public records, only solicitors can request and pay for copies of completion certificates.</p>
<p>New buildings should surely be built 'for life' with doors wide enough to take wheelchairs. This building also has steps up to both doors.</p>	<p>There is no planning policy requirement to provide wheelchair access to the outbuilding.</p>
<p>During the months this unit has been constructed the site has been untidy with open skips, mess on the public footpath and vehicles parked on the public footpath.</p>	<p>This matter is not a material planning consideration.</p>
<p>If the Council are mindful to pass this application it could set a precedent.</p>	<p>Each application is assessed on its own merits and site specific circumstances. A larger outbuilding, with a lower ridge height, has already been granted planning permission.</p>
<p>The building was meant to be a gym but clearly the intention is for habitation or business use.</p> <p>If the Council is mindful to pass this application, it should include an undertaking the building will not be used as a separate dwelling.</p>	<p>The application is for the outbuilding to be used for purposes incidental to the main dwellinghouse. The LPA requested a s.106 unilateral undertaking to prevent the landowner of the property, and any future landowners from using the outbuilding for uses that are not incidental to the dwelling, thus restricting the building being used as an independent dwelling. An acceptable undertaking has been received.</p>
<p>The additional entrance door to the side aspect that has been added which was not on the original plan now overlooks properties on Severn Way.</p>	<p>The door and window would not have a detrimental impact on neighbouring amenity due to the siting of the outbuilding and the distance of the door and window from the nearest dwelling on Severn Way (36m).</p>
<p>The installation of the dummy garage door has not happened, enhancing the fact that the</p>	<p>The scale and design of the outbuilding is considered acceptable as discussed in paragraph 6.5.</p>

building looks like a separate house.	
I am objecting to the location plans as these are incorrect. The boundary line on the submission does not match what is clearly on the Title Deeds for this property. The boundary line is as per number 1 and number 3 Avon Close Title Deeds in that the two areas in orange and blue belong to these two owners and the other area is a shared access. Please review original comments provided by both parties for the previous application. Therefore no vehicles should be parking here.	<p>Planning permission does not overrule any existing legal covenants in title deeds in regard to shared access with neighbours.</p> <p>The proposal does not relate to parking.</p> <p>This is a civil matter to be resolved between neighbours.</p>
We object to the height and size of the new dwelling which is out of proportion to the existing buildings	The outbuilding is single storey and set back from the highway. As such it is not unduly prominent in the streetscene to warrant a reason for refusal on these grounds.
My understanding of this new application is that the owner/applicant intends to use it as a dwelling.	The planning permission would not allow the applicant to use the building as a dwelling.

8. Recommendation

8.1 That planning permission be granted subject to the following conditions:

Conditions

1. Approved drawings

The development hereby permitted shall be carried out in accordance with the following approved drawings:

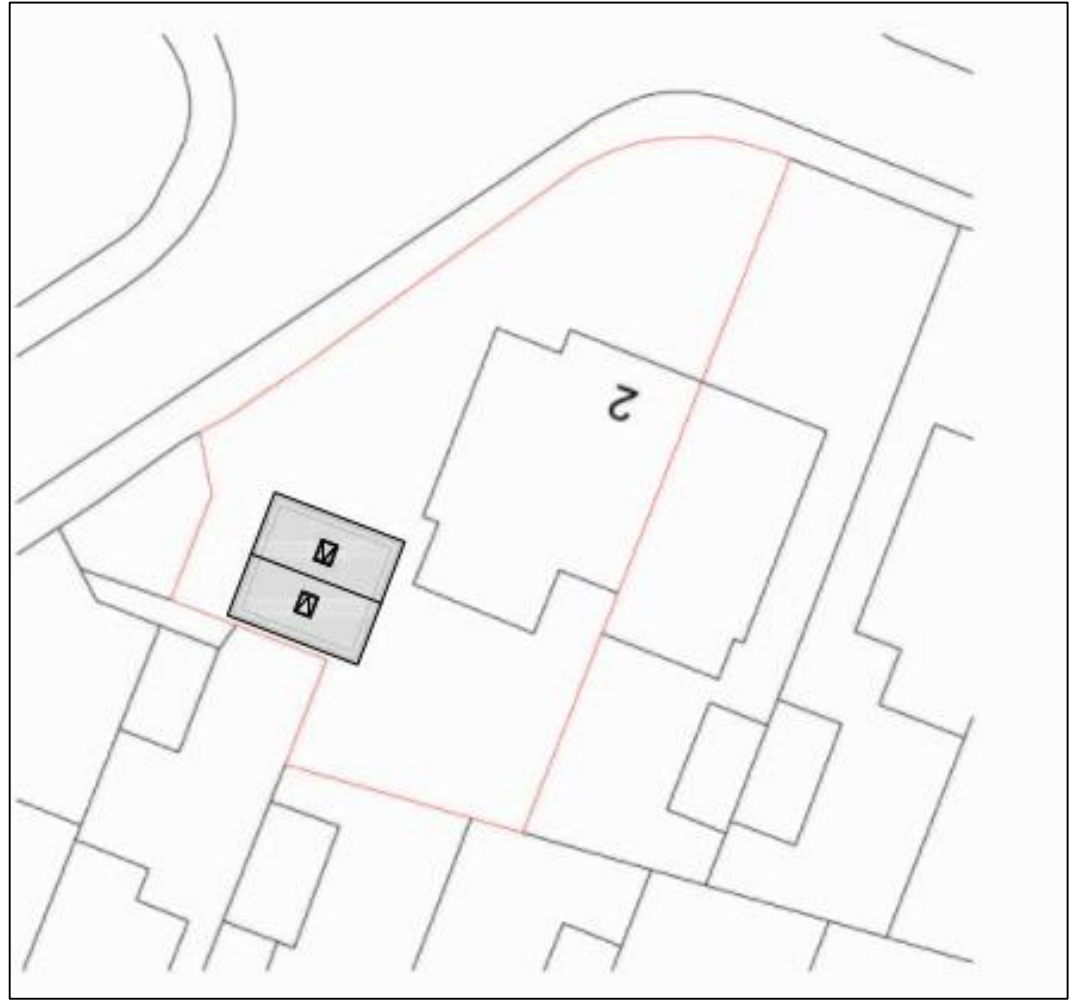
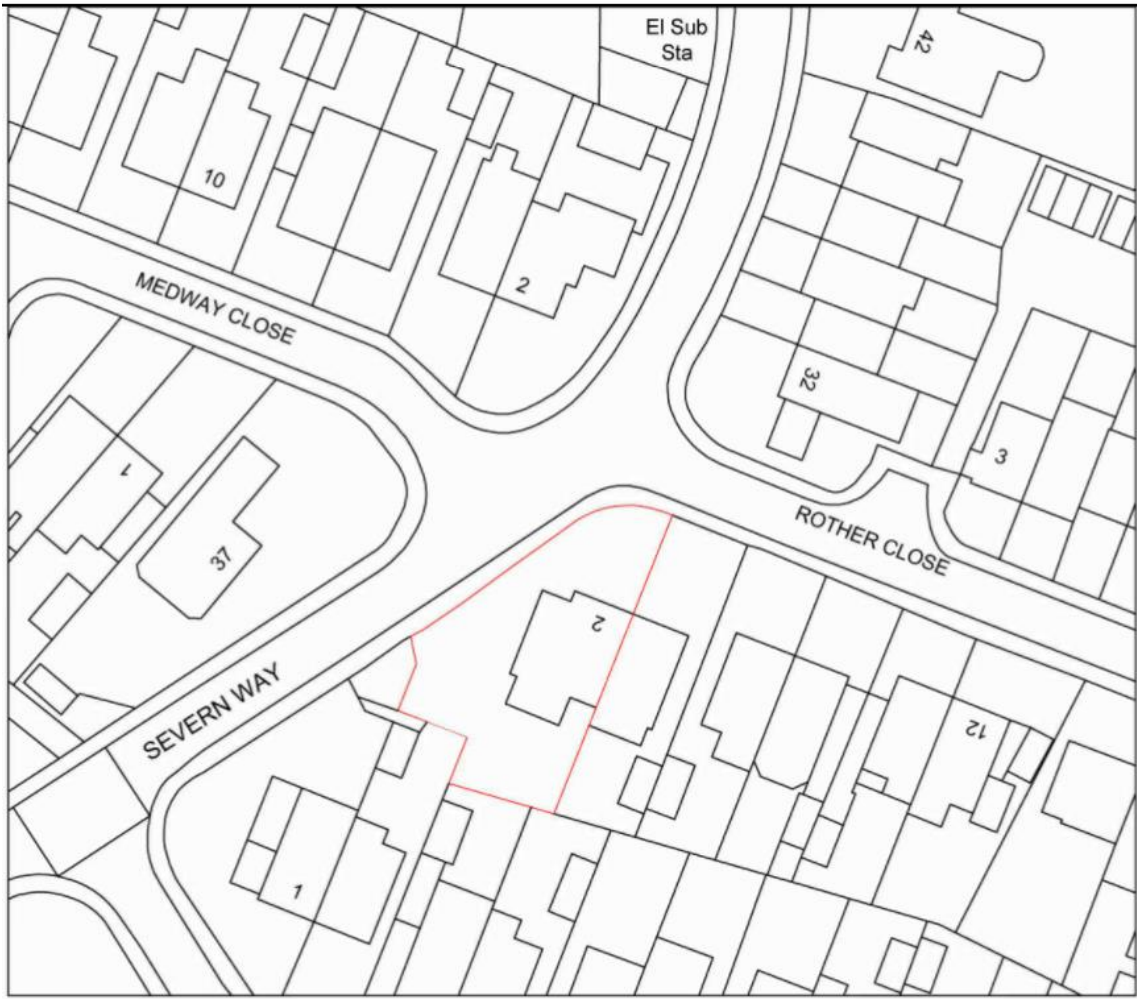
SD2341(P)03,
SD2341(P)01-B,
Site Location Plan.

