

<b>PART A</b>	
<b>Report to: Development Management Section Head</b>	
<b>Date of Committee</b>	<b>29<sup>th</sup> October 2015</b>
<b>Site address:</b>	<b>South Lodge Hempstead Road Watford, Hertfordshire, WD17 4JX</b>
<b>Reference number:</b>	<b>15/01208/FUL</b>
<b>Description of development:</b>	<b>Construction of a new single storey dwelling. Creation of a shared vehicular access from the eastern residential section of Hempstead Road to replace the existing vehicular access from the A411 Hempstead Road.</b>
<b>Applicant:</b>	<b>Mr K. Frimley and Ms S. Hunt</b>
<b>Date received:</b>	<b>26<sup>th</sup> August 2015</b>
<b>8 week date (minor):</b>	<b>23<sup>rd</sup> October 2015</b>
<b>Ward:</b>	<b>Nascot</b>

## **SUMMARY**

The site is a bungalow which is a Grade II listed building, although it has already been extended and altered and it now looks quite different to its original appearance. Planning permission is sought for the erection of a new flat-roofed bungalow on land that is currently the end of the rear garden. This is considered acceptable in terms of the quality of its design and of the accommodation that it would provide, and because it would be a low, flat roofed building with a planted “green” roof of sedum plants, it would have little impact on the setting of the Listed Building. Therefore the Development Management Section Head recommends to the members of the Development Management Committee that the application be approved as set out in the report.

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## **BACKGROUND**

Earlier this year the applicants applied for Planning Permission (15/00529/FUL) for extensions and alterations to the existing bungalow and also for the erection of a new house in the rear garden, which would have been a double storey detached house of a conventional design. They also applied at the same time for Listed Building Consent for those alterations to the existing house (15/00530/LBC). Planning officers were concerned about the impact that a new two storey building would have had on the setting of the Listed Building (though not about the proposed works to the existing bungalow or the vehicular access and parking). It is not possible for a Local Planning Authority to issue a split decision on an application for Planning Permission, and therefore the applicants' agent was warned that their application for planning permission was likely to be refused - albeit the application for Listed Building Consent was likely to be approved. The applicants decided to withdraw their application for planning permission on 29.06.2015, but their application for Listed Building Consent was not withdrawn and that was approved on 07.07.2015.

The application that is the subject of this report (15/01208/FUL) is another attempt to obtain planning permission to erect a new house in the rear garden, but this time it is for a flat roofed bungalow in a modern style, rather than being a two storey house in a conventional style as had previously been proposed.

A separate application (15/01207/FULH) has been submitted for planning permission for the extensions and alterations to the existing house because, although Listed Building Consent for those works has already been granted, it is necessary to obtain Planning Permission as well.

### **Site and surroundings**

Where the Hempstead Road approaches the edge of the borough it has two branches running parallel to each other. The main part is the original road that carries a great deal of traffic (the A411) being one of the principal roads into Watford, but there are very few

houses on this section of that road. On the west side of the road lie the grounds of The Grove hotel and golf club, and that land is designated as Green Belt. On the east side of the road there is a belt of trees. On the other side of those trees there is a grass verge, and beyond that a parallel road (also called Hempstead Road and sometimes referred to as “the service road”) is a quiet residential street with detached houses on the other side, facing the verge and the belt of trees (incidentally this is the newer of the two roads – it is not “Old Hempstead Road” as is written on the site location plan that has been submitted). Those houses stand on higher ground. There are only two houses that stand on the land that separates the two parallel roads, and they are both bungalows which are former lodge houses to land that was once a farm estate. One is called West Lodge and that is at the dead-end of the cul de sac; it is a Locally Listed building dating from 1911. The other is South Lodge, which is not far from the junction with The Drive and with the entrance to The Grove estate. South Lodge is a nationally Listed Building (Grade II) dating from 1835, and it is the subject of this report.

The long stretch of land on which the two lodges stand, which lies between the two parts of Hempstead Road consists of a grass verge and a belt of trees. It is not designated as Green Belt, nor as a Conservation Area; and although there are many trees there, they are not protected by Tree Preservation Orders. The distance separating the two lodges is approximately 380 metres.

This application relates to South Lodge, which is a Grade II listed building. It was listed in 1983. The following text about it is taken from our document Nationally Listed Buildings In Watford (2014):

*Circa 1835 painted brick lodge to Russell’s. Originally Russell Farm Lodge and illustrated clad in patterns of split logs in Britton’s Account of Cassiobury 1837. One storey cross plan with central triple chimney stack with moulded cornice and base. Fish-scale tiles. Gable ends to north and south, 3-sided canted bay to west and hipped gable to east. Plain chamfered window surrounds to west bay, renewed bargeboards to south gable and small projecting 3 sided window bay with tiled roof, and leaded casements with top*

*lights. Blank panel with chamfered border above. Further along Hempstead Road towards Hunton Bridge is another lodge to Russell's House, which is Locally Listed and called West Lodge.*

Note that the description in the document seems to be out of date as regards the roof tiles – they are not fish-scale tiles now. They are concrete Redland 49 tiles, which are among the cheapest type of modern tile, and they have clearly been on the roof for many years. They are not in keeping with the original character of the building, and it seems likely that the replacement of the original roof tiles was an unlawful development.

