

<b>PART A</b>	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee:	<b>7<sup>th</sup> April 2016</b>
Site address:	<b>1 Richmond Drive, Watford</b>
Reference Number:	<b>16/00124/FUL</b>
Description of Development:	<b>Erection of two detached houses. Amendment to planning permission 14/01466/FUL consisting of the erection of single storey rear extensions to each dwelling.</b>
Applicant:	<b>Stratford Developments Ltd</b>
Date Received:	<b>29<sup>th</sup> January 2016</b>
8 week date (minor):	<b>25<sup>th</sup> March 2016</b>
Ward:	<b>Park</b>

## **1.0 SITE AND SURROUNDINGS**

1.1 Conditional planning permission was granted at the Development Management Committee Meeting of 16<sup>th</sup> December 2014 (ref: 14/01466/FUL) for the demolition of the original bungalow and erection of 2no. detached 5-bed houses. This followed a previous permission that was granted on 11<sup>th</sup> October 2012 (ref: 12/00815/FUL). The proposed dwellings have been substantially constructed externally, as shown in the photograph in Figure 1. The new vehicular crossover for Plot 2 has not been laid out yet and the landscaping scheme and boundary treatments shown on drawing No. 13/07 – SP SK01 of planning permission 14/01466/FUL have not been fully completed to date.

1.2 There is a fairly consistent building line in this part of Richmond Drive. The houses

are predominantly detached and set back from the road.

- 1.3 The north-western side boundary of the application site borders the rear gardens of Nos. 85-93 Langley Way. These neighbouring properties are mainly semi-detached houses and the two storey rear walls are approximately 20.5m from the boundary. Most of the properties have single storey rear extensions. The boundary consists of a timber fence.
- 1.4 The south-eastern side boundary borders No. 3 Richmond Drive. This adjacent house has an attached garage adjacent to the boundary. The boundary consists of a timber fence.
- 1.5 The land level rises to the rear of the site. The houses to the rear of the application site in Berceau Walk are over 50m from the rear elevations of the approved houses.
- 1.6 The application site is not located in a designated conservation area.



Fig. 1. Photograph of front elevation of proposed houses.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The application proposes the erection of single storey rear extensions to the 2no. detached houses approved under application reference 14/01466/FUL. The proposed extensions would be 3.3m deep and 7.5m wide. The extensions are designed with flat roofs incorporating 2no. roof lanterns. The flat roofs would be 2.9m high. The extensions would be finished in materials to match the constructed houses. No other amendments are proposed.

