

	PART A	Item Number
Report to: <b>Development Management Section Head</b>		
<b>To Committee:</b>	<b>Committee date: 14<sup>th</sup> December 2016</b>	
Site address:	<b>2 Harford Drive Watford, Hertfordshire, WD17 3DG</b>	
Reference no.	<b>16/01355/FULH and 16/01356/FULH</b>	
Description of development:	<b>Erection of part single, part double storey side and rear extensions, and a loft conversion, with dormer to the rear.</b>	
Applicant:	<b>Mr Mayur Kerai 2, Harford Drive Watford, WD17 3DG</b>	
Date received:	<b>29<sup>th</sup> September 2016</b>	
8 week date (minor):	<b>27<sup>th</sup> December 2016</b>	
Ward:	<b>Park</b>	

## 1. Summary

This report to the Development Management Committee addresses **two applications** for planning permission at the same site, which is a semi-detached house at 2 Harford Drive. The two applications (**16/01355/FULH** and **16/01356/FULH**) were submitted together, and they are so similar to each other that in order to avoid confusion it is best to address them together in one report. However they are separate applications so this report considers each application on its merits, and makes two recommendations.

Both of these applications are for planning permission for extensions to the house, which would be part single storey and part double storey. The difference between the two applications is the first floor element of the side extension: in application 16/01356/FULH it would be slightly wider and it would come further forward than in application 16/01355/FULH. Otherwise the two applications are the same. Presumably the reason why the applicant has taken the unusual approach of submitting two applications simultaneously is that if the more ambitious proposal were to be refused he hopes that the other option would be approved.

Work on extending the house has commenced already, but so far only at ground floor level. Following an investigation by the Planning Enforcement team the work has been paused pending the outcome of these retrospective applications. Planning permission for

a similar development was granted to the previous owner in 2013 as 13/00248/FULH, but it was the new owner who commenced work. The Council have found that the works that have so far been undertaken are not in accordance with the plans that were approved by that 2013 permission, and that is why it has been necessary for the new owner to apply for retrospective planning permission.

Both applications generally comply with the guidance that is set out in the Residential Design Guide supplementary planning document, except as regards the depth of the proposed dining room – which will not have a significantly greater impact on any neighbours than the garage that previously stood there.

The **recommendation** to the committee as regards application **16/01355/FULH** is that the planning permission be **granted** subject to the conditions that are set out at the end of this report.

The **recommendation** as regards application **16/01356/FULH** is also that the planning permission be **granted** subject to the same conditions.

It is for the members of the committee to decide each application separately. It would be possible for them to approve both, or (if they disagree with the recommendations of this report) to refuse both, or to approve one application but refuse the other.

## **2. Background**

This semi-detached house dates from the 1930s, but it was extended in 1984. Twenty-eight years then elapsed during which no planning applications were submitted. However, over the last four years there has been a spate of planning applications on this site – most of which have either been refused or withdrawn; there was one appeal but that was dismissed (see the section 5 of this report for details). Since 2012, ten planning applications have been submitted at this site - not including the two which are the subject of this report, which are the eleventh and twelfth.

All ten of those recent applications were for extensions to the house of one kind or another (and so are the eleventh and twelfth). The site has changed hands during that time, so they have not all been from the current owner. Of those 10 previous applications, 4 were for planning permission (only one of those was approved: 13/00248/FULH) while the other 6 applications were submitted under the Permitted Development regulations, and only one of those was approved (15/01757/LDC for a Lawful Development Certificate for a loft conversion – this has so far not been implemented).

The one application for a planning permission that was approved was 13/00248/FULH, which was granted on 07.05.2013. It was for the erection of part single, part double storey side and rear extensions and a loft conversion with a rear dormer. While it was the previous owner who had obtained that planning permission, it was the new owner who then bought the house who commenced the works. A neighbour informs us that works commenced on 20.04.2016, a few days before the 2013 planning permission would have expired. The applicant is using an Approved Inspector from the private sector rather than the Council's Building Control team – he is entitled to do that, but it means that we have no records of the Building Control inspections.