The building has had a number of alterations done to it besides the replacement of the roof tiles, and it now looks quite different to its original appearance. Britton's Account of Cassiobury (1837) includes a drawing showing that originally it was clad in split logs, and that its garden was surrounded by a picket fence. To understand what this would have looked like one can still see an estate building of a similar period that is clad in split logs at 67 Gade Avenue (next to the Ford car dealership on Rickmansworth Road). Now South Lodge's walls are painted pink (some parts are painted render, other parts are painted bricks). The window frames would once have been timber but now they are metal. Some small extensions have been added to the house, and its main entrance is now in one of those extensions. One is the flat-roofed extension that the front door is currently set into. Another extension is on the side of the house that faces its own rear garden. An open-sided porch has also been added outside the kitchen door. The result of all these changes to the roof, the walls, the windows, and the position of the main entrance is that the house has lost much of its original character.

We have a photograph on file which was sent to us by a member of the public, who apparently took it in October 1990. It shows the house with new concrete roof tiles and freshly rendered and white painted walls. It shows the flat-roofed extension with the main entrance door set into it, and a builder's skip outside. This suggests that the extension was built and the roof tiles replaced in 1990. The building was already listed at that time, and we have no record of Listed Building Consent having been granted for those works.

A later photograph from 1997 shows that in the intervening seven years the colour of the walls had changed from white to pink.

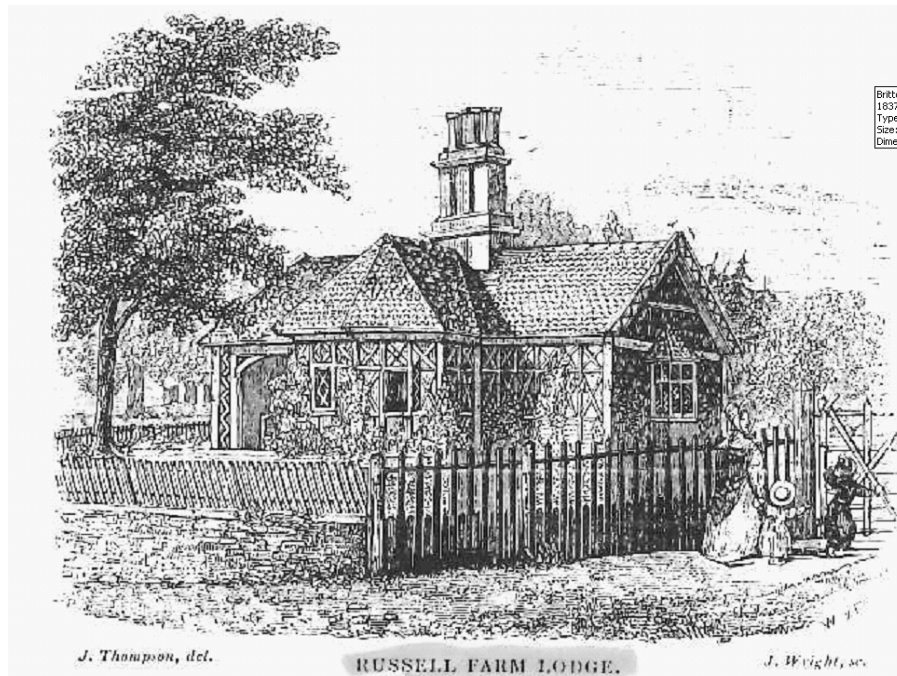


Illustration from Britton's Account of Cassiobury 1837.

### **Proposed Development**

Planning Permission is sought for the erection of a new house on land that is currently the end of the rear garden of South Lodge. The plot would be divided into two. The new house would be a bungalow with a flat roof. That roof would be a living "green roof" clad in sedum plants.

A new vehicular access point is proposed, which would cross the grass verge and connect with the residential section (sometimes called the "service road") of the Hempstead Road. This would be a shared access for South Lodge and the new house, and it would lead to a central shared parking area, with bin stores and sheds giving off it for each house. Each house would have two marked parking spaces. This new vehicular access would replace the current access point which is from the main A411 section of Hempstead Road. That

old access would be blocked with a fence, although a narrow gate would be set into that for pedestrian access only.

Please note that alterations and extensions of the existing building do not form a part of this application. Those are considered separately under case reference 15/01207/FULH.

### **Amendment to the description**

The description that was originally logged for this planning application was:

*“Construction of a new single storey 3 bed dwelling with new shared vehicular access from Old Hempstead Road.”*

A local resident who has lived in the area for many decades has contacted us to point out that it is incorrect to call the residential section of the Hempstead Road the “Old Hempstead Road” (which is how it is labelled on the plan that has been submitted).

Therefore, to avoid any confusion or ambiguity, we have amended the description as follows, with the agreement of the applicants’ agent:

*“Construction of a new single storey dwelling. Creation of a shared vehicular access from the eastern residential section of Hempstead Road to replace the existing vehicular access from the A411 Hempstead Road.”*

### **Determination deadline extension**

This application was submitted on 29 August 2015 and its eight week determination deadline was set at 21 October. Because of the number of objections that have been received, it has been necessary to refer this case to the Development Management Committee for determination (rather than determining it under delegated powers). To allow for this the applicants’ agent has agreed to an extension of the deadline until 4 November 2015.

### **Planning history**

South Lodge dates from 1835. We have the following Planning records on our database:

95/0389/9 – Conditional planning permission was granted on 01.11.1995 - Installation of a freestanding pouch (post) box

15/00529/FUL – Withdrawn on 29.06.2015 - Planning permission for proposed alterations and extensions to listed building, and construction of a new 4 bedroom detached dwelling, with new shared vehicular access

15/00530/LBC – Granted listed building consent on 07.07.2015 - Listed building consent for alterations and extensions to South Lodge (a Grade II listed building).

15/01207/FULH – Pending a decision (to be considered by the DM Committee) - Planning permission for proposed alterations and extensions to listed building.