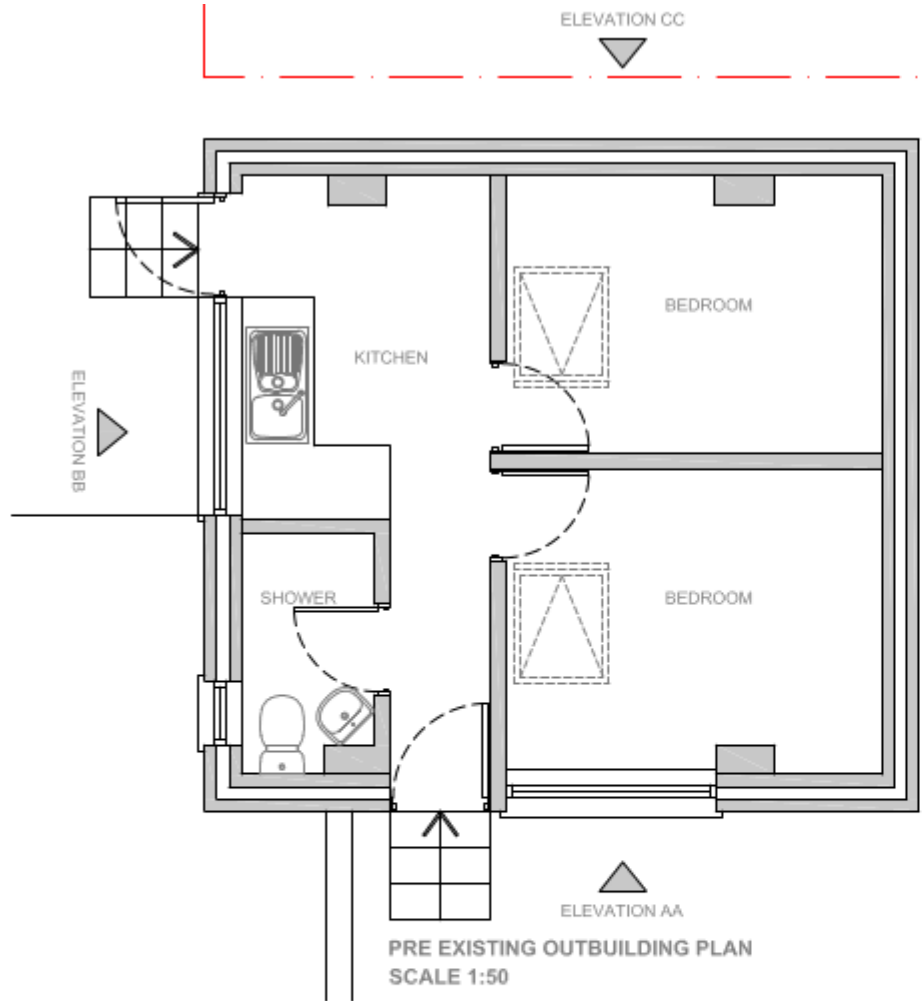
Reason: For the avoidance of doubt and in the interests of proper Planning.

Informatives

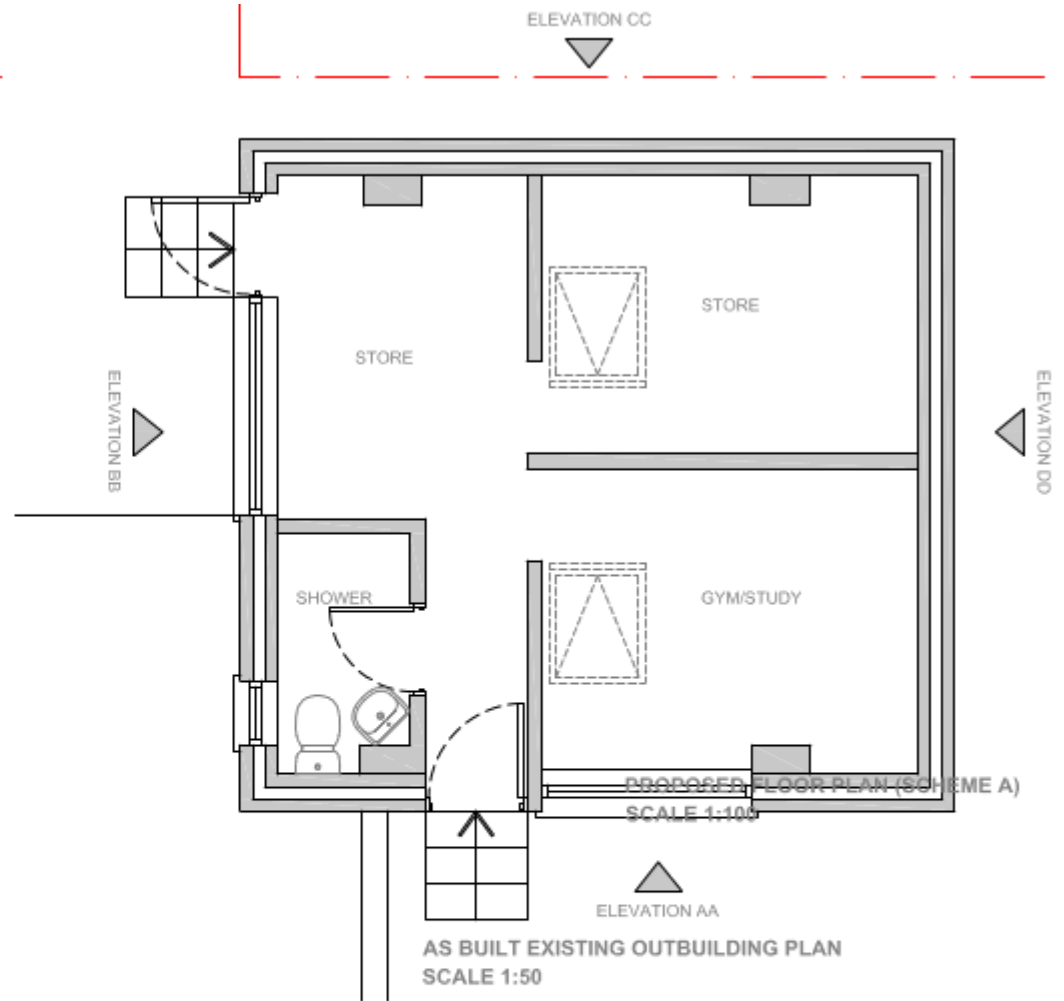
1. IN907 – Positive and proactive statement
2. UU – Outbuilding UU