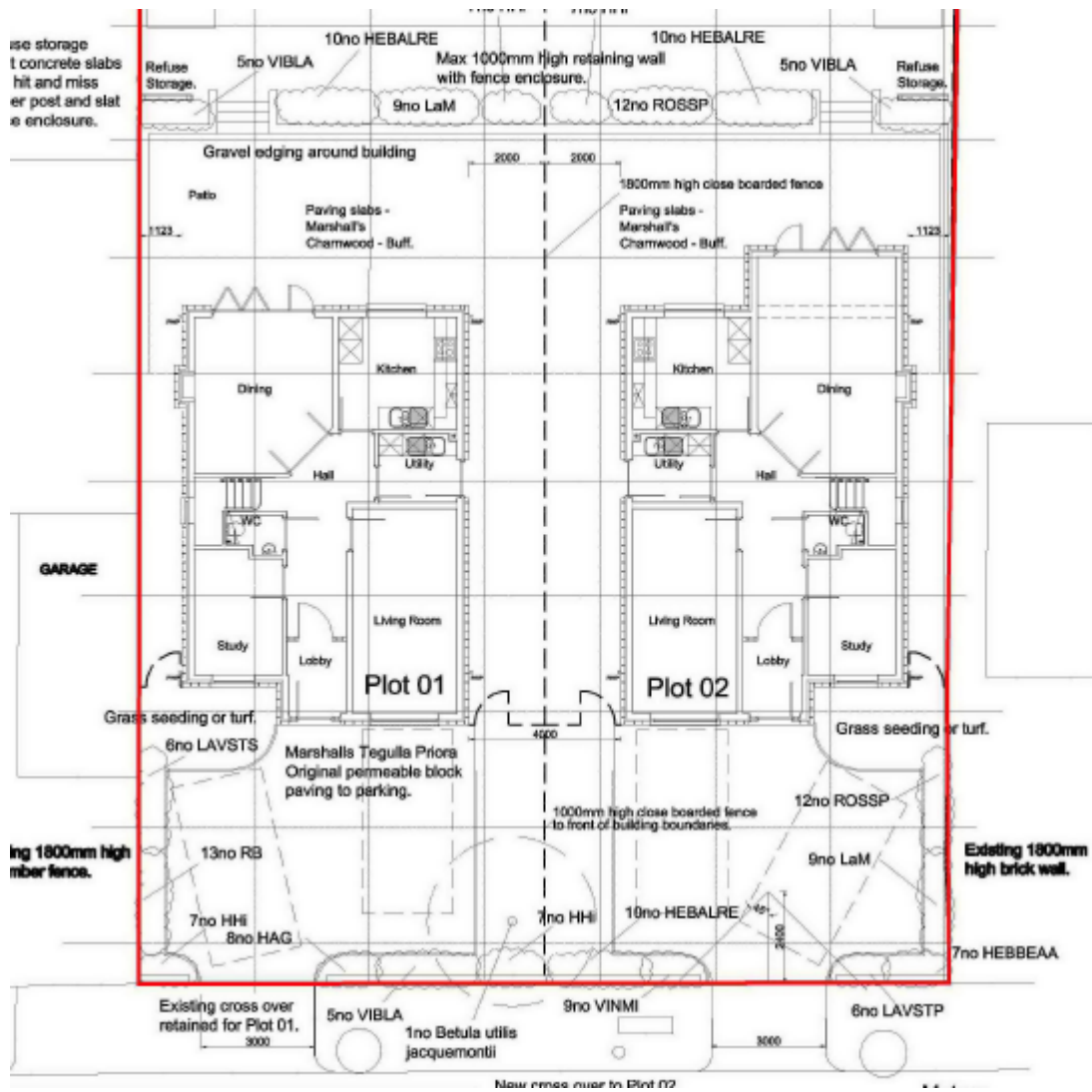


Fig. 2. Approved site plan for planning application 14/01466/FUL

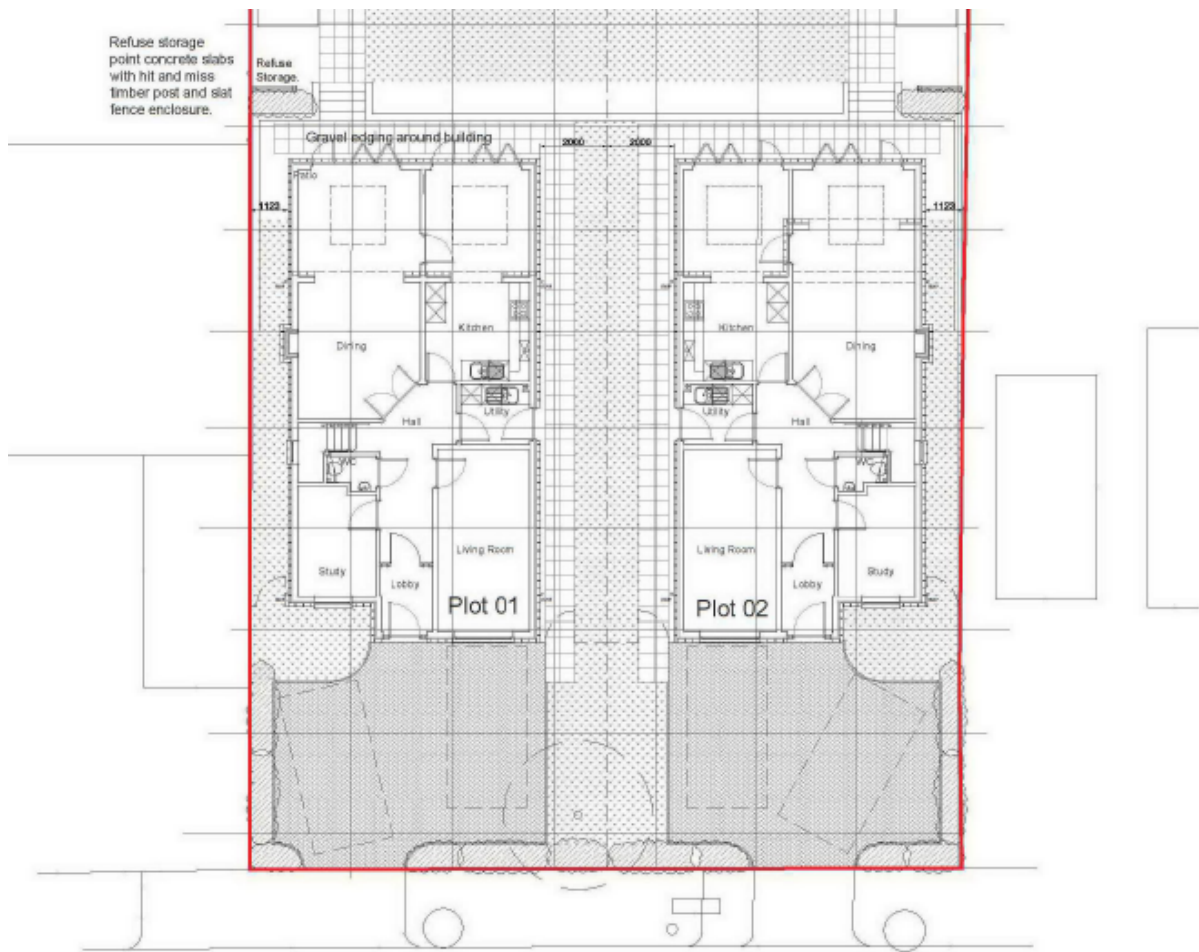


