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|--|---|
| PART A   |   |
| Report of: <b>Head of Development Management</b> |   |
| Date of committee:                               | <b>1<sup>st</sup> September 2016</b>  |
| Site address:                                    | <b>7 Elfrida Road Watford</b>   |
| Reference Number:                                | <b>16/00868/FUL</b>   |
| Description of Development:                      | <b>Demolition of existing bungalow and construction of a two storey building to provide 4no. 1-bed flats.</b> |
| Applicant:                                       | <b>Mr &amp; Mrs Darley</b>  |
| Date Received:                                   | <b>22nd June 2016</b>   |
| 8 week date (minor):                             | <b>17th August 2016</b>   |
| Ward:  | <b>Central</b>  |

## **1.0 Site and Surroundings**

- 1.1 The application site is within Watford Fields, which consists of attractive Victorian terraced streets. The dwellings are of two storeys and are modest in size. They are close to the Watford Fields recreation ground.
- 1.2 The dwellings are predominantly designed with gabled roof forms and ground floor front bay windows are a common feature. The terraces are built close to the road and the front gardens are small. It is a high density urban area, which has a few larger buildings dating from the same period. The adjacent school is a local landmark, which is a designated Locally Listed Building.
- 1.3 The application site is in marked contrast to the local vernacular because it contains a single storey bungalow dating from 1926 that has a low density of development. The bungalow is designed with a hipped roof and is horizontal in emphasis, which differs from the narrow vertical proportions of the adjacent Victorian houses. The property has a large garden space, in contrast to the small rear gardens of neighbouring dwellings.
- 1.4 The property is served by an existing vehicular crossover which provides on-site parking spaces. The site is located in the Central/West Watford Controlled Parking Zone.
- 1.5 The north-western side boundary adjoins the rear gardens of Tucker Street properties. The neighbouring gardens are small. No. 48 Tucker Street has a

detached garage adjacent to the boundary and No. 46 has an outbuilding adjacent to the boundary.

- 1.6 A vehicular access runs to the south-east of the application site, which provides access to Field Junior School to the rear.
- 1.7 There are a number of mature trees to the rear of the site.
- 1.8 The property is not listed or located in a conservation area.



Fig. 1. Aerial view of the site.

## 2.0 Proposed Development

- 2.1 The application proposes demolition of the existing bungalow and construction of a two storey building to provide 4no. 1-bed flats.
- 2.2 The proposed building is designed with a pitched roof and gabled side elevations. It would have a ridge height of 7.65m and an eaves height of 5.1m. The front elevation features 2no. ground floor bay windows. The windows and doors would be constructed in timber and the windows would be sash style. A two storey gabled

projection would extend to the rear of the building. The external walls would be finished in yellow stock brickwork with detailing in red brickwork. The roof would be clad in slate.

2.3 The main part of the building would be 11.2m wide and 8.2m deep. The rear projecting element would extend a further 5m to the rear. The main front wall would be 2m from the front boundary and the side wall would be 5.35m from the north-western side boundary at its closest point.

2.4 There would be 2 flats over each of the ground and first floors. One on-site parking space would be provided adjacent to the existing vehicular crossover. The proposed site plan indicates that bin and cycle storage would be provided adjacent to the north-western boundary. The proposed ground floor flats would have independent garden areas and there would also be a communal garden. A number of small trees would be removed.