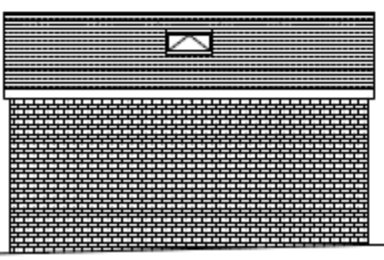




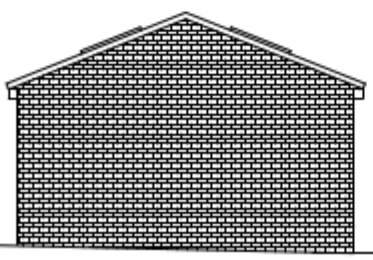
PRE EXISTING OUTBUILDING PLAN
SCALE 1:50



AS BUILT EXISTING OUTBUILDING PLAN
SCALE 1:50



ELEVATION CC
SCALE 1:100



ELEVATION DD
SCALE 1:100



ELEVATION BB
SCALE 1:100



ELEVATION AA
SCALE 1:100

PROPOSED FLOOR PLAN (SCHEME A)
SCALE 1:100

Google Streetview May 2018



Photograph 12 December 2023



Google Streetview May 2018



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Photograph 12 December 2023



Committee date	Tuesday, 9 January 2023
Application reference	23/01007/FUL
Site address	350 Cassiobury Drive, Watford, WD17 3AW
Proposal	Part retrospective application for the demolition of existing dwelling house and erection of a replacement dwelling house.
Applicant	Mohamed Rajabali and Tahera Nasser
Agent	Mr Lapas Chowdhury
Type of Application	Full Planning Permission
Reason for committee Item	More than 5 objections were received
Target decision date	11 January 2023
Statutory publicity	Neighbour letters
Case officer	Estelle Pengelly, estelle.pengelly@watford.gov.uk
Ward	Park

1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site comprises a substantially demolished property located at the end of Cassiobury Drive in the Park Ward. The site is not located in a designated Conservation Area or other Article 2(3) land and is not subject to an Article 4 direction.
- 2.2 The area is characterised by large detached properties varying in styles and designs with various extensions and generous rear gardens.

3. Summary of the proposal

3.1 Proposal

Planning permission is sought for the construction of a two storey dwelling house following the demolition of the pre-existing two storey dwelling. The dwelling would have 2 two storey front gables, a front porch and a dual pitched dormer to the front elevation. The roof would be hipped and increased in height by 1.8m compared to the pre-existing dwelling's height. Two storey hipped roof side additions, slightly set back from the main front elevation and set down from the main roof ridge would be constructed on

each side of the dwelling. A single storey element would wrap around the northern side and rear of the dwelling. To the south side elevation, a small single storey element would be 0.75m from the shared boundary with No. 348 Cassiobury Drive. The rear elevation would have two dual pitched dormers. The dwelling would have 6 bedrooms and a play room in the loft.

- 3.2 It is noted that the site has an extensive history and several applications have been granted for large extensions to the pre-existing dwelling. The current application was submitted following the demolition of the pre-existing dwelling as the extensions under the recent planning permission 23/00094/FULH are not capable of being implemented because the dwelling no longer exists.
- 3.3 Compared to the recently granted scheme for extensions (23/00094/FULH), the new dwelling would be 5.6m from the front boundary line compared to the previously approved 7.7m distance from the front boundary line. The new dwelling introduces a separation distance of 0.75m between the new dwelling and the neighbour's dwelling at No. 352 Cassiobury Drive. The previously approved scheme for extensions did not propose dormer windows or two storey front gables.
- 3.4 It is noted that the applicant increased the single storey element at the rear of the dwelling after the application was submitted and therefore the neighbours were re-notified following the receipt of the amended drawings.

3.5 **Conclusion**

The proposed dwelling is considered to be of a scale and design appropriate to the surrounding context, and the character and appearance of the surrounding area would not be harmed. The proposed dwelling would not have an adverse effect on the amenity of the neighbouring dwellings and therefore it is recommended that the application be approved subject to conditions.

4. **Relevant policies**

- 4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. **Relevant site history/background information**

5.1 23/00072/FULH: Erection of two storey side and rear wrap around extensions with hipped roof detail and part single storey side extension. Granted 12.04.2023.

23/00094/FULH: Erection of double storey wrap around side and rear extension with part single storey extension with all new hipped main roof. 28.03.2023.

23/00840/PREAP2: Pre-application enquiry for - Part retrospective application for the demolition of existing dwelling house and erection of a new dwelling house. Responded 11.10.2023.

22/00554/FULH: Double storey side and rear extensions with hipped roof detail. Refused 20.06.2022.

22/00935/FULH: Erection of double storey side and rear extensions with hipped roof detail. Granted 29.09.2022.

22/00940/FULH: Proposed double storey side and rear extensions with associated roof works. Single storey rear extension. Granted 16.09.2022.

22/00961/FULH: Erection of double storey side and rear extensions with associated roof works. Granted 16.09.2022.

22/01189/FULH: Double storey side and rear extensions with hipped roof detail and part single storey. Granted 09.11.2022.

22/01416/FULH: Erection of double storey side and rear extensions with hipped roof detail and part single storey. Granted 25.01.2023.

6. Main considerations

6.1 The main issues to be considered in the determination of this application are:

- (a) Scale and design and the effect of the proposal on the character and appearance of the area.
- (b) The effect of the proposal on the living conditions of the occupiers of neighbouring properties.
- (c) Living conditions for future occupiers of the proposed development
- (d) Highway impact and parking
- (e) Landscaping and bin storage

6.2 (a) Scale and design and character of the area

Policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan seek high quality design in all new development.

- 6.3 Officers acknowledge that the proposals are not entirely compliant with the advice in the Residential Design Guide (RDG), however, there are site specific circumstances which mean that the variations to RDG guidance would not cause harm in this instance.
- 6.4 Most of the properties within the immediate vicinity of the application site have been significantly extended and vary in appearance. The new dwelling, when viewed within the context of the streetscene would be comparable to the neighbouring dwellings due to its position at the end of the cul-de-sac and set back from the highway. It is also considered that the introduction of two front gables break up the massing would overall be an improvement compared to the previously granted permission for extensions.
- 6.5 In terms of the proposed increased height, only a portion of the roof would be increased in height. The two side hipped elements would be set down from the increased roof and would be comparable to the roof heights of neighbouring dwellings. The dwelling is also further set back from the highway compared to the neighbouring dwellings. Officers therefore consider the increased ridge height acceptable as the roof would not be overly prominent in the streetscene or cause harm to the character and appearance of the area.
- 6.6 The proposed dormers would accord with the RDG's guidance for dormer windows and be subservient additions on the proposed roof. The proposed dormers are therefore considered acceptable.
- 6.7 Overall, due to the location of the property in the streetscene and the size and variety of the neighbouring dwellings, the proposed dwelling is not considered to cause any harm to the character and appearance of the area and is therefore acceptable in scale and design.