### **Relevant Policies**

#### **National Planning Policy Framework**

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 12 – Conserving the historic environment

#### **Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026**

No relevant policies.

#### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

#### **Watford Local Plan Core Strategy 2006-31**

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

UD2 Built Heritage Conservation

### **Watford District Plan 2000**

SE7 Waste storage, recovery and recycling in new development  
SE36 Replacement trees and hedgerows  
SE37 Protection of trees, woodlands and hedgerows  
H9 Back garden development  
T10 Cycle parking standards  
T21 Access and servicing  
T22 Car parking standards  
T24 Residential development

### **Supplementary Planning Documents**

Residential Design Guide (adopted July 2014)

Watford Character of Area Study (adopted December 2011)

### **Background Documents**

Nationally Listed Buildings In Watford (2011)

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## **CONSULTATIONS**

### **Neighbour consultations**

We wrote to nearby neighbouring properties and also to those members of the public who had made representations in the case of the previous applications on this site earlier this year. 32 properties were notified on Hempstead Road, 4 on The Drive, and a letter was also sent to a person living on Langley Road who had expressed an interest. Two site notices were put up for this application on 07.09.2015, and a press notice was published in the Watford Observer local newspaper on 11.09.2015.



At the time of writing this report we have received 14 objections, 5 of which were from members of a single household. One person has written to express an interest (neither objecting nor supporting the application). The Committee will be informed of any further representations that are received up to the date of the committee meeting.

## **Consultations**

### Conservation Manager

The following comments were received from the Urban Design and Conservation Manager on 12.10.2015:

*Comments here refer to the new building rather than the alterations to the listed building but do consider the impact on the listed building and its setting.*

#### *Setting issues:*

*When considering the setting of the listed building the guidance prepared by Historic England should be considered – as published in revised form in March 2015. The guidance recommends a staged approach to decision taking when considering development affecting the setting of a heritage asset. In this case the setting of the asset has already been compromised by the fact that it is separated from the original building to which it was the lodge so that relationship has already been lost; the location of the entrance to the main road is still there and should any new entrances be proposed – which is desirable in terms of highway access then evidence of this original access should be retained – we do not have detailed design for this so that should be part of the application conditions.*

*The key feature of the setting which is retained is the fact that the lodge building has a good amount of open garden space around it which allows one to read the building as a freestanding lodge; this should be retained in any development proposals.*

*The proposals for the new dwelling show a single storey building which is subservient in terms of massing to the listed building and in my opinion is set sufficiently far away from the listed building to retain that sense of open garden space. What does cause more concern is the arrangement of car park spaces, bin stores and sheds and the impact that has on the setting and the views to the listed building. The arrangement proposed is formal and more reminiscent of a suburban estate than a Victorian lodge and I believe it is possible to improve upon this significantly and create a much better setting for the listed building and the new dwelling; the approach adopted should be one of a driveway with a strong hedge to each side with discrete car park spaces off it. It should be possible to locate bin stores more sensitively and screen them with the hedges. The two sheds should be located discretely within the gardens – I have done a sketch to show this – it may require advice from Bob Clarke regarding root protection zones for the trees and what materials may or may not be acceptable within these for car park spaces. Material for the drive should be bonded gravel with granite setts along the edges and to demarcate the car park spaces.*

*If this more positive approach is taken where we can see an improvement to the setting then the principle of building within the garden of this listed building can be accepted subject to detailed design. This would sit more comfortably with the HE advice as well.*

*Relationship to the listed building:*

*There is no requirement for development which lies close to listed structures to mimic the design of those listed structures – in fact a poor pastiche is likely to look worse and detract more from the listed building than a well designed modern building. The most important factor to get right is the massing and bulk of the new development in relation to the listed structure. The approach adopted for this scheme shows a single storey simple structure which is subservient to the listed building - the eaves line of the listed building lines up with the roof line of proposed dwelling which ensures that it will not dominate the listed building. The simple form contrasts with the more complex form of the listed building and again allows the listed building to be the most significant structure of the two*

*buildings. On this basis I consider that the relationship of the proposed building to the listed building is acceptable and will not harm the heritage asset.*

*Design of the new building:*

*The design approach is acceptable but the level of detail and the quality of features such as the fenestration is not acceptable and lets the design approach down. For a building in the location I would expect to have design details up front and for more attention to have been paid to the detailing of the fenestration. The whole building will be render which could look a bit bright and stark and it the introduction of some brick elements may help reduce this effect. We don't have any information regarding colours either. The principle of the planted roof and the use of zinc is acceptable but we will need details of these as well.*

*Landscaping – details really need to be submitted with the application here and not left to conditions.*

*In summary, I consider the principle and the approach to be acceptable but the design details and finishes is not and given the location I consider that these should be included with the application rather than left to condition – in particular I would like to see a better approach to the fenestration which looks clumsy and needs to be changed. It is important that we only approve design which is of good quality (NPPF requires this).*

Arboricultural Officer

The following comments were received from our Arboricultural Officer on 14.10.2015:

*As the main building is just outside the root protection area of the retained trees with the bin stores, sheds and a small area of car parking within the root protection area, I would refer you to my comments on the previous scheme (15/00530/FUL) which are still applicable to this proposal.*

The comments that he made in the previous case were:

*The proposed new build is generally outside the Root Protection Areas (RPA) for retained trees on and around the site, there is a small area where the bin stores and sheds are located that falls within the RPA. This area should be constructed without excavation and be gas and water permeable. I would wish to see a condition added to any consent granted requiring details of the construction of this area, which should include existing and proposed ground levels, to be submitted and approved prior to work commencing on site.*

*I would also wish to see conditions showing details of the location and routing of all below ground services, including soakaways and any temporary connections and the type, height and location of tree protection fencing. Both should be submitted and approved prior to work commencing on site.*

#### Highways Authority

Hertfordshire County Council are the Highway Authority. They sent their comments on 01.10.2015. A summary of the points that they raised is to be found in the section of this report entitled Parking and Transport (see below).