Fig. 3. Proposed site plan for current planning application.



Fig. 4. Proposed rear elevation for Plot 1.

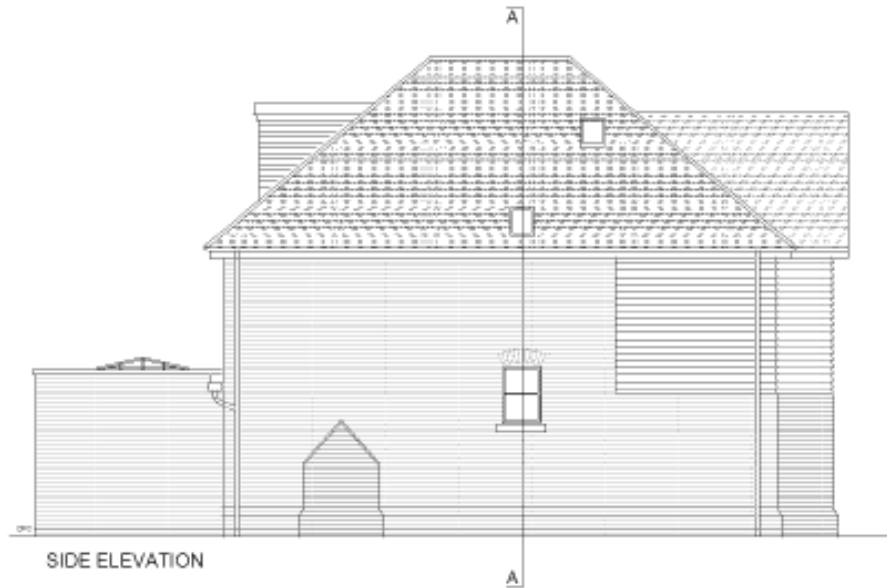


Fig. 5. Proposed side elevation for Plot 1.