6.8 (b) Impact on the residential amenities of neighbouring properties

The adjoining properties potentially affected by the proposals would in this case be Nos. 348 and 352 Cassiobury Drive and Nos. 81, 83 and 85 Harford Drive.

- 6.9 Having regard for the splayed outward relationship between the properties on Cassiobury Drive, the neighbours' existing extensions, the properties' large rear gardens and the separation distances of the two storey elements of the

proposal from the neighbours, officers consider it unlikely that the proposal would have a significant harmful impact on the neighbours in terms of loss of sunlight/daylight, outlook, privacy or create a sense of enclosure. The new first floor side windows will be conditioned to be obscure glazed and non-opening below 1.7m above internal floor level.

- 6.10 In terms of the neighbours at the rear on Harford Drive, the residential amenity aspects of the proposal remain unchanged from the previous application 23/00094/FULH as the two storey element would be the same distance from the rear boundary as previously approved.
- 6.11 The RDG suggests a minimum direct distance between upper level habitable rooms on a rear elevation and property boundaries of 11m should be achieved in order to minimise overlooking of private gardens. Officers acknowledged in previous reports that the proposal does not conform to this guidance as the distance of the closest rear upper level habitable room window and the rear boundary would be 7m. The proposed two storey dwelling and rear dormers would be more than 43m from the nearest habitable windows on the neighbouring properties at the rear with the average garden depths varying from 36m-40m. Therefore, officers consider the impact on the neighbours at the rear (Nos. 81, 83 and 85 Harford Drive) would be limited and not so detrimental such as to warrant a reason for refusal on loss of privacy and overlooking grounds.
- 6.12 On this basis, the proposed development is deemed acceptable in terms of residential amenity.

- 6.13 (c) Living conditions for future occupiers of the proposed development

Policy HO3.10 of the Local Plan requires new dwellings to meet or exceed the Nationally Described Space Standard (NDSS). The new dwelling would comply with the NDSS. Policy HO3.11 sets out the requirements for private amenity space for new dwellings. The proposal complies with the minimum 25sqm of garden area required by Policy HO3.11 and is therefore acceptable.

- 6.14 (d) Highway impact and parking

Policy ST11.5 of the Local Plan sets maximum parking provisions. The maximum provision is one space per dwelling. In this case, no parking is indicated but officers are satisfied that the front garden would provide sufficient space for one car.

- 6.15 (e) Landscaping and bin storage

No landscaping or bin storage details were provided. Two separate conditions will be imposed requiring details of the bin storage and soft landscaping.

7. Consultation responses received

7.1 Statutory consultees and other organisations – None

7.2 Internal Consultees – None

7.3 Interested parties

Letters were sent to 10 properties in the surrounding area. Seven objections were received from 7 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer's response
<p>The applicant is making a mockery of the planning process by submitting plans that are a vast footprint compared to the very first application that was rejected by the council.</p>	<p>The Council cannot prohibit applicants from submitting multiple applications and has a statutory duty to assess and determine all submitted applications. Each application is assessed on its own merits.</p>
<p>The submission of multiple nearly identical applications, as outlined in the Design & Access Statement, coupled with the demolition of the existing dwelling to gain additional planning advantages, suggests a calculated effort to circumvent and frustrate the planning process. This approach raises questions about the transparency and fairness of the application process.</p>	<p>The first application was refused due to poor design. The current application is considered an improved design compared to the initial refused scheme and the other subsequent granted schemes.</p>
<p>The new footprint is double the original plot size meaning it is significantly out of proportion to the adjoining properties. The applicant compares the new dwelling against the significantly larger previously approved scheme.</p>	<p>Officers acknowledge that the size of the dwelling is larger than the original dwelling, however, this is comparable to most of the properties in the street. The applicant compared the footprint of the new dwelling to the previously approved scheme as this planning permission carries weight in the current application. In relation to</p>

<p>An additional 1/2 storey raises the street scene ridge height by more than 1500mm which is out of line with the other properties.</p>	<p>the other dwellings, and due to the siting of the dwelling within the plot and at the end of a cul-de-sac, it is considered that the new dwelling would not cause any significant harm to the character and appearance of the area. Refer to paragraphs 6.3 – 6.7.</p>
<p>The property has no garaging facility (this has been removed as it was present on the extension plan) and has rather limited space at the front for vehicles, given the size of the proposed property I believe the space for parking is totally inadequate.</p> <p>Concern that neighbours will be inconvenienced or even blocked from accessing their properties due to lack of parking and on-street parking if the development goes ahead.</p>	<p>Policy ST11.5 of the Local Plan sets maximum parking provisions. The maximum provision is one space per dwelling. In this case, no parking is indicated but the front drive could accommodate one vehicle. Refer to paragraph 6.14.</p> <p>Blocking of properties' access is a matter to be reported to the police and is not a matter that can be enforced via the planning process.</p>
<p>If this latest application is permitted, the applicant is effectively being rewarded for an open disregard for the planning process which surely sets a concerning precedent for the borough.</p>	<p>The planning application process does not allow for punitive measures where an application is submitted retrospectively. Each planning application must be determined on its individual planning merits taking account of the Local Plan policies and other material planning considerations.</p>
<p>An additional 1/2 storey raises overlooking questions.</p>	<p>The proposed rear dormers would be more than 43m from the nearest habitable windows on the neighbouring properties at the rear. The impact on the neighbours is considered limited and not so detrimental to warrant a reason for refusal on these grounds. Refer to paragraphs 6.10 and 6.11.</p>
<p>Natural light levels to No. 352's back garden (especially in the</p>	<p>The new dwelling might slightly reduce sunlight to the garden of No.</p>

<p>morning) will be reduced when compared to the existing house.</p>	<p>352, however, due to this property's large rear garden the new proposed dwelling wouldn't undermine the neighbouring property to an extent that would warrant a reason for refusal in terms of loss of light for this application. Refer to paragraph 6.9.</p>
<p>Concerned about the amount of builders traffic that will be required to enable any dwelling to be erected especially given the high foot fall of school bound pedestrian traffic coming through the pathway between 354 and 243 Cassiobury Drive, I therefore request that a restriction concerning builders traffic be put in place to prevent such traffic from accessing the site from 8.15- 9am and again from 3.10- 3.45 for the duration of any construction so as to avoid accidents with the children.</p>	<p>Noted. This matter is not a material planning consideration.</p> <p>The applicant would 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.</p>
<p>Impact on the privacy of our garden and property due to the proposed sizing, third storey and proximity of the proposed dwelling to the rear boundary line.</p>	<p>Due to the properties on Harford Drive having large gardens, it is considered that the overlooking impact on these neighbours wouldn't be so detrimental to warrant a reason for refusal on these grounds. Refer to paragraphs 6.10 and 6.11.</p>
<p>The Design & Access Statement states that the increase in roof ridge height and alterations to the footprint may have adverse effects on the natural light, outlook, and privacy of these neighbouring properties, contravening the principles of harmonious coexistence.</p>	<p>There are a few errors in the Statement. The proposed block plan in section 4.9 is incorrect. The last paragraph in section 4.4 states the proposal should not be supported. This was likely copied by mistake from one of the pre-application advice letters. The roof height increase in section 4.3 is incorrect (should be 1.8m, not 1.4m). Officers acknowledge that there are errors in the Statement, however, the full details of the application are clear</p>