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## **APPRAISAL**

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 2013)*
- (b) the continuing “saved” policies of the *Watford District Plan 2000*
- (c) the *Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026*
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*

### **Principle of the proposed development**

The fact that a building is Listed does not necessarily mean that no development should be allowed within its curtilage, but rather that the appropriateness of any such works should be carefully considered.

This is not a Conservation Area, and neither is it designated as Green Belt. In Planning terms the strip of land that separates the two sections of the Hempstead Road has no designations except for the fact that South Lodge is Grade II listed and East Lodge is locally listed. The trees are not protected by Tree Preservation Orders. There is some Green Belt nearby at The Grove Hotel and north of Russells Lane, and covering the grounds of Holy Rood School; but not on or adjacent to this site.

In Planning terms this is an ordinary residential street except that it has houses on only one side (except for the two lodges). There is no reason in principle why a new house should not be allowed here – subject to its being well designed, sustainable and harmless.

Matters relating to any covenants that might have been placed on the land are not a material planning consideration. The granting of planning permission does not necessarily void or over-ride any covenants.

Saved Policy H9 of the Watford District Plan states that planning permission should only be granted for back garden developments where a proper means of access would be provided and where other policies regarding good design are complied with. In this case there would be an acceptable means of access and the scheme is considered well designed.

### **Design**

This will be a small, simple building which has been designed to be unobtrusive. Its flat roof will keep it low so that it will be no higher than the eaves of the existing house. It has been designed in this way to minimise its visual impact on the setting of the Listed

Building. Being a simple modernist style, it will not attempt to compete with the listed building or draw attention away from it.

It will have a living “green roof” of sedum plants. This has two benefits – environmental and aesthetic. This type of roof is low maintenance: it requires no soil, no watering except during a drought, it absorbs some rainwater run-off, it prevents the roof from overheating in summer, and it provides a habitat for insects and birds. In this case the neighbouring houses on the opposite side of the street stand on higher ground and they look over the site. Because the new house will be so low it will not intrude on their view. If they look down on it from their upper windows they will be looking at the “green” roof, which will soften its appearance and help the development blend in with the greenery around the site.

This is a simple, minimalist design, the quality of which will depend largely on the quality of the materials. The proposals are encouraging (e.g. zinc cornicing, brick plinth, timber doors, aluminium windows) but we will need to see more detail – for instance we will need to know whether the windows will be set flush with the front of the walls or set back into a reveal. These further details should be required by a pre-commencement condition.

Please see above for the Urban Design and Conservation Manager’s comments on the design. Although she is generally supportive of the proposal she makes some criticisms. She writes that she would have preferred a finishing material other than render, which she worries might appear too stark. The colour of the render has not been specified in the application and it can be controlled by a condition – it may be that a softer, more muted colour might be preferable to white, so as to ensure that the new building blends in well with its surroundings and does not draw undue attention to itself. The walls will not be entirely rendered as the plinth will be faced in brick.

### **Residential space standards**

The following minimum room size requirements are taken from the Residential Design Guide supplementary planning document, the current version of which (the second

edition) was adopted in July 2014. Please note that the minimum size for a dwelling is taken from section 7.3.6 which is based on the number of bedrooms, while the requirement for living / kitchen / dining rooms is taken from section 7.3.8 which is based on the number of “bed spaces” (i.e. occupants) and it is assumed that a main double bedroom will contain a couple, while other rooms will contain children – hence the number of *bed spaces* in a dwelling is one more than the number of *bedrooms*.

Room	Required	Proposed	Complies?
Gross internal area	For a 3 bedroom dwelling: 74m <sup>2</sup>	96m <sup>2</sup>	Yes
Main double bedroom	Area: 12m <sup>2</sup> Length & breadth should be min 2.75m	Area: 12m <sup>2</sup> Length: 3m Breadth: 4m	Yes
Bedroom 2 (single)	Area: 8m <sup>2</sup>	Area: 11.5m <sup>2</sup>	Yes
Bedroom 3 (single)	Area: 8m <sup>2</sup>	Area: 9m <sup>2</sup>	Yes
Living / kitchen / dining space	For a 3 bedroom unit (ie 4 bed spaces) combined area should be min 27m <sup>2</sup>	43m <sup>2</sup>	Yes
Storage	2.5m <sup>2</sup> for 4 people	None	No
Garden	For a 3 bedroom unit minimum 65m <sup>2</sup>	New house would have 263m <sup>2</sup> and existing house would have a slightly larger garden.	Yes

## **Parking and transport**

Our *maximum* parking standards are set out in Appendix 2 and Map 7 of the Watford District Plan 2000. This site is in Zone 4 of Map 7, where the maximum provision is set at 2.25 spaces for a 3 bedroom dwelling. In this case two spaces are proposed for each house, which complies with the policy. We have no minimum standards, but in this edge of town location it is likely that the residents will want to own cars. Two parking spaces for a bungalow seems reasonable.

Please see the table below for a summary of the points that were raised by the Highway Authority. They had no objection to the erection of a new 3-bedroom house on this site, and they wrote that they consider the relocation of the vehicular access point to the less heavily trafficked section of Hempstead Road to be an improvement from the point of view of highway safety. The following table summarises the points that they raised, and it includes comments on each of those points by the Planning Officer.

