

Part A	
Report of: Development Management Section Head	
Site address:	Land Adjacent To 10 Nascot Wood Road WD17 4RS
Reference Number:	16/00680/FUL
Description of Development:	Erection of a detached 5 bed dwelling with private access from Nascot Wood Road
Applicant:	Woolbro Homes
Date received:	16.05.2016
13 week date (major):	11.07.2016 (Ext)
Ward:	Nascot

1.0 Site and Surroundings



- 1.1 Nascot Wood Road is a primarily residential area featuring dwellings on spacious plots.
- 1.2 This application relates to an area measuring c. 0.135ha located south of the original site associated with 10 Nascot Wood Road; a residential dwelling sited in the middle of this large plot.
- 1.3 As its name suggests the site and its environs is characterised by deciduous trees. Indeed, the Tree Preservation Group (TPO) No. 262 is located to the immediate west of the site.
- 1.4 No. 10 Nascot Wood Road is a large dwelling accessed from Bay Tree Walk (perpendicular to Nascot Wood Road). The house, featuring two-storeys and a pitched roof with gables is orientated northwest/southeast within the plot. From

my site visit it appeared that the functional front of the house faced northeast with the rear of the dwelling facing the opposite direction. Habitable windows are present on the front and rear elevations.

- 1.5 The streetscene is characterised by various dwelling types and sizes however, all are well setback from the roadside and are generally two storeys in form.
- 1.6 Neighbours to the northwest include Nos. 2 & 4 Bay Tree Walk (08/00615/FUL) to the east and Nos. 1 and 2 Harmonia Court across a copse a trees to the southeast.
- 1.7 The site is not part of a conservation area nor does it affect the setting of a listed building.
- 1.8 The site has been partially cleared of trees. However, these trees were not part of the aforementioned TPO Group nor were they part of a conservation area. The removal of the trees was lawful and the application should be considered on the basis of the appearance of the site in the current situation.

2.0 Proposed Development

2.1 Erection of a detached 5-bed dwelling with private access from Nascot Wood Road

3.0 Relevant Planning History

3.1 15/01755/FUL Erection of two new detached family homes (1no. 3 bed and 1no. 4bed) both with private access from Nascot Wood Road Refused Planning Permission

3.2 Reasons for Refusal:

- (i) The application fails to demonstrate that the proposed dwelling House 1 would have a suitable visual relationship with the neighbouring properties due to its siting close to the site boundary at variance with the siting of other houses in the area. This effect is accentuated by the inconsistent and confused detailing evident in its design. Based on the information submitted, it has not been demonstrated that the development would cause no detrimental impact on the streetscene in regard to the character and appearance of the area and therefore the objectives of the Residential Design Guide (RDG), Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Section 7 of the National Planning Policy Framework (NPPF) have not been satisfied.
- (ii) The proposed dwellings because of the overlooking at habitable windows from the neighbouring properties would suffer from a lack of private open

space in both of the proposed gardens. Furthermore, House 1 would suffer from overlooking onto its habitable rear ground floor windows due to an inadequate separation distance between the existing (10 Nascot Wood Road) and the proposed dwelling. The trees proposed to provide screening are an inadequate solution and could be removed or die off thereby compromising the privacy of future occupants. Again, the objectives of the Residential Design Guide (RDG), Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Section 7 of the National Planning Policy Framework (NPPF) have not been satisfied.

- (iii) House 1 would suffer from very poor amenity at its rear elevation due to it being bounded by House 2 to the south and east and by trees to the northeast. This would result in a private amenity space that would be constantly in shadow. When this is combined with the fact that the rest of the house's garden area would also be overlooked the dwelling would suffer from a lack of private amenity space in contrast with the objectives of the Residential Design Guide (RDG), Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Section 7 of the National Planning Policy Framework (NPPF)

4.0 Planning Policies

4.1 National Planning Policy Framework

Section 1 Building a strong, competitive economy
Section 4 Promoting sustainable transport
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design

4.2 Hertfordshire Waste Core Strategy 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

4.3 Watford Local Plan Core Strategy 2006-31

WBC1 Presumption in favour of sustainable development
SS1 Spatial Strategy
SD1 Sustainable Design
SD2 Water and Wastewater
SD3 Climate Change
HS1 Housing Supply
T2 Location of New Development
T3 Improving Accessibility
T5 Providing New Infrastructure

UD1 Delivering High Quality Design

4.4 Watford District Plan 2000

SE7 Waste Storage, Recovery and Recycling in New Development

SE22 Noise

T21 Access and Servicing

T22 Car Parking Standards

4.5 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.