	from the plans from which an assessment can be made.
The Design & Access Statement references various planning policies and development guides, including the National Planning Policy Framework, Watford Local Plan, and Residential Design Guide. However, it does not convincingly demonstrate how the proposed scheme aligns with these policies, especially considering the retrospective nature of the application and deviations from previous planning permissions. This lack of alignment raises concerns about the project's compliance with established planning regulations.	The case officer's report highlights how the proposal accords with local and national policies.
The application fails to address potential detriments to the community, including the impact on the character and street scene of Cassiobury Drive. The precedent set by allowing retrospective applications for demolition without adequate community benefit is a cause for significant concern.	Officers have assessed the application and concluded that the proposal is acceptable in scale and design. Refer to paragraphs 6.3 – 6.7. The applicant is liable for CIL charges due to the unlawful demolition of an existing dwelling.
If the 3rd floor is to be genuinely designed as a games room then why the need for dormer windows, the style of which would allow potentially multiple occupants to overlook our property? This would constitute an invasion of privacy particularly in the warmer months of the year when we would be spending more time in the garden.	Officers consider it appropriate and reasonable that the windows are needed for light and fresh air, whatever the use of the room. In this case, due to the splayed outward relationship between the properties, the neighbours' existing extensions, the properties' large rear gardens and the separation distances of the two storey elements of the proposal from the neighbours, officers consider it unlikely that the proposal would have a significant

	harmful impact on the neighbours in terms of loss of sunlight/daylight, outlook, privacy or create a sense of enclosure.
Given the serious nature of these concerns and the evidence presented in both the Design & Access Statement and previous objections, I urge the Watford Council Planning Department to conduct a thorough and immediate investigation into this matter. It is imperative to uphold the integrity of the planning application process and ensure that the community's concerns are appropriately addressed.	The Council has investigated the unlawful demolition and a planning application has been sought in order to attempt to resolve the situation. This application is assessed in accordance with local and national policies which do not include punitive measures. In this case, the proposed new dwelling was assessed and considered acceptable in terms of local and national policies.

8. Recommendation

8.1 That planning permission be granted subject to the following conditions:

Conditions

1. Time limit

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved drawings and documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

PL-08, PL-10, PL.12, PL.15, PL.16, PL-04A, PL-05A, PL.02, PL-11, PL.13, PL.14, PL.15, PL-07A, PL-09A, PL-06A, PL.08B, PL.01_RevA.

Reason: For the avoidance of doubt and in the interests of proper Planning.

3. Materials

No construction works shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. Obscure glass

The proposed first floor side windows in the northern and southern side elevations of the dwelling shall be permanently fitted with obscure glass and the part of the window less than 1.7m above internal floor level shall be permanently fixed closed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a loss of privacy to the neighbouring property.

5. The development hereby approved shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in the Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

Reason: To minimise the impact of the development on the environment, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

6. No part of the development shall be occupied until the details of the design and materials of the bin storage have been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be installed in

accordance with the approved details and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate bin storage that meets the needs of future occupiers and in the interests of the appearance of the site, in accordance with Policy QD6.4 of the Watford Local Plan 2021-2038.

7. No part of the development shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy NE9.1 of the Watford Local Plan 2021-2038.

8. The development hereby approved shall be constructed to The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To meet the needs of older people and those with mobility issues, in accordance with Policy HO3.10 of the Watford Local Plan 2021-2038.

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no enlargements of the dwellinghouse permitted under Classes A, AA or B shall be carried out or constructed without the prior written permission of the Local Planning Authority.

Reason: The removal of permitted development rights under Classes A, AA and B is necessary to ensure that any developments are carried out in a manner which will not be harmful to the character and appearance of the property and the wider area, and will not prove detrimental to the amenities of neighbouring occupiers.

Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN912 – Hours of Construction
5. IN913 – Community Infrastructure Levy (CIL) liability

Aerial view



Site Location Plan

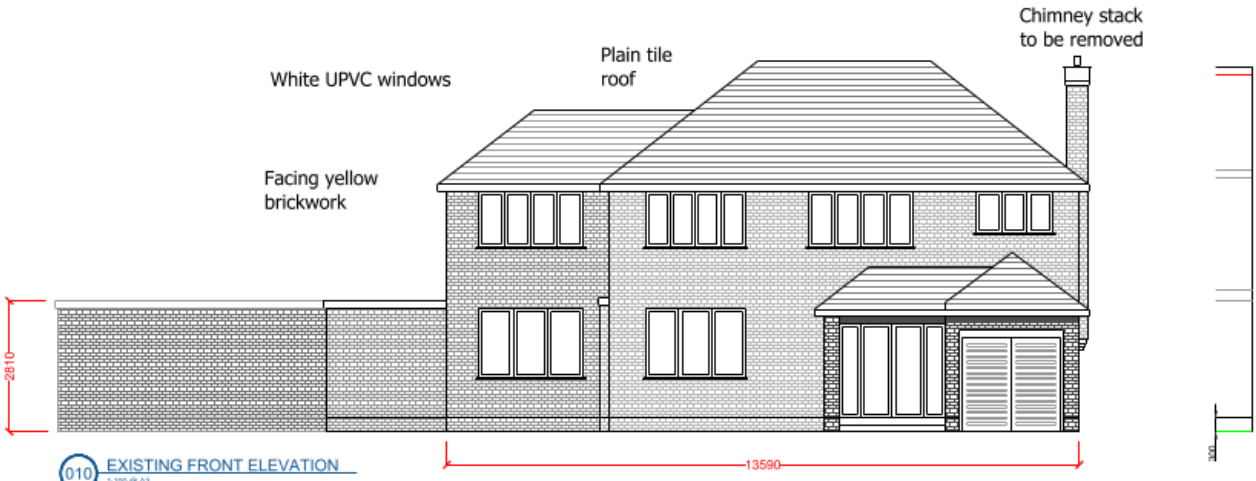




Previously granted scheme for extensions: 23/00094/FULH



Previously granted front elevation: 23/00094/FULH



Pre-existing front elevation



ILLUSTRATIVE FRONT VIEW 02 (not to scale)

ILLUSTRATIVE FRONT VIEW 01 (not to scale)

PROPOSED EXTERNAL MATERIALS

Walls General

Facing brick to L.A approval

Walls to Dormers

Hanging tiles; colour to match that proposed for pitched roof

Main/Pitched Roofs

Concrete roof tiles to L.A approval

Flat Roofs

Single-ply membrane; colour: grey

Windows & Doors

Double glazed units; frame colour: Anthracite or Black

Window Surrounds

Window cills, heads and surrounds to be natural stone.

Rainwater Goods

Gutters, fascias and downpipes to be uPVC; colour: Anthracite or Black



PROPOSED FRONT ELEVATION 1:100



Scale Bar (Metres)

No.	Amendments	Prep.	Date
LCA Architecture & Planning Email: lx.chowdhury@gmail.com Tel: 07563 95231			
Project		350 Cassiobury Drive Watford WD17 3AW	
Title		Proposed Front Elevation	
Job No.	2314	Drawing No.	PL-08
Amendment		Scale (A):	1:100
Status	For Planning Approval		
Auth.	CL	Date	Oct. 2023



ILLUSTRATIVE REAR VIEW 02 (not to scale)



ILLUSTRATIVE REAR VIEW 01 (not to scale)

PROPOSED EXTERNAL MATERIALS

- Walls General**
Facing brick to LA approval
- Walls to Dormers**
Hanging tiles; colour to match that proposed for pitched roof
- Main/Pitched Roofs**
Concrete roof tiles to LA approval
- Flat Roofs**
Single-ply membrane; colour: grey
- Windows & Doors**
Double glazed units; frame colour: Anthracite or Black
- Window Surrounds**
Window cills, heads and surrounds to be natural stone.
- Rainwater Goods**
Gutters, fascias and downpipes to be uPVC; colour: Anthracite or Black