<b>Points Raised By Herts County Council Highways Service</b>	<b>Planning Officer's Response</b>
They do not object to the proposal.	Noted.
They recommend a condition to maintain visibility splays for the vehicular access point where it meets the road in the interests of highway safety.	Conditions should only be attached to a planning permission where they are necessary and reasonable. They cannot be applied to areas outside the application site. In this case the access would pass over a broad verge before it meets the road, and that verge is outside the site. It is highways land that does not belong to the applicant. There is no need to fear that the applicant might erect any fence or structure or plant any vegetation on either side because they are not entitled to do so, given that it is not their land. The condition is therefore



	<p>unnecessary because there will be clear visibility splays on either side. Furthermore, as the verge on either side of the access point is outside the application site we cannot apply a condition there.</p>
<p>They require details of the width of the crossover.</p>	<p>This can be taken from a scale measurement of the drawing, which shows that the crossover would be 2.5m wide.</p>
<p>The gradient of the crossover should not exceed 1 in 10.</p>	<p>Noted. The land slopes down slightly from the street to the site, but the verge itself is flat.</p>
<p>The parking area should be level, and it should be surfaced and drained in accordance with a detailed scheme that should be submitted for approval by the Local Planning Authority in consultation with Hertfordshire Highways.</p>	<p>The garden is flat so the parking area would be flat. The drawing states that it would be bonded gravel with granite setts to demarcate the parking bays and as an edging material. As the site is on lower ground than the street, and as a broad soft grass verge separates the site from the street, there is no risk of surface water running off onto the highway. Conditions should be applied only when they are necessary and it is not considered that a condition requiring details of surface water drainage is needed in this case.</p>
<p>A scheme of on-site parking for construction workers should be submitted for approval to ensure adequate off-street parking during the construction.</p>	<p>This type of condition is more appropriate to a large scheme, but it would be difficult to justify it in this case because realistically there would be no space on the site for the parking of vehicles, given that space will be needed around the build area for working space, and for storage of materials and</p>

	<p>equipment, and to keep clear of the root protection zones of the surrounding trees. It would be unreasonable to apply a condition that cannot be complied with. There is plenty of space to park on the street without obstructing it during the construction period. Normally during the day only a few cars are parked here as all the houses have drives for off-street parking.</p>
<p>For a development of this size there is no requirement by the Highway Authority for submission of a Transport Statement or a Design and Access Statement.</p>	<p>Noted.</p>
<p>The trips generated by the proposed three bedroom house would not be likely to cause any detrimental impact on the highway.</p>	<p>Noted</p>
<p>A review of data for vehicle accidents in the vicinity of the existing access to South Lodge shows 24 collisions (including one serious and one fatal) but no accidents have been recorded in the vicinity of the proposed new access point.</p> <p>The existing vehicular access is onto a part of the A411 which has a 40mph speed limit (which changes to 30mph soon after the site), but the residential section of Hempstead Road where the new access would be has a limit of 30mph.</p> <p>Therefore the proposal will constitute an improvement from the point of view of road</p>	<p>Noted</p>

safety.	
The proposed new access is deemed acceptable.	Noted
The number of parking spaces proposed complies with Watford Borough Council's standards. It is for the Local Planning Authority (not the Highway Authority) to consider whether the number of parking spaces proposed is acceptable.	This is correct. Each house would have two parking spaces, which complies with our maximum limit of 2.25.
Watford Borough Council's standards require one cycle storage space per unit. It is noted that sheds are proposed which could be used as bike stores.	Noted. Each house would have a shed.
Bus number 500 provides access to the town centre from a bus stop 100m south of the site.	Noted. However in this edge of town location it is likely that residents will want to own a car.
The accessibility of the site is considered adequate for a residential development.	Noted.

In the comments that we have received from the Urban Design and Conservation Manager some criticisms were made of the proposed layout of the parking area. She felt that it could have been better designed, and she has drawn an alternative layout that she considers would be preferable – her version is less symmetrical and involves more soft landscaping so as to give the parking area a softer and less exposed character. However our task is to assess the application that has been submitted by the applicant and decide whether it would be so harmful that permission should be refused; the fact that better alternatives could have been proposed is not a justifiable reason for the refusal of planning permission. The case officer and the Development Management Section Head are both of the opinion that the proposed layout is acceptable. The proposed surfacing material of bonded gravel with granite setts to mark the parking bays and edges is in line with the recommendation of the Urban Design and Conservation Officer. A hedge is

proposed to screen the sheds and the bin stores from view, and two further hedges are proposed to soften the view, to provide some privacy, and to prevent the parking area from appearing too open.

It is worth bearing in mind that the existing house at South Lodge would have had the right to create this new vehicular access as permitted development (i.e. without having to apply for planning permission) if it had been only for the use of the existing house. It only requires planning permission because it would serve a new house as well.

### **Trees, hedges and bushes**

On a site of this modest size it is not considered necessary to request a landscaping plan by a condition because the landscaping will consist of little more than a lawn and the hedges that are shown on drawing 220 revision E. The choice of species can be left to the applicant. However it is important that a condition be applied to ensure that the proposed hedges within the site should be planted as shown because they will serve to soften the appearance of the parking area and to conceal the new sheds and bin storage area.