### 3.0 RELEVANT PLANNING HISTORY

3.1 14/01466/FUL - Part retrospective application for demolition of existing dwelling and erection of two detached five bedroom dwellings (amendments to planning permission 12/00815/FUL). Conditional planning permission. 16<sup>th</sup> December 2014.

- 1) Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturday, and not at all on Sundays and Public Holidays.
- 2) Within two calendar months of the date of this decision, details and samples of the materials to be used for all the external finishes of the dwellings, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, shall be submitted to the Local Planning Authority for approval. The development shall be carried out only in accordance with approved details and samples.
- 3) The hard landscaping shall be laid out in accordance with the details

shown on drawing No. 13/07 – SP SK01, unless otherwise agreed in writing by the Local Planning Authority.

4) The soft landscaping scheme shown on drawing No. 13/07 – SP SK01 and detailed in the Landscape Specification dated January 2014 Rev A 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.

5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B or C of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

6) The proposed windows in the north-western and south-eastern side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

7) The boundary treatment around the boundaries of the site and within the site shall be installed in accordance with the details shown on drawing No. 13/07 – SP SK01 prior to the first occupation of the dwellings hereby approved. The boundary treatment shall be maintained at all times thereafter. Details of any alternative boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall only be installed in accordance with any alternative details approved by this Condition.

8) The dwelling on Plot 2 hereby approved shall not be occupied until the new vehicular crossover for Plot 2 has been laid out in accordance with the layout shown on drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority).

9) The dwellings hereby approved shall not be occupied until the scheme for parking has been laid out in accordance with drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority). The parking area shall be retained for the parking of vehicles at all times thereafter.

10) The dwellings hereby approved shall not be occupied until the surface water drainage system for the hard surfacing to the front of the houses has been constructed in accordance with the details shown on drawing No. 119 03 A, unless otherwise agreed in writing by the Local Planning Authority.

11) The Construction Management Plan dated 8th February 2014 submitted pursuant to Condition 12 of planning permission 12/00815/FUL shall be implemented throughout the construction period.

12) The development hereby approved shall be constructed in accordance with the proposed finished floor level and proposed ground levels shown on drawing No. 119 02 Rev A. No change in ground levels shall be made other than those shown on drawing Nos. 119 01 and 119 02 Rev A.

13) Within two calendar months of the date of this decision, details of the size, design and siting of weatherproof cycle storage shall be submitted to the Local Planning Authority for approval. The dwellings hereby approved shall not be occupied until the cycle storage has been provided in accordance with the approved details.



14) Subject to the requirements of Condition 15, the development hereby permitted shall be carried out in accordance with the following approved drawings:

13/07-LP01; 119 01; 119 02 Rev A; 119 03 Rev A; 13/07-SP SK01; 13/07-P1 SK01; 13/07-P1 SK02 Rev A; 13/07-P2 SK01; 13/07-P2 SK02.

15) Notwithstanding any details shown on the drawings referred to in Condition 14, the chimney of the dwelling on Plot 1 shall be constructed on the south-eastern flank elevation in the position shown on the drawings approved under planning permission 12/00815/FUL granted on 11 October 2012 and the dwelling shall not be occupied until additional drawings showing this change (and any other consequential changes to the layout, design and appearance of the dwelling) have been submitted to and approved in writing by the Local Planning Authority.

16) The dwellings hereby approved shall not be occupied until the partially constructed single storey rear extensions shall have been demolished.

Members of the Development Management Committee attached Condition 16 because of concerns that single storey rear extensions were under construction, which were not shown on the proposed drawings. The timber framing has since been removed by the applicant.