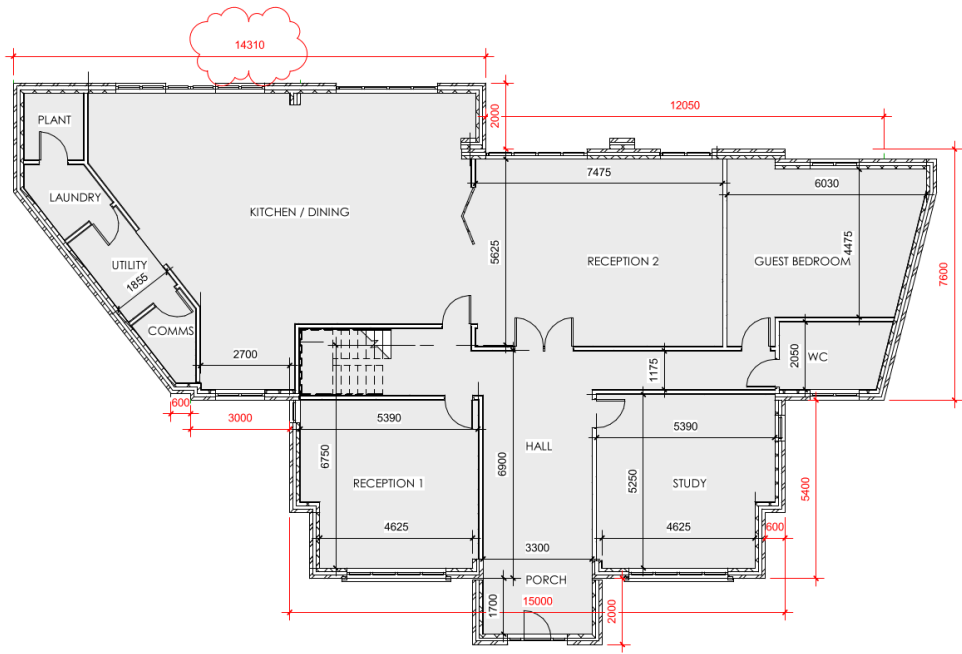


PROPOSED REAR ELEVATION 1:100

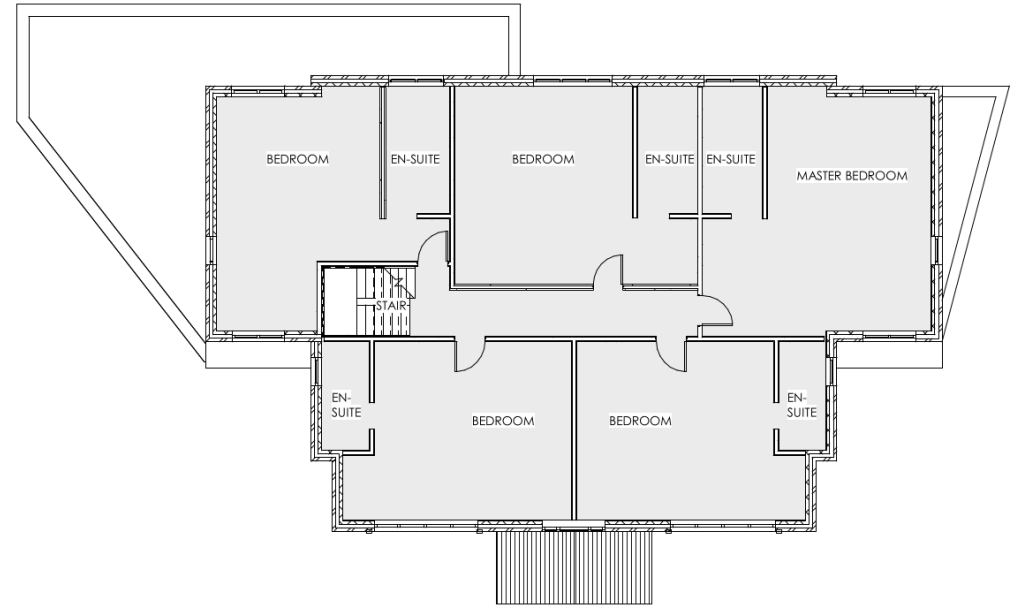


A Kitchen layout reconfigured & very minor enlargement to single storey element to rear. see revision cloud(s).		CL 17-11-23
No.	Prop.	Date
Amendments		
LCA Architecture & Planning		
Email: lx.choudhury@gmail.com		
Tel: 07563 952231		
Project		
350 Cassiobury Drive Watford WD17 3AW		
Title		
Proposed Rear Elevation		
Job No.	Drawing No. PL-09A	
2314		
Amendment		Scale (A3): 1:100
Status: For Planning Approval		
Auth: CL	Date: Oct. 2023	

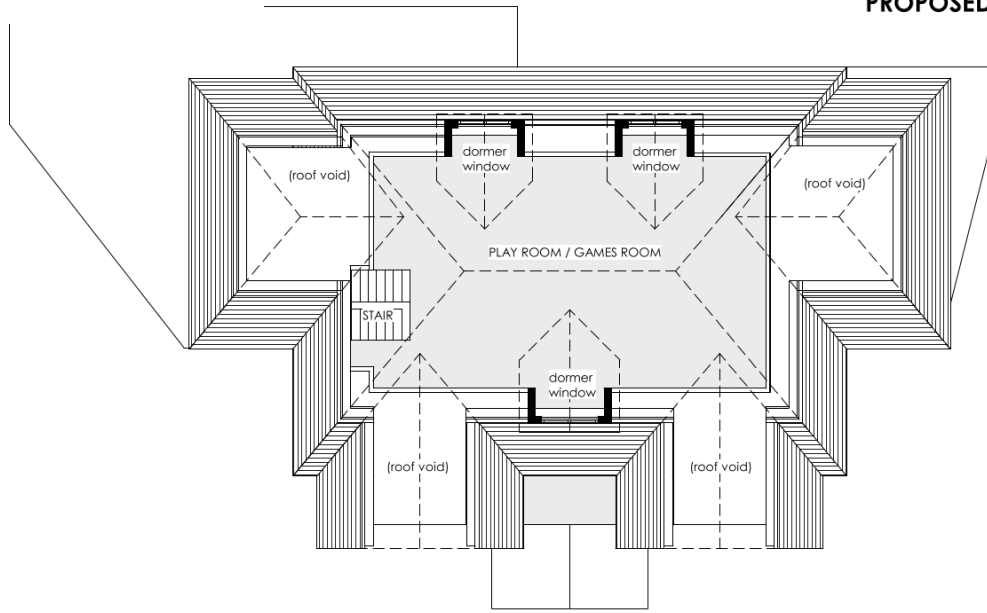




PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED LOFT LEVEL PLAN

Agenda Item 6

Committee date	Tuesday, 9 January 2024
Application reference Site address	23/00968/FUL 205, North Approach, Watford, WD25 0ES
Proposal	Retention of single storey side/rear infill extension (Retrospective)
Applicant	Mr Hashim Nawrozzadeh, Imam Hussein Foundation
Agent	Mr Mutaza Poptani The Backyard Co
Type of Application	Full Planning Permission
Reason for committee Item	Over 5 objections have been received
Target decision date	18 th December 2023
Statutory publicity	Neighbour letters
Case officer	Sergei Zotin, sergei.zotin@watford.gov.uk
Ward	Stanborough;

1. Recommendation

- 1.1 The application is recommended for approval subject to the conditions in Section 8 of this report

2. Site and surroundings

- 1.1 The site is not located in a designated Conservation Area or other Article 2(3) land and is not subject to an Article 4 direction.
- 1.2 The application site is the Imam Hussein Foundation Centre (formerly, Kingswood Baptist Church) situated on the south-east side of North Approach in the Stanborough Ward. There is a residential property on-site, 207 North Approach, this dwelling is occupied by the congregation leader. The site has various existing buildings on site of differing sizes and styles. It has a private car park at the front and the frontage is characterised by the former church building and associated house. The site borders both Kingsway Infant and Junior Schools on the southern elevations. The rest of the surrounding area is characterised by two-storey semi-detached dwellings. Opposite the site is a row of mature deciduous trees which block the view from Kingsway North Orbital Road, these trees are not the subject of a Tree Preservation Order.

3. Summary of the proposal

3.1 Proposal

3.2 Retention of single storey side/rear infill extension (Retrospective). The subject extension accommodates a walkway and links the existing infill canopy with the kitchen (the existing rear extension). The subject extension is measured 3.6m in width, is 3.7m in height (similar to the existing infill canopy) and 15.59m in depth being set flush with an external wall of the existing kitchen.