There are no trees on the site that are protected by Tree Preservation Orders, and this site is not in a Conservation Area, so the owners are entitled to remove any of their own trees or bushes that stand within the site, but not those that stand outside it. There are a number of mature trees which stand just outside the site, and those are highway trees belonging to Hertfordshire County Council. Some of them have roots that lie partially beneath the site. They make a valuable contribution to the character of the area so it is important to ensure that they are not harmed during the building works. The architect has taken account of this by siting the new house outside the six metre root protection zones of those trees. Our Arboricultural Officer has provided the following comments:

*As the main building is just outside the root protection area of the retained trees with the bin stores, sheds and a small area of car parking within the root protection area, I would refer you to my comments on the previous scheme (15/00530/FUL) which are still*

*applicable to this proposal.*

The comments that he made in the previous case (which was subsequently withdrawn) were:

*The proposed new build is generally outside the Root Protection Areas (RPA) for retained trees on and around the site, there is a small area where the bin stores and sheds are located that falls within the RPA. This area should be constructed without excavation and be gas and water permeable. I would wish to see a condition added to any consent granted requiring details of the construction of this area, which should include existing and proposed ground levels, to be submitted and approved prior to work commencing on site.*

*I would also wish to see conditions showing details of the location and routing of all below ground services, including soakaways and any temporary connections and the type, height and location of tree protection fencing. Both should be submitted and approved prior to work commencing on site.*

Some local residents have expressed concerns that the self-seeded bushes that grow on the broad verge might be removed, and that this would make the site more exposed. The developers would not be entitled to remove any bushes that do not stand on their land unless Hertfordshire County Council have agreed to it.

### **Impact on neighbouring properties**

This site is fortunate in having no adjacent neighbours. The only immediate neighbour of the new house would be the existing house at South Lodge. There are houses on the opposite side of Hempstead Road, but they are separated by the width of the street and of the broad verge, and of their own front gardens. None of those houses will suffer any harm by the small, flat-roofed bungalow that is being proposed. Some of them will be able to see it, but that is not grounds for the refusal of planning permission. Being on higher ground, they will be looking over its flat roof.

### **Consideration of objections received**

At the time of writing this report we have received 14 objections, 5 of which were from members of a single household. One person has written to express an interest (neither objecting nor supporting the application). The Committee will be informed of any further representations that are received up to the date of the committee meeting. The Committee will be informed of any further representations that are received up to the date of the committee meeting.

<b>Points Raised</b>	<b>Officer's Response</b>
This is a back garden development.	That is so. Saved Policy H9 of the Watford District Plan states that planning permission should only be granted for back garden developments where a proper means of access would be provided and where other policies regarding good design are complied with. In this case there would be an acceptable means of access and the scheme is considered well designed.
The design is out of keeping with the character of South Lodge, which is a Grade II listed building. Anything built in the garden should blend in with South Lodge.	The design is deliberately not attempting to copy the design of South Lodge. Having a new pastiche lodge house competing with the original lodge would not be desirable. It is considered preferable to use a simple design that is less ornate and that will not attempt to compete for attention with the original lodge.
The new house will detract from the setting of the listed building.	This was a problem with the previous application, but in this case the new house is to be self-effacing, being single storey, simple in design, with a flat roof. It will sit

	<p>on low ground, and be partially hidden behind its fence. It will be well separated from the existing house.</p>
<p>One person writes that the design is very innovative and interesting and that it has some architectural merit, and he notes that because it will be low it would partly be hidden by the self-seeded bushes that grow on the verge of the public highway. However he objects because he worries that it would appear obtrusive if the developers were to clear away those bushes.</p>	<p>The owners would not have any right to clear away bushes that grow on the public highway, unless permission is given them by Herts County Council.</p>
<p>The tall trees along the boundary with the main road should not be harmed.</p>	<p>The new house will be outside the six metre root protection zone of those trees. A condition should be applied to require a tree protection plan.</p>
<p>South Lodge is largely hidden behind bushes along its boundary, and those should be retained because people living opposite do not want to be able to see it. Some objectors write that the proposed picket fence would make the site seem exposed. One objector writes that there is already a picket fence (hidden behind bushes) and that the new house should have one too, rather than having a different type of fence.</p>	<p>The fact that it will be possible for people living opposite to see the new house is not reasonable grounds for the refusal of planning permission.</p> <p>The owners have the right to remove any bushes or trees that belong to them, as none of them are protected by Tree Preservation Orders – they could do that now, without the need for any permission from the Council. They do not have the right to remove any vegetation that stands outside their site on the highway verge unless Hertfordshire County Council agree to it. The proposal is for a picket fence</p>

	<p>around South Lodge, which would replicate the one that originally surrounded the lodge house in Victorian times (as shown in an illustration from 1837). The new house would have a more contemporary style of fence so that the two houses will be read as separate properties with their own characters (one traditional the other modern) rather than the new house looking as if it is standing in the curtilage of the old house. The solid fence for the new house will also help to partially conceal it from the street, reducing its visual impact.</p>
<p>Local people like to walk their dogs along the broad verge, and are worried that they will be prevented from doing that.</p>	<p>The crossover will simply be a strip of concrete, and it will remain a part of the public highway – it will not belong to the new house. The owners will not be able to erect any structure there because it will not be their land, so there will be nothing to prevent members of the public from walking there, as they do now.</p> <p>It is worth bearing in mind that the existing house at South Lodge would have had the right to create this new vehicular access and parking area as permitted development (i.e. without having to apply for planning permission) if it had not been for the fact that the new house would also be using it.</p>
<p>The extra traffic will make the road dangerously busy. The site is close to the junction with the Drive. Parents bring their</p>	<p>The Highway Authority have written that they do not consider that the addition of one new 3-bedroom house will cause a</p>