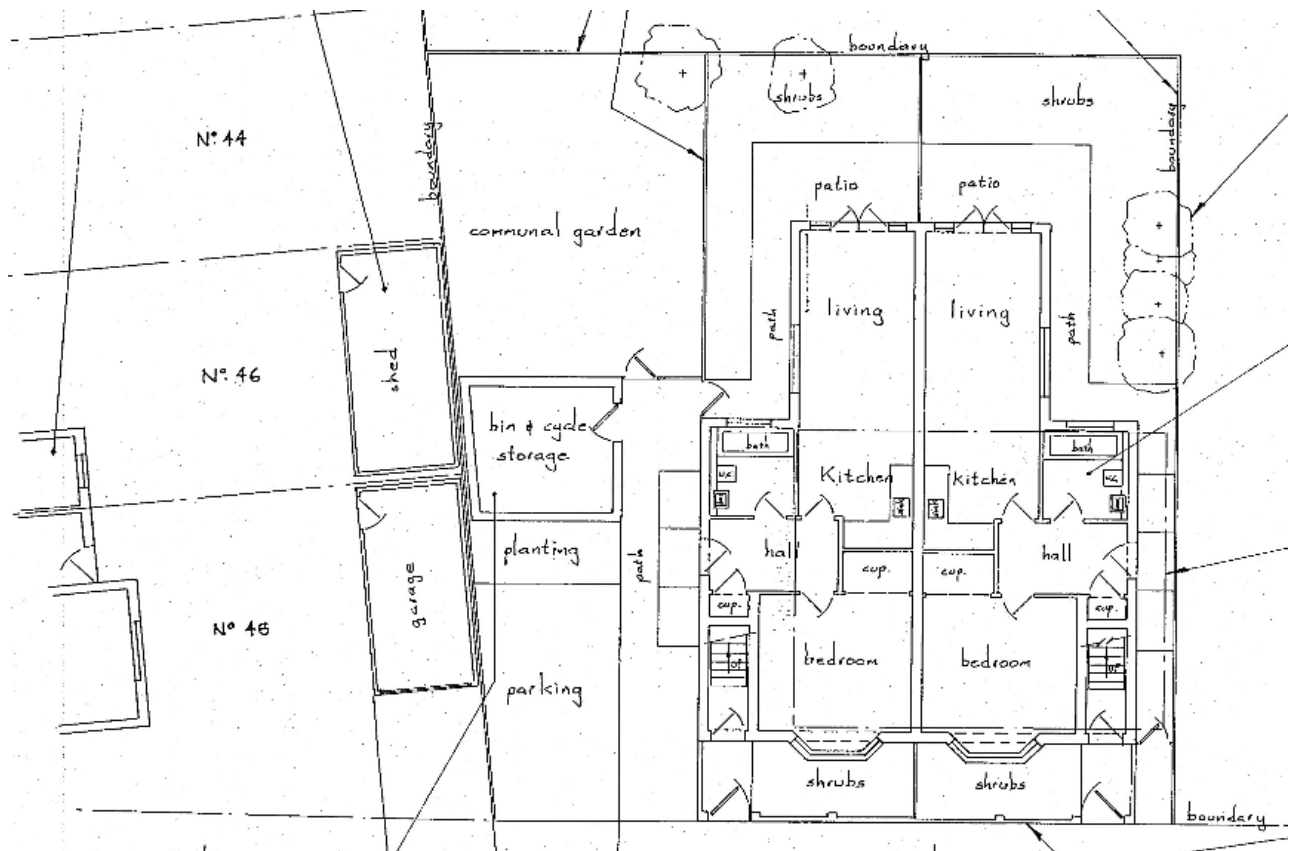


Fig. 2. Proposed site plan.

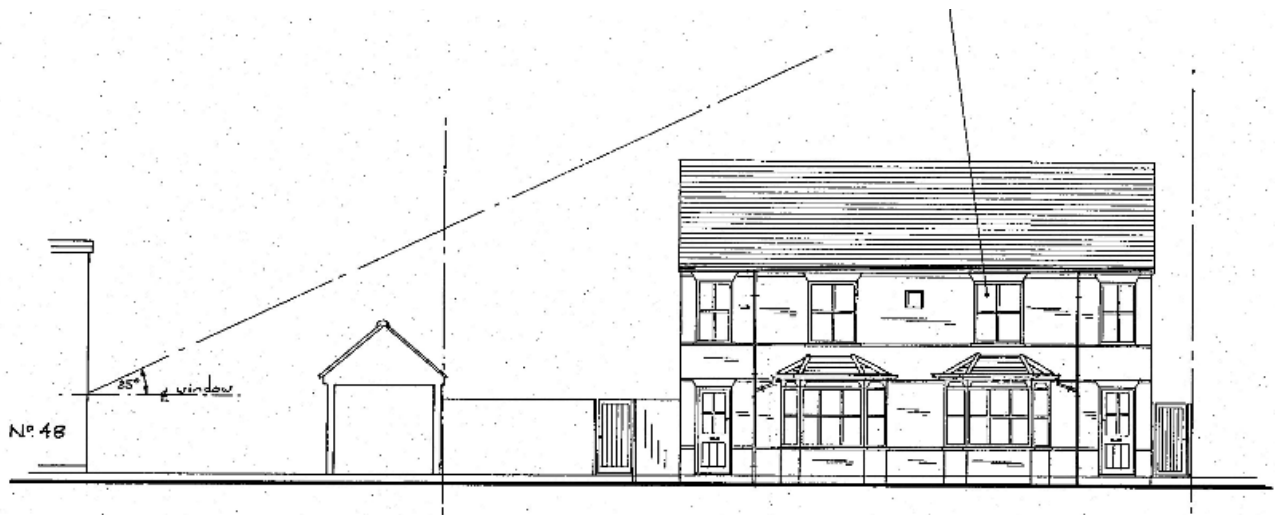


Fig. 3. Proposed front elevation.



Fig. 4. Proposed northern side elevation.

2.5 The application follows a number of refused and withdrawn applications for residential development on the site – as shown in the ‘relevant planning history’ section of the report. In comparison to planning application 14/00170/FUL (the most recent refused application) the following amendments have been made:

- Reduction in width of the building to increase the gap to the north-western boundary with Tucker Street properties by 4.35m.
- Provision of a gabled roof rather than a hipped roof.
- Provision of gabled rear projection.
- Proposal for 4no. 1-bed flats rather than 3no. 2-bed houses.
- Inclusion of 1no. parking space.

### **3.0 Relevant Planning History**

**16/00403/FUL** - Demolish existing bungalow and construct four new two bedroom flats. Application Withdrawn. March 2016.

**15/00648/FUL** - Demolish existing bungalow and construct four new two bedroom flats. Application Withdrawn. June 2015.

**14/00170/FUL** - Demolition of existing bungalow and erection of 3no. two bedroom houses. Refused Planning Permission. March 2014.

Reasons:

- 1) Paragraph 8.2.7 of the Watford Local Plan Core Strategy 2006-31 (CS) states that there is a significant need for dwellings with 3 or more bedrooms, as informed by the Strategic Housing Market Assessment (SHMA). Policy HS2 of the CS states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the requirements of all sectors of the community. This includes the provision of family sized units. The proposed development would not provide any 3-bed dwellings, therefore the proposal would fail to contribute to the identified need for dwellings with 3 or more bedrooms. As such, the proposal fails to provide a housing mix that meets the housing needs of the borough and is therefore contrary to Policy HS2 of the Watford Local Plan Core Strategy 2006-31.
  