4.6 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.

4.7 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.

5.0 Consultation

5.1 Neighbour - Letters sent to surrounding residences. 6 objections received.

5.2 The points raised are summarised below:

- House would be sited too close to the roadside i.e. not characteristic of the area
- No of bedrooms means that (parking) overspill resulting in on-road parking is likely
- The additional entrance (*Officer Note: now deleted,*) is dangerous and unnecessary
- Concerns that construction work would be detrimental to the safety of pedestrians, notably pupils attending the nearby school
- The occupants at 2 Bay Tree Walk note that side facing bedrooms would look directly onto their upstairs bedroom windows (*Officer Note: plans since amended*)
- The garage is too large and not in keeping with the area
- Objections raised over clearing of unprotected trees prior to submission of this new application

- Objectors state that the neighbourhood cannot adequately cope in terms of infrastructure provision with a development of this size.

5.3 Statutory publicity

No statutory advertisement was required for this application.

5.4 Technical consultations

5.5 Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions and advisory notes.

5.6 Arboricultural Officer

No objections subject to the addition of conditions to the decision notice detailing the route of proposed sub-surface services including soakaways and temporary connections during construction. A detailed landscape plan is also required and the final condition should require the applicant to submit for approval by the LPA the type, height and location of tree protection measures/fencing for all retained trees.

6.0 Appraisal

6.1 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
- (d) the Hertfordshire Minerals Local Plan Review 2002-2016.

6.2 Main issues

The main issues for consideration in the determination of this application are:

- (a) Principle of the Development
- (b) Impact on the Character and Appearance of the Area
- (c) Amenity
- (d) Traffic, highways and parking impacts.

6.3 Principle of Development and Proposed Uses

Policy HS1 of the Watford Local Plan Core Strategy 2006-31 advises that the factors that will support residential allocation in the site allocations document, and which will also be considered in determining applications on windfall sites, will include, inter alia: consistency with the spatial strategy; previously developed land; close to good public transport, walking and cycle network routes; location within the town centre or at other strategically located sites. The Policy further advises that factors

that will go against residential allocation will include: not previously developed land; land at risk of flooding; existing employment land, open space or other community facilities for which there is still an identified need; land with high biodiversity, landscape or cultural heritage significance; no access to reliable integrated public transport links.

It states that 'Planning permission for back garden development will only be granted where:

- (i) A proper means of access which is convenient and safe for pedestrians, non-motorised and motorized highway users is provided, which keeps to a minimum any visual impact within the street scene; and
- (ii) The proposal complies with the criteria listed in Policy H8 (Residential Standards) and Policies U1, U2, U3 and U4'

- 6.4 The layout of the existing dwelling at the site is somewhat unusual. It being located to the rear of the primary rows of houses and having the appearance of a backland development itself based on the current street scene. Due to the orientation, the area to be developed is a garden which lies to the rear of the dwelling, however it is the front of the site in terms of the street scene and is an area one would expect to have a property taking into account the wider urban grain.
- 6.5 The situation Policy H9 was intended to address is not that presented by the application site, however the proposal is assessed against it for completeness.
- 6.6 In respect of point (i) The Highway Authority has been consulted and has raised no objection to the access arrangements. The proposed dwelling would have a single direct access to the public highway. The amendments have reduced the number of access points and improved the front boundary treatment to minimize the visual impact of the access and parking arrangements within the street scene.
- 6.7 In respect of Policies H8, U1, U2, U3 and U4, which are referred to in Policy H9, have not been 'saved' and have been replaced by Policies UD1 and SD1 of the Watford Local Plan Core Strategy 2006-31 which seek to ensure that high quality and sustainable development that enhances the environment is achieved. These matters are issues of design and appearance which are addressed in section 8.4 of this report and overall the proposal is considered acceptable in this respect.
- 6.8 Housing mix
Policy HS2 of the Watford Local Plan Core Strategy 2006-31 states that the Council will seek the provision of a mix of housing types, sizes and tenures at local level to meet the requirements of all sectors of the community. This includes the provision of:

- Family sized units (especially houses) and;
- Smaller housing units;
- Provision for those unable to compete financially in the housing market;
- Those with special needs as informed by local evidence.