Members also attached Condition 15 because of concerns that the chimney on the side of Plot 1 would have an impact on the outlook of houses in Langley Way. The applicant subsequently submitted a variation of condition application (ref: 15/01517/VAR) to remove the chimney entirely so there is just a low level chimney breast to provide space for a fireplace in the dining room. The application was approved on 15<sup>th</sup> December 2015.

Conditions 2 and 13 have been discharged (refs: 15/00396/DISCON &

## 4.0 PLANNING POLICIES

### 4.1 Development Plan

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

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

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

WBC1	Presumption in favour of sustainable development
SS1	Spatial strategy
UD1	Delivering high quality design
SD1	Sustainable Design
SD2	Water and Waste Water
SD3	Climate change
SD4	Waste
HS1	Housing supply and residential site selection
HS2	Housing mix
T2	Location of New Development

T3	Improving Accessibility
T4	Transport Assessments
T5	Providing New Infrastructure
INF1	Infrastructure delivery and planning obligations

#### 4.4 **Watford District Plan 2000**

SE7	Waste Storage and Recycling in New Development
SE22	Noise
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provisions in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

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

1	Strategy for the Provision of Waste Management Facilities
1A	Presumption in Favour of Sustainable Development
2	Waste Prevention and Reduction
12	Sustainable Design, Construction and Demolition

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

No relevant policies.

#### 4.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

#### 4.8 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014. It provides a robust set of

design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

#### 4.9 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

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

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Decision taking

## 5.0 CONSULTATIONS

### 5.1 Neighbour consultations

Letters were sent to properties in Richmond Drive, Langley Way and Berceau Walk.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	27
Number of objections:	7
Number in support:	0
Number of representations:	0

The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
The proposed extension will give a sense of enclosure at the rear of gardens of Langley Way.	This is considered in paragraph 6.3 of the report.
I have concerns about loss of privacy.	The ground floor position of the windows and the considerable distances maintained to neighbouring properties would ensure that there would not be a significant loss of privacy to neighbouring properties.

<p>It would further increase the overdevelopment of the site. The proposed extensions remove a large part of the rear gardens.</p>	<p>The size of the rear gardens of the proposed houses are considered to be acceptable. The proposed extensions would have no adverse effect on the character and appearance of the area or the residential amenities of neighbouring properties, therefore it is not considered that the proposal would be an overdevelopment of the site.</p>
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The Committee will be advised of any additional representations received after the date this report was written.

**5.3 Statutory publicity**

No statutory advertisement was required for this application.

**5.4 Technical consultations**

No technical consultations were required for this application.

**6.0 APPRAISAL**

## 6.1 Main issues

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

- (a) The impact of the proposed development on the character and appearance of the area;
- (b) The impact of the proposed development on the residential amenities of neighbouring properties.

### 6.2 (a) The impact of the proposed development on the character and appearance of the area.

The proposed single storey rear extensions would appear proportionate to the houses because of their modest height and depth. Given the single storey height of the extensions, their location to the rear of the houses and the screening provided on the site boundaries, it is not considered that there would be a harmful impact on the character and appearance of the area. The design of the extensions would integrate well with the houses.

### 6.3 (b) The impact of the proposed development on the residential amenities of neighbouring properties.

Impact on properties in Langley Way:

The proposed single storey rear extension on Plot 1 would cause no loss of daylight or sunlight to the neighbouring houses in Langley Way because of the single storey height of the extension, its modest depth, and the sizeable distance to the rear windows of the neighbouring properties. For the same reasons, the proposed extension would not appear overbearing or cause an unacceptable sense of enclosure to the neighbouring properties. It should also be borne in mind that the extension would be partially screened by the existing boundary treatment. As such, the proposed development would have no adverse effect on the residential amenities of properties in Langley Way.