- 2) The design of the proposed terrace fails to respond effectively to the context of the surrounding area. The existing Victorian terraces and the nearby Locally Listed Field Junior School are all designed with gabled roofs, which is a unifying feature that contributes to the distinctiveness and strong character of the area. The hipped roof of the proposed terrace would appear out of keeping and would not preserve or enhance the character and appearance of the area. Moreover, the design of the proposed terrace is confused because it displays features of Victorian origin, such as ground floor bay windows and vertically proportioned sash windows, in combination with a hipped roof, which is not a roof form that was commonly used on typical Victorian terraces. The design of the proposed terrace combines different elements of different building typologies, but presents a built form that is not true to any of them. As such, the proposed terrace would fail to respect or enhance the character and appearance of the area, contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31, the provisions of the Residential Design Guide Volume 1 and Section 7 of the National Planning Policy Framework.

3) Currently, the existing single storey bungalow is approximately 8m from the boundary with Nos. 44 – 48 Tucker Street and the rear elevations of the Tucker Street houses are approximately 8m from the boundary. By contrast, the proposed two storey terrace would be only 1m from the boundary. The proposed terrace, by reason of its height, close proximity and location directly to the south of Tucker Street properties would cause a significant loss of sunlight and daylight to the rear windows and garden areas of the neighbouring dwellings. Moreover, the proposed terrace would appear overbearing and have a significant impact on the outlook from the habitable rooms and gardens. As such, the proposed development would adversely effect the residential amenities of neighbouring properties in Tucker Street, contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

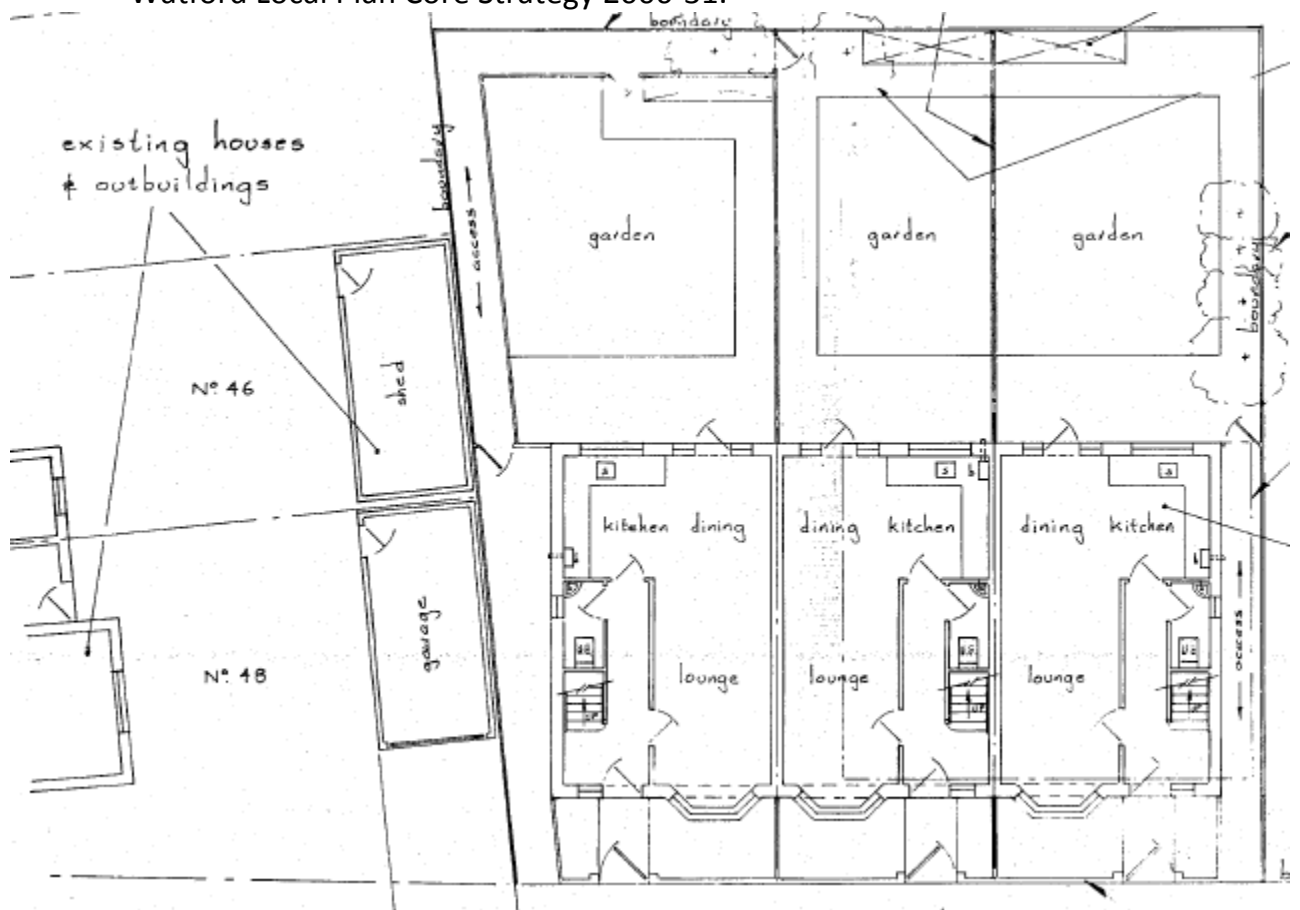


Fig. 5. Refused site plan for planning application 14/00170/FUL.