3.3 Conclusion

The proposal would not result in any unacceptable harm to the character and appearance of the surrounding area and is acceptable in terms of design. It will have no harmful impacts on the operation of the highway and no adverse impact upon the amenities of adjoining properties as set out in the policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan.

4. Relevant policies

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

5.1 The following planning history is relevant to this application:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
19/01482/FUL	Erection of a single storey side extension (retrospective)	Conditional Planning Permission Granted	20.02.2020
21/01279/FUL	Retention of an infill canopy with front entrance doors (retrospective)	Refused Planning Permission, allowed on appeal.	10.12.2021
66/04486/FUL	Extension to Church hall	Planning Permission Granted	17.01.1967

5.2 Background information:

In December 2021 the planning application for *Retention of an infill canopy with front entrance doors (retrospective)* (referenced 21/01279/FUL) was refused by the Council on the following grounds:

The proposal is of poor design quality, out of character with its adjoining buildings and causes harm to the character and appearance of the surrounding area. It is therefore incompatible with Policy UD1 of Watford Local Plan Core Strategy 2006-31 and the National Planning Policy Framework, Part 12, paragraph 130 a), b) and c).

In July 2022 the proposed scheme was allowed under the appeal decision (ref. APP/Y1945/W/22/3290039). The main points raised by the inspector were:

- *Although the canopy is relatively large, it is not be prominent in any public view and appears intended to serve a purpose related to the use of the place of worship. With regard to the front elevation, the top of the structure sits well below the height of the parapet wall of the place of worship and below the cill level of the first floor window of No. 207, such that it is subservient to each and not imposing. The gates and timber work appear to have been improved and finished with a dark staining since Watford Borough Council's (the Council) decision, and the appearance is neat and acceptable and not out of character with the adjacent buildings or the character of the surrounding area.*
- *The views of interested parties were raised concerning the canopy and wider matters relating to the site, including alleged further development at the site and the suggestion that the intention is to fully enclose the sides of the canopy to create a function room. However, it is considered to be limited to the specific planning merits of the appeal proposal, as defined in the submitted plans and documents. Other matters, outside and beyond this scope, fall to be considered, as may be appropriate, by the Council.*

6. Main considerations

6.1 The main issues to be considered in the determination of these applications are:

- (a) Scale and design
- (b) Highways impact

(c) Impact on surrounding properties

6.2 (a) Scale and design

Policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan seek high quality design in all new development.

6.3 The structure for which retrospective permission is sought is considered to be of a suitable scale and design for the host building and site. The extension is not visible from North Approach due to its rear location and therefore would not appear dominant to the main site building. Furthermore, the subject rear side/rear extension has a sufficient separation distance from the site boundaries (namely 11.7m from the side and 10.27m from the rear respectively).

6.4 It is therefore considered that the development would not undermine the established character of the site and the surroundings, and is, therefore, considered acceptable in respect of its design, in accordance with the policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan.

6.5 (b) Highways impact

Policy ST11.5 of the Watford Local Plan states that:

Development proposals should only provide car parking where it complies with the car parking standards. Where these standards and requirements are met, the parking element of the proposal will be supported.'

6.6 Policy 5 of the Hertfordshire's Local Transport Plan 2018 – 2031 states that 'The county council will to work with development promoters and the district and borough councils to:

- *ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council's Highway Design Standards,*
- *secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe'.*

6.7 As confirmed on the submitted drawings the subject extension accommodates the covered walkway and does not enlarge the main areas for congregations. As such, it is not considered that the extension would generate additional trips to the premises and, as such, is unlikely to cause any detrimental impact upon the highways operation, as confirmed by the Highway Authority. Hence, the proposed development would not result in any material effect upon the highways operation and would not undermine highway safety, in accordance with the Policy ST11.5 of the Watford Local Plan and the Policy 5 of the Hertfordshire's Local Transport Plan 2018 – 2031.

6.8 (c) Impact on surrounding properties

Visual Impact

6.9 Having regard to the outlined separation distances between the subject extension and the site boundaries, the proposed development would not lead to any adverse impact upon the adjoining school. The nearest residential properties are located to the north-east, beyond the existing buildings on the site, and will be unaffected by the proposal.

6.10 *Noise Disturbance*

Policy CC8.5 of the Watford Local Plan states '*Where development is noise sensitive, noise-generating, or the surrounding area is sensitive to noise and vibration, applicants must undertake a noise assessment to identify potential issues and the required attenuation measures to achieve acceptable noise levels...*'.

6.11 As stated by the environmental health officer, the use of a public address system within the premises should be restricted, and the windows should be shut during the hours of operation given the amount of received complaints. However, this relates to the use of the existing building which is not part of the current application. The applicant has stated that the subject structure would result in a sufficient decrease of the noise levels as the premises would be more enclosed. As the existing extension contains only the walkway, and doesn't provide additional meeting space, no additional impact in terms of the noise pollution would be generated. Hence, the retrospective development is in accordance with Policy CC8.5 of the Watford Local Plan.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

Highway Authority – raised no objection to the application.

7.2 Interested parties

Letters were sent to 20 properties in the surrounding area. Responses have been received from 6 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer's Response
Inadequate parking provision	This concern is outlined in the above assessment. As stated in the paragraph 6.3.3 the subject extension accommodates the covered walkway. As such, it is not considered that the retrospective development would generate additional vehicular trips to and from the site.
Fire safety concern	This is not a material planning consideration for this type and nature of development. Nonetheless, fire safety would be a Building Regulations matter.
Overcrowding	This concern is outlined in the above assessment. As stated in paragraph 6.3.3, the subject extension accommodates a covered walkway and does not enlarge the main congregation areas. As such, it is not considered that the retrospective development would result in an increase in meeting space at the site premises.
Anti-social behavior	This matter is outside of the planning remits.
Noise and disturbance	This concern is outlined in the above assessment. As stated in paragraph 6.4.4 the subject extension accommodates the covered walkway. As such, no additional amount of noise pollution would be produced. The residents are advised to contact Environmental Health department should they experience excessive noise from the site premises.
Unsafe structure	This matter is outside of the planning remits. To be addressed to the Building Control department

8 Recommendation

That planning permission be granted subject to the following conditions:

Conditions

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

Drawing nos 205NA/SP, 205NA/01, 205NA/02, 205NA/03, 205NA/04, 205NA/05, 205NA/06, 205NA/07

Reason: For the avoidance of doubt and in the interests of proper planning.