The house is unoccupied as it is a building site, and there are hoardings protecting the works at the front. However the work that has been done (which so far are only at the ground floor) are not consistent with the plans that were approved in 2013 – the main difference so far being that the side wall of the dining room is closer to the side boundary with 2b Harford Drive than had been approved, and it is also slightly taller (by approximately 20cm). Following an investigation by the Planning Enforcement team, the applicant was required to apply retrospectively for planning permission for the extension that is being built – hence these two applications.

Presumably the reason why the applicant has taken the unusual approach of submitting two applications simultaneously is that if the more ambitious proposal were to be refused he hopes that the other option would be approved.

### **3. Site and Surroundings**

Harford Drive is a quiet residential street on the Cassiobury Estate of Park ward. The site is the third house in this street on the right side, near the junction with Langley Way. Originally this house at number 2 would have been the first house, but a pair of newer semi-detached houses were built to the right of this site in the 1970s: those are 2a and 2b Harford Drive (2b being the closer to the site).

This site is a two storey, semi-detached, single family house, dating from 1934. It forms the right side of its pair as seen from the front. The style of the front is neo-Tudor with a brick finish at ground floor and half-timber-style features at first floor with a mixture of white render and panels of decorative herringbone brickwork beneath the two first floor front windows. All the decoration is on the front elevation; the side and rear elevations are finished in plain, unpainted pebbledash.

Some of the front garden has been paved for parking. Until recently there was a driveway down the right side of the house, which led to a detached garage that stood in the rear

garden. The garage was in line with that side driveway, but there was a gap of 1.2m between the nearest rear corner of the house and the front of the garage. Recently that detached garage has been demolished and work has started on a side extension that covers much of the space that was the side drive.

In 1984 this house was extended at ground and first floors at the rear. Most of the other 1930s houses nearby have done something similar, including the attached neighbour at 4. The easiest way to understand what the site at 2 would have looked like before 1984 is to view an oblique aerial photograph (e.g. on the Google Maps website) of the back of the site and to compare it with 14 and 16 Harford Drive which can be seen nearby – those are houses of the same original design which have retained their shapes, except that they have added conservatories. One can see that the site at 2 has lengthened its original first floor bay to make it the same depth as the original ground floor element (which had once been deeper than the first floor) and that they have also added a ground floor extension to fill in the space between the bay and the side boundary with number 4. Most of the houses nearby have carried out similar extensions, except at 8, 10, 12 and 14, although some of those have added ground floor extensions and two of them have extended their roofs.

The same planning officer who has dealt with these two applications saw and photographed the site in 2013, so we have records of how the site was laid out prior to the recent works.

The attached neighbour, which forms the other half of the semi-detached pair, is number 4. It has been extended in a similar way to that in which this site was extended in 1984 – the only difference being that the site's two storey rear extension is topped by a gable facing the rear garden, while the equivalent at number 4 is topped by a hipped roof.

There is a pair of semi-detached houses standing to the right of this house (as seen from the front). They are a later in-fill development, dating from the early 1970s; whereas the application site was built in 1934 and most of the other houses nearby are also from the 1930s. Their addresses are 2a and 2b Harford Drive. Although they are not neo-Tudor and their style and finishing materials are more modern, these houses are not dissimilar to the application site in terms of their size and scale, or their front and rear building lines. They have shorter rear gardens.

There is a gap approximately a metre wide between the side of the house at 2b and the fence that marks the boundary with this site. Until recently the gap between the fence and the side of the house at 2 (the site) was about two and a half metres, but the recent works to build the side extension have reduced that space, leaving a gap of 0.8m.

The work that has been done on the extensions so far are only at the ground floor. The walls have been built, and those are finished in red bricks, which are a good match to those that are to be seen on the original front elevation. Steels and some timber joists have been installed above them, but no work has yet commenced at first floor, and no roofs or windows have yet been installed. Work has paused, pending the outcome of these applications.

### **3b. New Outbuilding**

The owner has also been undertaking another building project, which is nearly finished. That is a detached outbuilding, finished in brick and with a flat roof, which has been built at the foot of the garden. The outbuilding is a separate issue, which is not relevant to consideration of either of the applications before the committee. However, given some of the objections comment on the building this section is included for information.