Fig. 6. Refused front elevation for planning application 14/00170/FUL.

An appeal was subsequently submitted to the Planning Inspectorate, which was dismissed on 30<sup>th</sup> December 2014. The Inspector considered 3 main issues – 1) the effect of the proposed development on the character and appearance of the area; 2) the effect of the proposed development on the living conditions of Nos. 44 – 48 Tucker Street with regard to light and outlook; and 3) whether the proposed development would provide an acceptable mix of dwelling types, having regard to the requirements of the Development Plan. The Inspector’s comments on the main issues are summarised below:

1) The effect of the proposed development on the character and appearance of the area:

The Inspector stated that appeal scheme adopted some features of the surrounding residential vernacular, including building materials, ground floor bays and decorative brickwork. However, the atypical expansive hipped roof is at odds with the dominant end of terrace roof treatment in the area and would appear as an incongruous intervention. The Inspector therefore concluded that the appeal scheme would have an adverse effect on the character and appearance of the area.

2) The effect of the proposed development on the living conditions of Nos. 44 – 48 Tucker Street:

The Inspector highlighted that the proposed development would be, at best, around 1.8m from the boundary with Nos. 46 and 48 Tucker Street. The proposed building would rise some distance above the boundary fence and outbuildings and the height and close proximity would result in a marked change to the open outlook from the garden and rear windows of No. 48 and, to a lesser extent No. 46, which would be overbearing on their occupants. The Inspector commented that the outlook from No. 44 would be largely unaffected.

The Inspector opined that given the proximity of the proposed dwellings to the boundary, and the position in relation to the movement of the sun, there would be

a loss of sunlight to the garden of No. 48, and to a lesser extent No. 46. No. 44 is unlikely to be adversely affected due to its distance from the proposed development.

The Inspector commented that the appeal scheme would not infringe the 25 degree line from the ground floor rear windows of properties in Tucker Street, therefore there would not be a significant loss of daylight to the dwellings.

3) Whether the proposed development would provide an acceptable mix of dwelling types:

The Inspector acknowledged that there is a greater requirement for three bedroom dwellings in the Borough than for other types of dwellings, however there is also a requirement for two bedroom units.

The Inspector stated that Policy HS2 of the Core Strategy makes no reference to a requirement to provide three bedroom dwellings, either in general or in specific locations, nor does the policy require a mix of units within development schemes. Taking this into consideration, the Inspector concluded that the appeal scheme would provide an acceptable mix of dwelling types.

**03/00313/FUL** - Demolition of existing bungalow and garage and erection of 2 no. three bedroom houses. Refused planning permission. July 2003.

Reason:

1) The proposed houses, by reason of their height and proximity to the boundaries of properties in Tucker Street, will give rise to a loss of outlook and to overshadowing of these properties, contrary to Policy SE16 of the Watford District Local Plan 1993 and Policies U1a and U1b of the Watford District Plan 2000 : Pre-Inquiry Version.

**01/00870/FUL** - Demolish existing bungalow and build 2 new 3 bedroom semi-detached houses. Refused planning permission. March 2002.

Reason:

1) The proposed houses, by reason of their height and proximity to the boundaries of properties in Tucker Street, will give rise to a loss of outlook and to overshadowing of these properties, contrary to Policy SE16 of the Watford District Local Plan 1993 and Policies U1a and U1b of the Watford District Plan 2000 : Pre-Inquiry Version.

**00/00642/FUL** - Demolition of existing bungalow and garage and erection of 3 no. 2 bedroom houses. Refused planning permission for 3 reasons. December 2000.



**00/00265/FUL** - Demolition of existing bungalow and garage and erection of 3 no. 2 bedroom houses. Refused planning permission for 6 reasons. August 2000.

An appeal was submitted to the Planning Inspectorate, which was dismissed in the appeal decision dated 27<sup>th</sup> February 2001.

## **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                                 |
| SD1  | Sustainable Design                               |
| SD2  | Water and Wastewater                             |
| 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                     |
| TLC2 | Neighbourhood Centres                            |
| INF1 | Infrastructure Delivery and Planning Obligations |

- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

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

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE22 Noise
- U15 Buildings of Local Interest
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free 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 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

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

Section 12 Conserving and enhancing the historic environment

Decision taking

### 5.0 Consultations

#### 5.1 Neighbour consultations

Letters were sent to properties in Elfrida Road, Tucker Street and Neal Street.

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

|                                   |    |
|-----------------------------------|----|
| Number of original notifications: | 36 |
| Number of objections:             | 9  |
| Number in support:                | 0  |
| Number of representations:        | 9  |

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

| Representations  | Officer's response  |
|--|---|
| <p>Car parking is a great problem in this street especially after 6.30pm (when permit parking generally ceases). The spaces outside the bungalow are normally taken up by cars belonging to residents who cannot find spaces outside their own homes. The proposed development only allows for one off-street parking place. Therefore, in the evenings there could be three or more extra vehicles requiring parking spaces which are simply not available.</p> | <p>The applicant has completed a Unilateral Undertaking to remove permit entitlement for future occupiers of the development, in accordance with "saved" Policies T24 and T26 of the Watford District Plan 2000. As such, future occupants of the proposed development would not be able to park in the Controlled Parking Zone between the hours of 08:00 to 18:30 Monday - Saturday, which is a sufficient deterrent to prevent on-street parking in the Controlled Parking Zone. It would not be practicable for future occupants to park on the street only between the hours of 18:30 – 08:00.</p> <p>The Highway Authority have no objection to the proposed development. The application site is located within walking distance to Watford town centre and is well served by passenger transport facilities, therefore a car-free development is acceptable in a sustainable location such as this.</p> <p>The proposal accords with Paragraph 17 of the National Planning Policy Framework, which, among other things, states that planning should "<i>actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable</i>".</p> |
| <p>More traffic and pollution.</p>   | <p>Given that there would only be 1 on-site parking space and permit entitlement for on-street parking would be removed through a Unilateral Undertaking, the proposed</p>  |