- 6.9 Policy HS2 advises that “Low density family houses with gardens will be sought in more suburban areas”. Paragraph 8.2.7 of the Watford Local Plan Core Strategy 2006-31 also identifies that there is significant need for dwellings with 3 or more bedrooms.
- 6.10 The proposed development would not conflict with the objectives of Policy HS2 in that it would provide a family-sized house comprising 5 bedrooms.
- 6.11 Affordable housing is not sought in this case because the application is for less than 10 residential units and the site is less than 0.5ha in area.
- 6.12 Scale, Design and Impact on the Character and Appearance of the Area
The proposal as perceived from the roadside would read as a large house featuring a hipped roof with a garage to one side giving the structure (as perceived from the dominant front elevation) an asymmetrical appearance. It would employ red brick as the primary building material and the main design feature is the gable over two storeys. To the southeast elevation a subordinate projection, setback slightly from the front completes the front elevation.
- 6.13 To the rear a secondary projection extends 5.5m from the main rear elevation. While this element is relatively bulky it would not be readily visible from the roadside and would not therefore impact on the visual amenity of the street.
- 6.14 In terms of siting objectors state that the building line is too far forward and therefore not characteristic of the immediate area. The front elevation of the proposed dwelling would sit c. 7m from the site boundary to the front and I note the position of the adjacent dwellings at Bay Tree Walk. While these properties are sited perpendicular to the proposed dwelling the new dwelling would align with the flank elevation of No. 2 Bay Tree Walk. This seems a natural visual arrangement at the site, which lies adjacent to a bend in the road, and it is noted that in general the pattern of development in the area is such that the setback of properties from the road reduces towards the bend in this location. When this is combined with the reduction in the vehicular entrances from two to one (see section 8.7) and the amended boundary treatment the visual impact on the area is considered acceptable and does not give rise to objection in terms of applicable policy. Appropriate landscaping conditions will ensure that the existing hedging shall remain in place.

- 6.15 The Highway Authority raised no objections to the dual vehicular entrance depicted on the original plans. Nevertheless, from a design and visual amenity standpoint the case officer advised the applicant that the LPA would object to the originally proposed boundary treatment (two entrances and fencing). This original design was considered too open, harsh and uncharacteristic for this partly wooded and green area. Consequently, after negotiation, amended plans were requested and it is these amended plans that fall to be considered. These plans demonstrate one vehicular entrance supplemented by a pedestrian gate with the remainder of the existing boundary hedge to be retained. The layout and design now proposed is considered to be visually sympathetic with the immediate surroundings and compliant with relevant design and appearance policies.
- 6.16 The garage was originally proposed as a separate structure. This has been revised so that it is joined to the western flank of the dwelling thereby reducing and consolidating the visual impact of the structure into one unit. The roof form has also been altered to reflect that of the house. The garage is now considered compliant with relevant design policy and the LPA raises no objections in terms of design and appearance.
- 6.17 Impact on Neighbour Amenity
I note the concerns of neighbours in terms of impact on their amenity. In reference to the dwellings at Bay Tree Walk one of the residents objected citing loss of privacy arising from the position of two bedroom windows on the western flank wall facing directly on to habitable rear windows on the upper floor at Bay Tree Walk. Consequently, the plans have been amended, reducing the original six bedroom proposal to five bedrooms by merging two previously separate rooms into one. As a result the majority of windows facing Bay Tree Walk are now proposed to be obscure glazed ensuring there is no overlooking or loss of privacy to neighbours. Only one window facing towards Bay Tree Walk remains fully transparent (serving bedroom 3) but given the distance between this window and the closest neighbour (c.28m) exceeds the guidance contained in Watford's RDGs this relationship accords with adopted guidance and would not result in an unacceptable loss of privacy.
- 6.18 I also note the distance between the rear elevation of No. 10 Nascot Wood Road and that of the proposed subject dwelling. Within the amended plans which fall to be considered the upper level habitable windows at the rear of the dwelling are now perpendicular to the rear elevation of 10 Nascot Wood Road ensuring acceptable outlook and privacy at the proposed and existing dwellings.
- 6.19 Transportation, access and parking
The Highway Authority has no objection to the entrance layout subject to standard conditions.