<p>children down this street to and from Holy Rood School. There is no justification for creating a new vehicular access because South Lodge already has an access from the A411.</p>	<p>significant increase in the number of trips. They write that moving the access from its current location on the busy main road to the proposed new site on the quieter residential street would represent an improvement to highway safety.</p>
<p>Not enough parking space is provided on site, and it is feared that the new house will have more than two cars and that they will park them on the street or on the grass verge.</p>	<p>A 3-bedroom bungalow is not likely to have more than two cars. The proposal complies with our parking standards.</p>
<p>South Lodge is the only one of the old Russells estate lodges that remains as it was originally designed, and therefore no changes should be allowed that would change its character.</p>	<p>This is not correct. The building now looks very different to its original appearance. It has a different finish to its walls (painted brick and render rather than split logs) its original clay fish-scale roof tiles have been replaced with cheap modern concrete tiles, its window frames have been replaced, it has had two extensions added which have changed the shape of the house. The main entrance door has moved to a different part of the building, where it is set into an extension, rather than being in an original part of the house.</p>
<p>Who will be responsible for installing the crossover? It should be strong enough to support vehicles and prevent damage to services and cables beneath.</p>	<p>The work must be done by arrangement with Hertfordshire County Council, and it must only be done to their standards and by their licensed contractors. The developer is not allowed to do this work himself because it is not his land but part of the public</p>

	<p>highway. Crossovers are made to be strong enough to protect underground services.</p>
<p>The crossover will be an uphill road coming out at a blind spot. Traffic, pedestrians and animals would be endangered.</p>	<p>This is not to be a “road” – it is simply a crossover across a verge. The difference between this and thousands of other crossovers that connect streets to the driveways of houses around Watford is that in this case the verge is somewhat wider than normal. Although the parking area will be on lower ground, the verge itself is mainly flat. The Highway Authority have written that this new access will be safer than the existing one it will replace.</p>
<p>The flat roof might leak, which would mean that contractors would have to attend frequently to repair it, and they would be likely to park their vehicles on the street.</p>	<p>Planning permission cannot be refused on these grounds.</p>
<p>The sedum planted roof would be a “monstrosity”. One objector complains that it will look like a “WWII camouflaged bunker”.</p>	<p>It is difficult to see why natural vegetation should be considered unacceptable. It will help the site to blend in with the garden when seen from the upper windows of houses that stand on higher ground opposite.</p>
<p>Currently the house is largely hidden from the houses on the opposite side of the Hempstead Road service road by bushes. Neighbours worry that if those bushes are removed and replaced by a picket fence the site will be more exposed and no longer hidden from view.</p>	<p>These self-seeded bushes are not protected by Tree Preservation Orders and the site is not in a Conservation Area, so the owners have the right to remove any bushes that belong to them without having to make any application to the Council for permission. The illustration from 1837</p>

	<p>shows the garden as being open, with only one tree, and surrounded by a picket fence. Developers will not have the right to remove bushes outside the site unless agreed by Herts CC who are responsible for the highway, including the verge.</p>
<p>Local residents are worried that builders might park their vehicles in the street or on the verge during the works. If permission is granted a condition should prohibit lorries from using this street during hours when children are being taken to or from Holy Rood School.</p>	<p>This is not a Planning consideration. This street is a public highway, it is not a Controlled Parking Zone, and any licensed vehicle has the right to park there. It is not possible to use a condition on a planning permission to restrict activity off the site itself (such as prohibiting lorries from using a public highway).</p>
<p>The floor area of the proposed bungalow is larger than was proposed earlier this year for a two storey house (that application was withdrawn).</p>	<p>We must consider the application that is before us now on its own merits.</p>
<p>Residents living opposite do not want to have to look at the new building, its parking area or its bin stores. It should be screened by trees and bushes.</p>	<p>Being on higher ground they will largely be looking over this low, flat roofed building. The bin stores will be concealed behind a hedge.</p>
<p>The house will look like a post-war pre-fab or an outbuilding.</p>	<p>Section 60 of the National Planning Policy Framework states that “planning... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”</p>
<p>The development will put pressure on local</p>	<p>The development will be liable to pay the</p>

<p>services and infrastructure.</p>	<p>Community Infrastructure Levy (CIL) to fund improvements to local services.</p>
<p>An objector writes that there is a covenant protecting the grassed area all along the service road from development and he threatens legal action against the Council if planning permission is granted.</p>	<p>The verge is part of the public highway, which is the responsibility of Herts CC. Covenants are not a material planning consideration. They are dealt with by a Land Tribunal, which is separate from the Planning system. Planning permission does not over-ride a covenant.</p>
<p>The new house will take most of the garden space of South Lodge. It would constitute over development of the plot.</p>	<p>Each house will have adequate garden space: the new one will have 263m<sup>2</sup>. The garden space figure for the existing house is not provided, but it will be somewhat larger. The minimum garden requirement for a 3 bedroom house is 65m<sup>2</sup> (Residential Design Guide, 7.3.22). While a taller building might have amounted to over-development of the site, this low flat roofed building is designed to be self-effacing.</p>
<p>The new house might set a precedent for further new houses along the open space that separates the two parts of Hempstead Road.</p>	<p>This space is not protected by any Planning designation – it is not a conservation area, nor is it green belt. This is a residential area, so in principle there is no reason why this street should not have houses on both sides, as most residential streets in the town do. There is a shortage of housing in the borough. Any future applications for development there would have to be judged on their own merits.</p>

### **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.

The CIL charge applicable to the proposed development is £120 per square metre and the floor-space would be 96 square metres.