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|   | <p>development would not cause a material increase in traffic generation or pollution.</p> <p>The application site is in a sustainable location and accords with the objectives in paragraph 17 of the National Planning Policy Framework, as discussed above.</p>   |
| Loss of light and outlook to the houses in Tucker Street.   | This is discussed in paragraphs 6.14, 6.16 and 6.17 of the report.   |
| Loss of privacy to properties in Tucker Street.   | This is discussed in paragraph 6.19 of the report.   |
| The communal garden will be right next to our back fence, which could mean extra noise and our peaceful garden area being compromised.  | The proposed communal garden would not cause a material increase in noise and disturbance compared to the existing garden.   |
| The rear of the proposed development has an upper storey with windows and opening doors overlooking Field Junior School. This presents a potential risk to the security of the children below and is contrary to the current climate of heightened awareness for the safety and privacy of young children.  | The school is already overlooked on 3 sides by properties in Tucker Street, Elfrida Road and Lammas Road, which are positioned close to the school.  |
| The design is not in keeping with the houses already in and around Watford Fields.  | This is discussed in paragraphs 6.6 – 6.11 of the report.  |
| The current bungalow at 7 Elfrida Road, and its location adjacent to the entrance to Field Junior School, give a welcome relaxation to the skyline of the street and in particular gives a sense of space to the school which is set well back from the road. Replacement of the bungalow with a two storey property will introduce a 'corridor' effect to the street and make the school feel hemmed in. | The proposed building would maintain a sizeable gap to the properties in Tucker Street and there are green spaces to the south-east within the school grounds. The proposed building would sit comfortably in the street scene and would not appear cramped. Given the distances maintained to neighbouring properties, the proposed development would not cause an unacceptable sense of enclosure in the |

|   |   |
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|   | street scene.   |
| The area already has a significant number of smaller properties but it is in desperate need of larger properties and bungalows.   | This is considered in paragraph 6.4 of the report.  |
| Advice should be sought from Thames Water regarding the capacity of the current sewerage system as we have already experienced blockages and are concerned that there is not the capacity for the waste water from 3 additional properties.   | Thames Water have no objection with regard to sewerage infrastructure capacity.   |
| Elfrida Road and neighbouring streets comprise mainly Victorian terraced houses. The small size of these means that very few of the properties have been divided into flats and houses are occupied by couples and small families who stay for many years. A building of one bedroom flats will be out of character with such a neighbourhood, and is likely to bring rapid turnover of short term tenants. | <p>There is no evidence that the provision of 1-bed flats would bring a rapid turnover of short term tenants and a reason for refusal on these grounds could not be substantiated.</p> <p>Paragraph 8.2.9 of the Core Strategy identifies that there is a need for 1-bed dwellings, and there is no presumption in the Core Strategy against the provision of purpose-built flats in a sustainable location such as this, as discussed in the report.</p> |

**5.3 Statutory publicity**

No statutory advertisement was required for this application.

**5.4 Technical consultations**

The following responses have been received from technical consultees:

Policy (Urban Design and Conservation)

*Policy Considerations:*

*NPPF:*

*Para 64 states:*

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

*Local Plan:*

*UD1: requires new development to respond to the character of the area.*

*UD 2 specifically mentions protecting the setting of locally listed buildings.*

*Issues:*

*Character of the area:*

*Applicant has chosen to follow the Victorian aesthetic so that the proposals will sit comfortably with the Victorian character of this area. If this approach is to be successful attention must be paid to getting it right; just because the buildings have a pitched roof and broadly similar materials and design features does not make them a good fit with the character of the area. The width of the buildings should match that of the surrounding area, along with the depth and relationship of principle building to outrigger; this in turn has an impact on the roof pitch. In this case each of these elements is different to that of the surrounding area so whilst the buildings look like they should fit in, in fact they will not- this is harder to assess as there are no streetscene images or comparators drawn on the plans. A brief assessment of the footprint from the 1:1250 location plan and the submitted plans shows that:*

|                        |                                  |                |
|------------------------|----------------------------------|----------------|
| <i>Building width:</i> | <i>Existing principle block:</i> | <i>4.5-5m.</i> |
|                        | <i>Existing outrigger:</i>       | <i>3m</i>      |
|                        | <i>Proposed principle block:</i> | <i>6m</i>      |
|                        | <i>Proposed outrigger:</i>       | <i>7.8m</i>    |

|                        |                                 |              |
|------------------------|---------------------------------|--------------|
| <i>Building depth:</i> | <i>Existing excl outrigger:</i> | <i>7m</i>    |
|                        | <i>Existing inc outrigger:</i>  | <i>10m</i>   |
|                        | <i>Proposed excl outrigger</i>  | <i>9.5m</i>  |
|                        | <i>Proposed incl outrigger</i>  | <i>14.5m</i> |