Residents have raised concerns regarding parking provision and the proposal's potential to generate additional on-street parking. I note these concerns and have considered the area of the site, the garage provision, and Watford's parking standards. Watford's guidance seeks the provision of three spaces per dwelling for houses with three bedrooms or more. It is clear from the plans that there is adequate space within the site to provide sufficient parking in accordance with the adopted guidance. As such, it is not considered that unacceptable impacts are likely to arise and refusal on parking grounds could not be justified.

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 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.

7.3 In this case, the proposal seeks to create new residential floorspace and is CIL liable. The CIL charge for new residential development is currently set at £120 per square metre.

8.0 Conclusion

8.1 The proposal would contribute towards meeting the housing need in the Borough and would make effective use of a sustainable site. The layout of the proposed development would provide an acceptable standard of amenity for future occupiers and there would not be a significant loss of amenity to neighbouring properties. The design of the proposed building is acceptable and meets all policy guidance. Future occupiers of the development would have easy access to shops and public transport facilities.

8.2 As such, the proposal accords with the Development Plan and the National Planning Policy Framework and therefore constitutes 'sustainable development'. There are considered to be no material planning considerations that outweigh the benefits of the proposal, therefore it is recommended that the application should be approved.

9.0 Recommendation

That conditional 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. The development hereby permitted shall be carried out in accordance only with the following approved drawings:-

- PL103 Rev B 12 July 2016
- PL106 Rev B
- PL105 Rev B
- PL104 Rev B 12 July 2016

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

3. Prior to commencement of the development hereby permitted details of the boundary treatment, the access /egress road serving the site and visibility splays shall be submitted to the planning authority for approval in writing. Thereafter the boundary treatment shall be installed and maintained in accordance with the approved details unless otherwise approved in writing by the Council.

Reason: In the interest of Highway safety.

4. Prior to the commencement of development details of the route of proposed sub-surface services including soakaways and temporary connections during construction shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the continued health and vitality of the trees remaining the subject of the TPO adjacent the site.

5. The dwelling shall not be occupied until full details of a hard & 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 character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. The first floor windows in the north-west facing side elevation of the building hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times, and shall be permanently maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(as amended) 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.

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 development, and which will not prove detrimental to the amenities of the residents of the site or of adjoining occupiers, in accordance with Policy UD1 of the Watford Local Plan Part 1 and the principles of good design that are set out in the Residential Design Guide supplementary

planning document. Also to ensure that any extensions or outbuildings that are erected do not result in an inadequately sized private garden area.

9. No development shall commence within the site until full details and samples of the materials to be used for the external surfaces of the building, including windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 2013 (Adopted January 2013).

10. No part of the development shall be occupied until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and, to ensure that sustainable transport objectives are met.

11. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure an acceptable relationship between the proposed building, the adjoining residential development and the adjoining highway is achieved.

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.

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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
2. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris in the highway.
3. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into the public highway without authorization from the highway authority, Hertfordshire County Council. www.herts.org/services/transtreets/highways or phone 0300 1234047 to arrange.
4. The applicant is advised that they may need to enter into a S278 legal agreement under the Highway Act to construct the access road from Montgomery Avenue, which is a public highway. The completion of a S278 agreement may take up to 14 weeks.
5. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974 Part IV, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.
6. In order to minimise the impact of noise and general construction, work should be restricted to the following hours:
 - Monday to Friday 8am to 6pm
 - Saturdays 8am to 1pm
 - Noisy work is prohibited on Sundays and bank holidays.

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