### 6.4 Impact on No. 3 Richmond Drive:

No. 3 Richmond Drive has a garage adjacent to the site boundary, therefore the habitable rear windows of the neighbouring property are located away from the boundary. The proposed extension on Plot 2 would not infringe the 45 degree lines in plan or elevation, measured from the centre of the nearest ground floor rear habitable window of No. 3, therefore the proposed extension would not cause a significant loss of light or outlook to the habitable rooms of the neighbouring property. Furthermore, given the modest size of the extension, it would not appear overbearing or cause an unacceptable sense of enclosure to the neighbouring garden. As such, the proposed development would have no adverse effect on the residential amenities of No. 3 Richmond Drive.

#### 6.5 Impact on properties in Berceau Walk:

The proposed single storey rear extensions would be at a lower level than the houses in Berceau Walk and would maintain distances of around 50m from the neighbouring properties. As such, the proposed development would not cause a significant loss of light, outlook or privacy to the neighbouring properties.

### **7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION**

#### 7.1 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.

7.2 The CIL charge applicable to the proposed development is £120 per sqm. 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.



7.3 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.

## **8.0 CONCLUSION**

8.1 The proposed single storey rear extensions would appear proportionate and integrate well with the houses. Furthermore, there would be no adverse effect on the residential amenities of neighbouring properties. Accordingly, it is recommended that the proposed development should be approved.

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## **9.0 HUMAN RIGHTS IMPLICATIONS**

9.1 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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## **10.0 RECOMMENDATION**

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

1. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturday, 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.

2. The external surfaces of the development hereby approved shall be finished in accordance with the materials specified in Discharge of Condition application 15/00396/DISCON (approved 24<sup>th</sup> April 2015).

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area.

3. The hard landscaping shall be laid out in accordance with the details shown on drawing No. 16/01 – SP02, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site.

4. The soft landscaping scheme shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) and detailed in the Landscape Specification dated January 2014 Rev A 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.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B or C of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

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 proposed development and will not prove detrimental to the amenities of adjoining occupiers.

6. The proposed windows in the north-western and south-eastern side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

7. The boundary treatment around the boundaries of the site and within the site shall be installed in accordance with the details shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) prior to the first occupation of the dwellings hereby approved. The boundary treatment shall be maintained at all times thereafter. Details of any alternative boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall only be installed in accordance with any alternative details approved by this Condition.

Reason: In the interests of the visual appearance of the site.

8. The dwelling on Plot 2 shall not be occupied until the new vehicular crossover for Plot 2 has been laid out in accordance with the layout shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

9. The dwellings shall not be occupied until the surface water drainage system for the hard surfacing to the front of the houses has been constructed in accordance with the details shown on drawing No. 119 03 A (approved under planning application reference 14/01466/FUL), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent surface water run-off into the adjacent highway.

10. The Construction Management Plan dated 8th February 2014 shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed.

11. The development hereby approved shall be constructed in accordance with the proposed finished floor level and proposed ground levels shown on drawing No. 119 02 Rev A (approved under planning application reference 14/01466/FUL).

Reason: To protect the residential amenities of neighbouring properties and in the interests of visual appearance of the site.

12. The dwellings shall not be occupied until weatherproof cycle storage has been provided in accordance with the details specified in Discharge of Condition application 15/00398/DISCON (approved 9<sup>th</sup> June 2015).

Reason: To ensure that the proposed development meets sustainable transport objectives.

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

16/01 – LP01; 16/01 – PL05; 16/01 – PL06; 16/01 – PL07; 16/01 – PL08; 16/01 – SP01; and 16/01 – SP02.

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

#### Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find out more information and for advice as to whether a Building Regulations application will be required please visit [www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com).
3. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a

procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)

4. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

Drawing numbers

16/01 – LP01; 16/01 – PL05; 16/01 – PL06; 16/01 – PL07; 16/01 – PL08; 16/01 – SP01; and 16/01 – SP02.

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