*This results in:*

- The outriggers to the rear being oversized and too dominant – also at first floor level there may be overlooking issues - balconies and French doors.*
- The roof angles being different and out of character with the area;*
- The side elevations being too big in relation to the existing building typology*
- Bay windows appear to be too wide;*
- The window proportions look out of character with the area.*

*I would suggest that whilst there is the impression that the buildings will fit into the existing character they will in fact look like poor imitations of the Victorian buildings and will not meet the NPPF test or the Local plan test set out above.*

*Such a poor imitation will not sit well in the views to the locally listed building and will have a negative impact on its setting.*

*As such, the principle of a pair of houses, albeit they are split into flats, is acceptable and if the design approach were executed well this would be acceptable as well. As it stands the buildings will look out of place in the streetscene and amendments made to deal with this.*

#### Hertfordshire County Council (Highway Authority)

*Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:*

*Condition 1. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.*

*Reason;- To minimise danger, obstruction and inconvenience to users of the highway.*

*Advisory Note.*

*AN1. 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway.*

*Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.*

*AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.*

*Reason: In the interest of highway users safety*

*Planning Application:*



*Application is for demolition of existing bungalow and construct 4 new one bedroom flats.*

*Site and surrounding:*

*The site located at 7 Elfrida Road is within the residential area of West Watford. This is a detached bungalow near the end of the road Local Road Network.*

*Like most roads in West Watford there is on-street parking restrictions on both sides by means of permit holders parking. Elfrida Road forms a junction with Lammas Road which provides access to A4178 Wiggenghall Road. Wiggenghall Road is a main distributor road and a key road in West Watford.*

*Accessibility:*

*The site is within few minutes walking distance to West Watford shopping facilities along Vicarage Road and to Watford Town. The local area is well served by buses and easy access to Watford Town Centre and railway station by a short ride by buses. On completion of the Croxley Rail Link the site is within walking distance to the railway station. In summary the site is in a sustainable location. There are opportunities for residents to use all modes of transport and the access to all the necessary facilities.*

*Access and Parking:*

*On-site parking is a matter for the local planning authority. There is off street parking for the site for two cars. The applicant's proposal is to provide one car parking space with no alterations to vehicular access. Most properties along Elfrida Road are without off-street parking. Highway Authority has no objection to the proposal.*

*Conclusion:*

*The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.*

N.B. The requested condition relating to on-site parking facilities for construction workers and details of storage of materials is not necessary to make the development acceptable in planning terms, therefore the condition does not meet the tests in Paragraphs 204 and 206 of the National Planning Policy Framework. This is not a material planning consideration and any adverse effect on highway safety could be addressed through other legislation, including the Highways Act.

Arboricultural Officer

*Whilst none of the trees on site are of no particular merit (see my comments on the previous refused scheme) I would wish to see some replanting which can be secured through a landscaping scheme should permission be granted.*

### Thames Water

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

## **6.0 Appraisal**

### **6.1 Main issues**

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

- (a) Land use
- (b) Housing
- (c) Impact on the character and appearance of the area.
- (d) The quality of the new accommodation provided.
- (e) Impact on amenity of adjoining residential properties.
- (f) Highways impacts and car parking provision.
- (g) Trees and landscaping.

### **6.2 (a) Land use**

The application site is located in a predominantly residential area, therefore the proposed residential use of the site would be compatible with the surrounding area. The existing bungalow is sited on a very large plot compared to other properties in the area and the proposal would make more effective use of a brownfield site, which accords with one of the core planning principle in paragraph 17 of the National Planning Policy Framework to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. Furthermore, the application site is in a sustainable location and meets the core planning principle of the NPPF to *“make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are sustainable”*. As such, the proposed land use is considered to be acceptable in principle.

### **6.3 (b) Housing**

Policy SS1 of the Watford Local Plan Core Strategy 2006-31 (CS) states that the Council seeks to deliver a minimum of 6,500 additional homes by 2031. Policy HS2 states that medium density developments such as flats and houses may be

appropriate close to neighbourhood centres where they are well served by transport links. The proposed development would make effective use of a sustainable location and would contribute towards meeting the Borough's housing need, which should be afforded weight in consideration of the application.

6.4 Paragraph 8.2.7 of the CS identifies that there is a significant need for dwellings with 3 or more bedrooms. The table in paragraph 8.2.9 also shows that there is a need for 1 and 2 bedroom dwellings. The first reason for refusal of planning application 14/00170/FUL related to the lack of any 3-bed dwellings in the proposed development and the failure to meet the identified need for dwellings with 3 or more bedrooms. However, as shown in the 'Relevant Planning History' section of the report, the appeal Inspector stated that there is also a need for 2-bed units. He commented that Policy HS2 of the CS makes no reference to a requirement to provide three bedroom dwellings, either in general or in specific locations, nor does the policy require a mix of units within development schemes. Paragraph 8.2.9 of the CS highlights that there is also a need for 1-bed units and taking the Inspector's comments into account it is not considered that a reason for refusal based on housing mix could be substantiated.

6.5 The proposed development would provide less than 10 dwellings and the site area is less than 0.5ha, therefore affordable housing is not required.

6.6 (c) Impact on the character and appearance of the area

The Conservation Officer has stated that the principle of the building is acceptable, however he has concerns with respect to the design approach. The proposed building is designed to respond to the features of the surrounding Victorian properties in the area – as can be seen through the provision of bay windows, sash windows, the proposed materials and detailing, the gabled roof form and the provision of a gabled rear outrigger. However, the Conservation Officer comments that because the proposed building would be wider and deeper than the Victorian properties, it would have a shallower roof pitch; the outriggers would appear oversized; the side elevations would be too big and the window proportions appear out of character. As such, the proposed building would not be an exact replica of the Victorian properties.