The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

### **Conclusion**

The site is a bungalow which is a Grade II listed building, although it has been extended and altered and it now looks quite different to its original appearance. Planning permission is sought for the erection of a new flat-roofed bungalow on land that currently forms part of the garden, and for the creation of a shared vehicular crossover and parking area. These proposals are considered acceptable in terms of their design and their

relationship to the Listed Building. The new bungalow has no adjoining neighbours other than South Lodge itself, and it will stand on ground that is lower than the houses on the opposite side of the street, which will look over its flat, sedum-planted roof. The Highway Authority have not objected, and they have written that the new vehicular access will be safer than the one that it will replace. The Development Management Section Head recommends to the members of the Development Management Committee that the application be approved as set out in the report.

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## **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. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

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## **RECOMMENDATION**

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

### 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.

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 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

3 The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority: drawings numbered 110 revision A, 120, 220 revision E, 230 revision A.

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

4 No building work shall commence (except for site clearance works, the creation of the vehicular access and the laying of foundations) until full details of the materials listed as follows have been submitted to and approved in writing by the Local Planning Authority: the zinc for the cornice, the bricks for the plinth, the render (including details of whether a coloured render is to be used, or otherwise the colour that it is to be painted), the system that is to be installed for the sedum-planted "green roof", the external doors and their frames, the windows and their frames, the rainwater goods and the paving for the parking area. Written details accompanied by colour photographs (such as from a manufacturer's brochure or website) will be acceptable, or alternatively physical samples can be submitted. Details shall be included of whether the windows are to be installed flush with the front of the windows or set into a reveal. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Part 1: Core Strategy) 2006-2031, and to ensure a satisfactory relationship with the adjacent Grade II listed building, pursuant to Policy UD2 (Built Heritage Conservation). This pre-commencement condition is considered necessary and justified because if the development were to be built in inappropriate materials, or painted in an unsuitable colour, it could result in harm to the character of the area and the setting of the Listed Building.

5 The new house shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority regarding the design of the boundary treatment and gate that will replace the existing vehicular access point from the A411. That scheme, having been approved, shall be implemented prior to the new house being occupied, and it shall be retained as such thereafter.

Reason: To ensure that South Lodge will have only one vehicular access to the public highway, and that the development will constitute an improvement to highway safety by replacing the existing vehicular access onto the busy main road with one on the residential street where the speed limit, the volume of traffic and the number of reported accidents are lower. Also to ensure that the design retains a visual reference to the original vehicular entrance to the lodge house, thus acknowledging the history of the listed building, pursuant to Policy UD2 of the Watford Local Plan Part 1.

6 No work shall commence on the site until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority, showing temporary fencing to guard the trees that stand adjacent to the boundary of the site, and showing the location of all subterranean services, including soakaways and any temporary connections. Once approved, that protective fencing shall be erected prior to any other work commencing on site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing. No changes in ground level may be made, and no hardstanding may be laid within the spread of those trees without the specific written consent of the Local Planning Authority. The sheds and the refuse bin storage areas shall stand on surfaces that are laid without any excavation and which are permeable to gases and water.

Reason: To safeguard the trees, which represent an important visual amenity, during the period of construction works, in accordance with saved Policy SE37 of the Watford District Plan 2000.



7 The new house shall not be occupied until the existing sheds have been removed, as shown on drawing 220 revision E. The proposed hedges that are shown on that drawing shall be planted in the first planting season following completion of the development, and they shall be retained thereafter.

Reason: In the interests of the visual amenity of the site, in accordance with Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Part 1: Core Strategy). The removal of the existing sheds is considered necessary to ensure that the site is not unduly cluttered and that adequate garden space is provided, and the planting of the proposed new hedges is considered necessary to screen the new sheds and bin storage areas from view.

8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out to the new house without the prior written permission of the Local Planning Authority. The following classes of Schedule 2, Part 14 (Renewable Energy) are also excluded unless otherwise approved in writing by the Local Planning Authority: A, B, C, E, F, G, H, I.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the new house, and that they will not prove detrimental to the amenities of the residents of the site or of adjoining occupiers, in accordance with Policies UD1 and UD2 of the Watford Local Plan Part 1. Also to ensure that any extensions or outbuildings that are erected do not result in a loss of garden space that would result in inadequate private amenity space. For the avoidance of doubt, the specified classes in Part 1 include the following types of development: A includes extensions and external alterations, B includes roof extensions, C includes other roof alterations, D covers porches, E includes outbuildings pools and enclosures, and F includes hard surfaces such as paving. The specified classes in Part 14 include solar panels, ground source heat pumps, flues, air source heat pumps and

wind turbines. It is considered necessary to apply this condition because such equipment could have the potential to affect the visual appearance of the development and its impact on the setting of the adjacent Grade II Listed Building; or in the case of ground source heat pumps to affect the roots of trees adjacent to the site.

### 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 2015.

2 The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report, presented to the Development Management Committee on 29 October 2015, can be obtained from the Council's website as an appendix to the agenda of that meeting.

3 The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

4 The development will involve the creation of a new dwelling which will require an address. The applicant must apply to the Council to allocate a street number or name. This is a requirement of the Public Health Act 1925. Applications for this purpose should be made to the Local Land and Property Gazetteer Officer at Watford Borough Council, Town Hall, Watford, WD17 3EX.

5 Works to be undertaken on the adjoining highway (including the verge) will require an agreement with Hertfordshire County Council, who are the Highway Authority. The applicant should contact the County Council's Highways Service to obtain their permission, and to discuss their requirements. This is to ensure that any works undertaken on the highway are constructed in accordance with the Highway Authority's specification and by a contractor who is authorised by them to work on the public highway.

Drawing Numbers

Drawing 110 revision A - site location plan

Drawing 120 - site plan as existing

Drawing 220 revision E - site plan as proposed

Drawing 230 revision A - plans and elevations as proposed

Heritage statement (one page document)

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