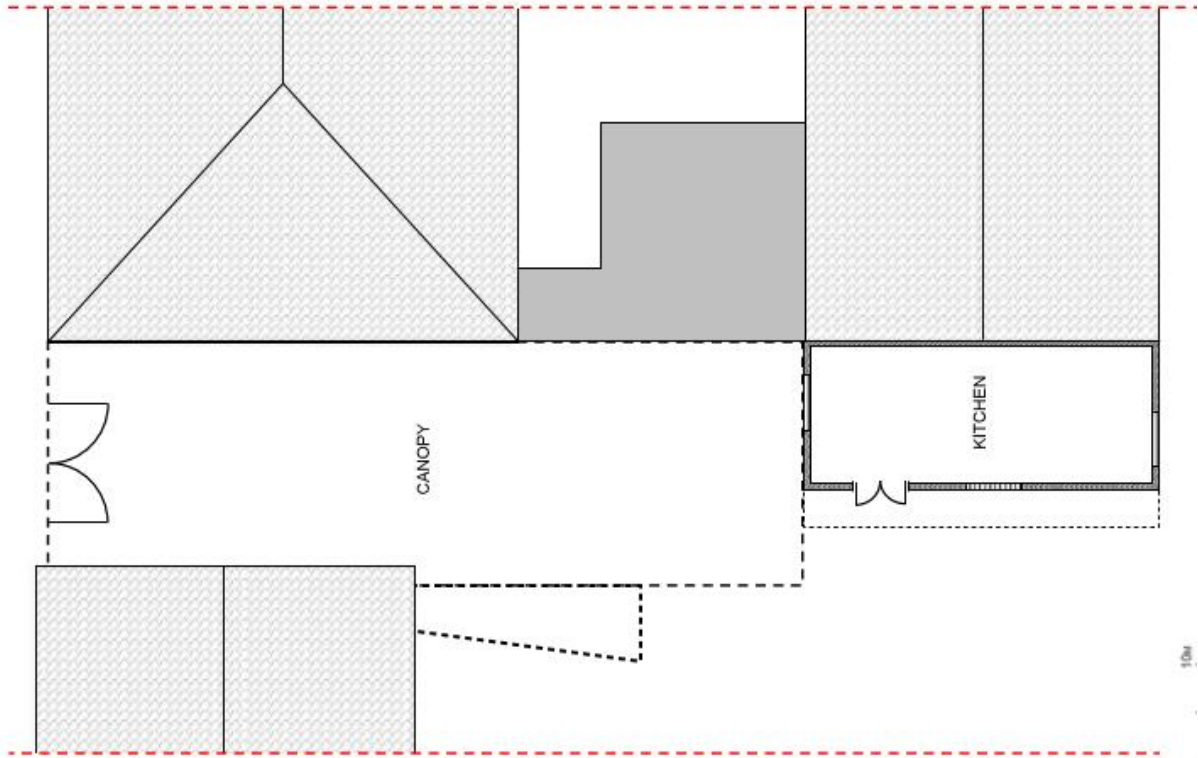


SITE PLAN

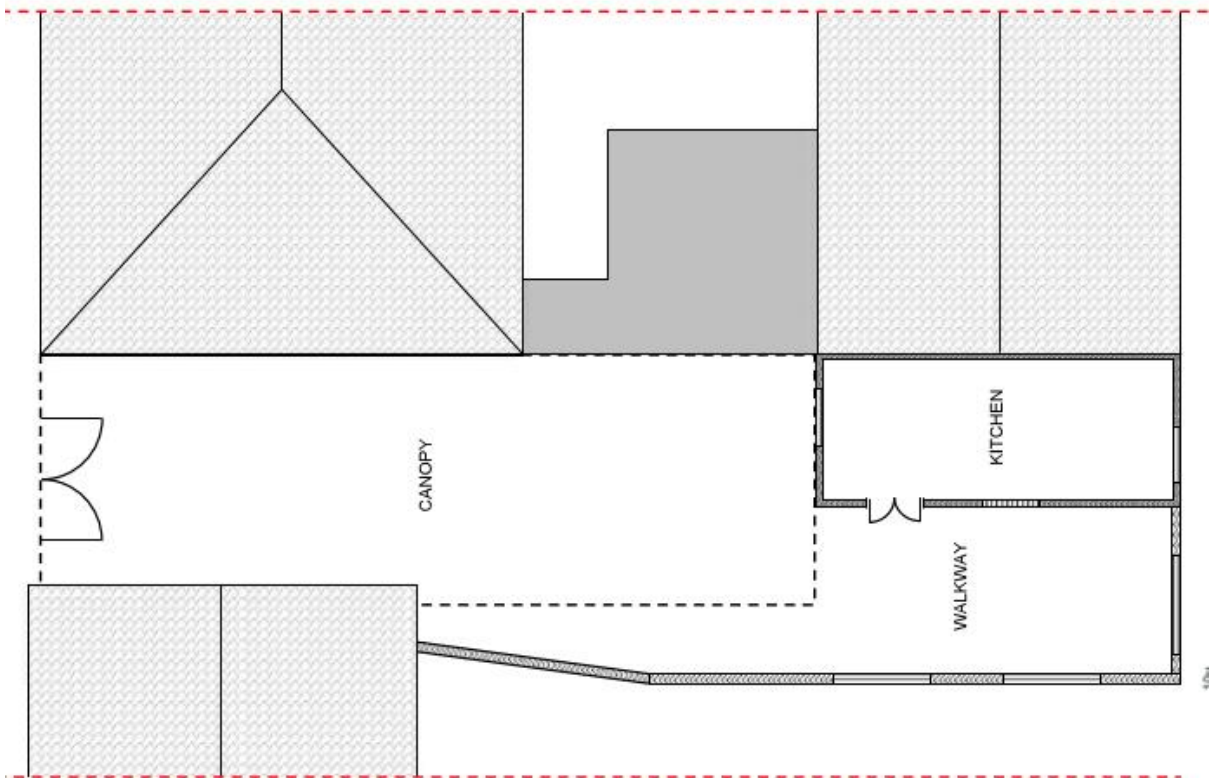




View of the rear of the application site



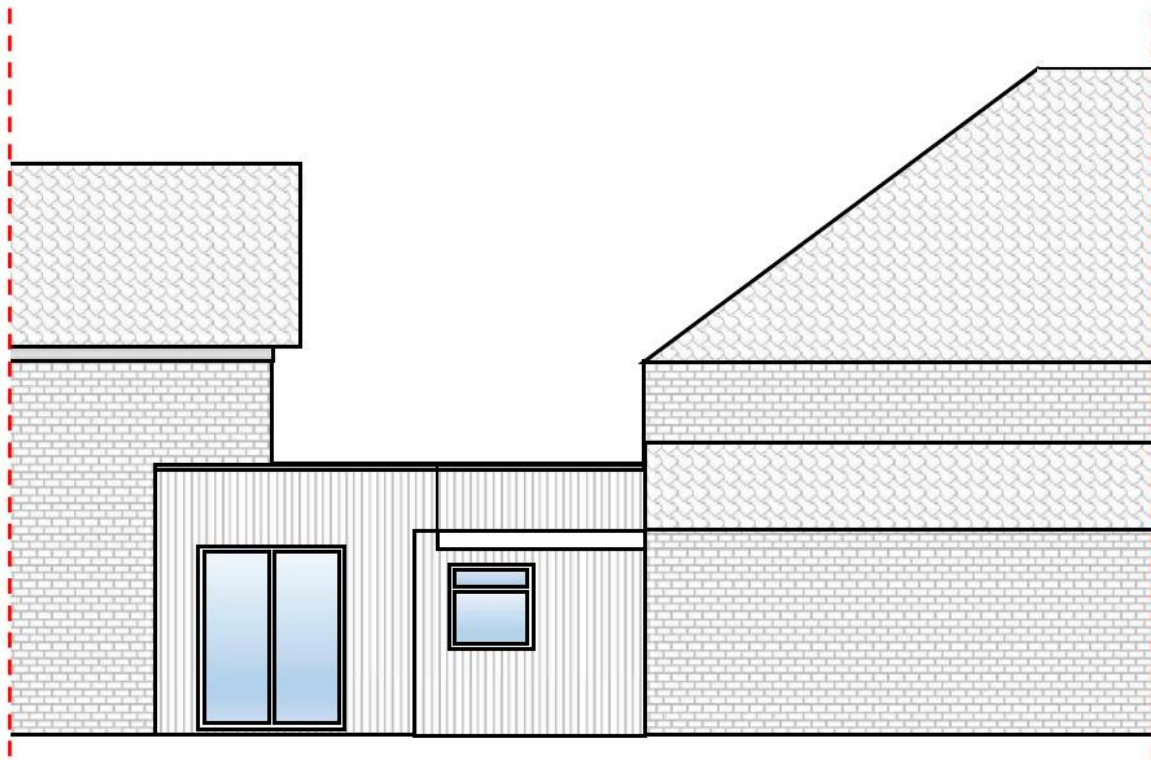
Pre-existing site plan



Existing site plan



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



Side wall photo



Inside extension



Attached to previously granted kitchen extension