6.7 However, it should be borne in mind that this is not a conservation area where great weight is given to preserving or enhancing historic and architectural significance. Although the proposed building is not an exact replica of the Victorian properties in the area, it does respond to the local vernacular through the design details and the use of materials. Furthermore, the appeal Inspector for planning application 14/00170/FUL stated that "*the appeal scheme has adopted some features of the surrounding residential vernacular, including building materials,*

*ground floor bays and decorative brickwork. However, the atypical expansive hipped roof is at odds with the dominant end of terrace roof treatment in the area and would appear as an incongruous intervention".* The hipped roof has now been replaced by a gabled roof, which responds better to the roof treatment of neighbouring properties. Although the roof pitch would be slightly shallower and the side wall would be longer than neighbouring properties, it is not considered that this would be particularly noticeable in the street scene. In relation to the rear outrigger, it is acknowledged that it would be larger than neighbouring outriggers, however it would be set down from the main roof and would be set in from the side walls, which would make it appear proportionate to the main part of the building. Given the position of the outrigger to the rear of the property and its setting in from the site boundaries, it is not considered that it would appear dominant in the surrounding area.

- 6.8 The front bay windows would be larger than others in the area, however it is not considered that this would have a harmful impact on the character and appearance of the area, particularly as this is not a conservation area. The bay windows would not appear dominant on the front elevation. The front windows have vertical proportions and would be sash style, which would be in keeping with the street scene. Some of the rear windows would be more horizontal in emphasis, which is not a Victorian aesthetic; however it is not considered that these would have a significant impact on the character and appearance of the area given their position to the rear of the property.
- 6.9 Field Junior School is located to the rear of the application site and is a Locally Listed Building. There are currently no significant views through the application site towards the school; therefore the proposed development would not restrict important views of the school building. The school is most visible adjacent to the vehicular access from Elfrida Road, a view that would be maintained. The proposed development would be sited a sizeable distance to the school and it would not appear overly dominant in relation to it. It should also be borne in mind that the school is not a nationally listed building where greater weight would be attached to the preservation of the setting.
- 6.10 The proposed building would maintain a sizeable gap to the properties in Tucker Street and there are green spaces to the south-east within the school grounds. The proposed building would sit comfortably in the street scene and would not appear cramped. Given the distances maintained to neighbouring properties, the proposed development would not cause an unacceptable sense of enclosure in the street scene.
- 6.11 In summary, although the proposed building would not be an exact replica of the

existing Victorian properties, it would respond to the various design features in the local area. Bearing this in mind, it is not considered that a reason for refusal based on the issues raised by the Conservation Officer could be substantiated given that this is not a conservation area. The building in itself would provide an acceptable appearance, subject to appropriate materials being used. Furthermore, the existing bungalow appears out of keeping in the area and the proposed development would improve the character and appearance of the site.

6.12 (d) The quality of the new accommodation provided

The floor areas and room sizes of the proposed flats accord with the minimum space standards in the Nationally Described Space Standard. Furthermore, each habitable room would benefit from sufficient natural lighting and outlook.

6.13 Paragraph 7.3.23 of the Residential Design Guide states that the minimum communal garden space for flatted development is 50sqm plus an additional 15sqm per additional unit over two units. As such, the minimum communal garden space for a development of 4 flats is 80sqm. The proposed ground floor flats would have individual gardens, which ensures that privacy would be maintained and there would be a communal garden area adjacent to the north-western boundary. The combined garden area would exceed 80sqm, therefore the proposed development complies with the garden size standard in paragraph 7.3.23 of the RDG. As such, the proposed development would provide an acceptable standard of amenity for future occupiers.

6.14 (e) Impact on amenity of adjoining residential properties

Outlook:

Planning application 14/00170/FUL was refused permission, among other reasons, because the proposed building would appear overbearing and cause a significant loss of outlook to neighbouring properties at Nos. 44 – 48 Tucker Street. The appeal Inspector agreed that the proposed building would cause a loss of outlook to Nos. 46 and 48 because of the height of the building and its close proximity to the rear windows and garden. In comparison to planning application 14/00170/FUL, the proposed building would be positioned 4.35m further from the boundary with Tucker Street properties; the roof would be gabled rather than hipped; and there would be a two storey rear projection that would be a minimum of 8.4m from the boundary. The proposed building would maintain considerably more space to the rear windows and gardens of Nos. 46 and 48 Tucker Street than the previous refusal and it is now felt that it would not appear overbearing or cause a significant loss of outlook. The appeal Inspector for planning application 14/00170/FUL commented that the development would not cause a significant loss of outlook to No. 44 due to the distance maintained to the proposed development. The proposal now includes a two storey rear projection, however this would not cause a loss of outlook to No.

44 due to the distance maintained to the boundary.

- 6.15 The proposed building would be more visible than the existing bungalow when viewed from the houses on the opposite side of Elfrida Road. However, it is not considered that it would appear overbearing or have a significant impact on outlook because it would be located on the opposite side of the road and would reflect the pattern of development in the surrounding area whereby the front elevations of buildings are separated by a distance of approximately 15m.
- 6.16 Sunlight and daylight:  
The proposed building would not infringe the 25 degree line taken from the centre of the ground floor rear windows of Tucker Street properties, therefore it would not cause a significant loss of daylight or sunlight to the habitable rooms of the neighbouring properties. Furthermore, the appeal Inspector for planning application 14/00170/FUL stated that the proposed development would not cause a significant loss of light to neighbouring habitable rooms due to compliance with the 25 degree rule. The development proposed in the current application would be significantly further from the boundary than the previous application, therefore there are no grounds to refuse planning permission based on loss of sunlight to habitable rooms.
- 6.17 The appeal Inspector for planning application 14/00170/FUL stated that there would be a loss of sunlight to the garden of No. 48 Tucker Street and to a lesser extension No. 46 given the proximity of the proposed dwellings to the boundary and the position in relation to the movement of the sun. In comparison to the previous application, the proposed building has been moved 4.35m further from the boundary and there is now a sizeable gap between the proposed building and the rear gardens of Nos. 46 and 48 Tucker Street. Consequently, it is not considered that the proposed building would cause significant overshadowing of the gardens in Tucker Street.
- 6.18 The proposed building would maintain a gap of approximately 15m to the houses on the opposite side of Elfrida Road and would not infringe the 25 degree line measured from the centre of the neighbouring ground floor front windows. Therefore, the proposed development would not cause a significant loss of daylight or sunlight to the neighbouring properties in Elfrida Road.
- 6.19 Privacy:  
The site is in a high density urban area where mutual overlooking of gardens is to be expected. The rear windows of the proposed building would not be at a higher level than neighbouring windows and they would allow only oblique views into the

rear gardens of Tucker Street properties, therefore there would not be an unacceptable level of overlooking. The rear windows would be at an angle of at least 90 degrees from the rear windows of Tucker Street houses, therefore there would not be a significant loss of privacy to neighbouring properties. The submitted plan shows that the first floor side living room window facing Tucker Street would be obscurely glazed and fixed closed, which would restrict views into the neighbouring properties. A condition should be attached to any grant of planning permission to require the first floor windows in the north-western side elevation to be obscurely glazed and fixed shut below 1.7m internal floor level. The proposed ground floor side windows would not cause significant overlooking due to their position at ground floor level, their distance to the boundary and the screening provided on the boundary.

6.20 In comparison to the existing bungalow, the proposed building would increase overlooking of properties on the opposite side of Elfrida Road. However, the building reflects the pattern of development in the surrounding area whereby the front elevations of houses on opposite sides of the road are separated by a distance of approximately 15m. In these circumstances, it is considered that the level of overlooking is acceptable.

6.21 (f) Highways impacts and car parking provision

The Highway Authority have no objection to the proposed development. The application site is located within walking distance to Watford town centre and is well served by passenger transport facilities. One on-site parking space is proposed, which is acceptable in a sustainable location such as this.

6.22 The application site is located in the Central/West Watford Controlled Parking Zone, therefore, in accordance with "Saved" Policy T24 of the Watford District Plan 2000, it is necessary to complete a Unilateral Undertaking to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that future occupants of the proposed development would not exacerbate demand for on-street parking in an area that already experiences parking problems. The owner has completed a Unilateral Undertaking to meet the costs of varying the Traffic Regulations Order 2010 to remove permit entitlement of the future occupants of the development, in accordance with Policies T24 and T26 of the WDP.

6.23 The submitted plans indicate that the flats would have cycle parking facilities, which accords with the sustainable transport objectives in "Saved" Policy T10 of the Watford District Plan 2000.

6.24 (g) Trees and landscaping

The site contains a number of trees (cypress and ash) on the rear and side

boundaries and a cherry at the side of the existing bungalow. None of the trees are particularly large but they are visible from the public domain. The trees are shown to be removed, however, the Arboricultural Officer considers that the trees are not of such significance to warrant a reason for refusal. A landscaping condition could be added to any grant of planning permission to require replacement planting.

## **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.

### **7.4 S.106 planning obligation**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure site specific requirements.

7.5 The development proposed in this application is one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident



parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.

- 7.6 The proposed development is also one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations Toolkit* document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.
- 7.7 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 7.8 The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.
- 7.9 As the County Council's requirement for the provision of fire hydrants accords with the provisions of the *Planning Obligations Toolkit*, this obligation is also directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the County Council's statutory duty as the Fire Authority.

7.10 Accordingly, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking a financial contribution and the County Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7.11 The Council's contribution in the case of the development proposed in this application is set out below:

|                                    |   |
|------------------------------------|---|
| <i>New residential development</i> | The sum of £2000 (two thousand pounds) towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site in accordance with saved Policy T24 of the Watford District Plan 2000. |
|------------------------------------|---|

## 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 brownfield 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 responds to the features of other properties in the area and would be more in keeping than the existing bungalow. Future occupiers of the development would have easy access to shops and public transport facilities and the land owner has completed a Unilateral Undertaking to remove permit entitlement for future occupiers.

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 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

- (A) That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

### 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 with the following approved drawings:-

Location plan; and un-numbered proposed plan.

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

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

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

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

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

5. No part of the development shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

6. 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.

7. The first floor windows in the north-western 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, unless otherwise agreed in writing by the Local Planning Authority.

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

### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site and to secure the provision of fire hydrants as required by the County Council to serve the development.
2. 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.
3. 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.

4. 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).

5. 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)
6. 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
7. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
8. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

9. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:  
[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbour\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise)

Drawing numbers

Location plan; and un-numbered proposed plan.

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