It is finished externally, and when a planning officer inspected it recently on 15<sup>th</sup> November 2016 it was nearly finished internally except for the flooring. It consists of just one large room (there is no reason to suppose that it would include a bathroom, toilet or kitchen). The planning officer who visited on 15.11.2016 measured the outbuilding as being 2.6m tall externally (a planning enforcement officer who had visited previously had come to a slightly larger measurement of 2.7m, presumably having stood in a different spot). An outbuilding such as this (if it is used for purposes that are incidental to the main house, such as a home gym, which is apparently what this is intended to be) can be built as *permitted development* (i.e. without the need for planning permission) if it is no more than 2.5m tall. This outbuilding is up to 20cm taller than it should be, but that additional height is causing no harm because it stands at the foot of the garden, well away from any neighbouring houses or patios.

Following an investigation by our Planning Enforcement team, the Development Management Section Head has decided that, although it is technically unlawful, it is not expedient to take enforcement action against the outbuilding because it is causing no harm, and because if it were only 20 centimetres shorter it would have been lawful. The Council's approach to Planning Enforcement is set out in the *Planning Enforcement Plan 2015* (adopted on 12<sup>th</sup> March 2015). Section 2.2 of that document states that "enforcement action is discretionary" and that "any action taken must be proportional to the breach that has occurred and the level of harm arising from the breach."

This outbuilding is a matter that several local residents have mentioned in the letters of objection that they have submitted in response to these two applications. Some worry

that it might be used as a dwelling and some worry that the digging of the foundations might have cut the roots of neighbouring trees. However the outbuilding is not a matter for this report, which deals only with the extensions to the house that are proposed by these two applications.

Some of the objectors have referred to the outbuilding as a “granny annexe” but this is not correct. If it were to be used as habitable accommodation then it would require planning permission, but we have no reason to suppose that it would be used as such. It has been inspected by a planning officer as recently as 15.11.2016. It consists of only one room, without any kitchen, bathroom or toilet. We have been told that it is to be used as a home gym, and we have no reason to doubt that.

#### **4. Proposed Development**

The two applications for full planning permission that are the subject of this report are similar to each other. They are both applications for side and rear extensions to the house that would be part double storey and part single storey.

Neither of these applications includes the new outbuilding at the foot of the garden, which is therefore not a subject to be considered in this report. The outbuilding is a separate issue.

These two applications are identical to each other at ground floor. They both propose a side and rear wrap-around extension that has already been erected. The side element is 1.56m wide, leaving a gap of 0.8m to the side fence that separates the site from the non-attached neighbour at 2b.

The single storey element that is closest to the attached neighbour at number 4 is replacing one that has recently been demolished, which was added in 1984, but it will have a mono-pitched roof rather than a flat roof. It will be 1.4m deeper than the previous extension was: that was 2.2m deep, but the new extension is a total of 3.6m deep at this point. The section that will be deeper than the previous extension was is set in from the side boundary with number 4, leaving a gap 35cm wide.

The deepest part of the ground floor rear extension stands where the detached garage was until it was recently demolished. This part will be a dining room. It will have a flat roof and it will have large patio windows facing the rear garden and the patio. The 2013 planning permission included an upstanding lantern-style rooflight in the centre of the flat roof, but these two new applications do not – a roof light is shown on the plan but not on the elevations, so presumably it would be flat. This part of the extension will be 4.9m

deeper than the rest of the extensions, making it 6.3m deep relative to the original rear building line at this point. The end of the extension stands where the end of the detached garage previously was.

Unlike the ground floor, the first floor element of the proposed extensions has not yet been commenced. It would be partly at the side and partly at the rear of the house.

It is also proposed that the loft be converted, with a bedroom that would have a rear dormer window and a bathroom that would have a front rooflight. The staircase and landing would have a side rooflight.

**These are the differences between these two applications:**

- In application 16/01355/FULH the first floor element of the side extension would be set back from the front corner of the main house by 4.8m, whereas in application 16/01356/FULH it would be set back by 1m.
- In application 16/01355/FULH the first floor element of the side extension would be set in from the side boundary fence with 2b Harford Drive by 1.2m, whereas in application 16/01356/FULH it would be set in by 1m. In other words the first floor of the side extension would be 20cm wider in the second application than in the first.

**4b. Amendments to the Description**

The applicant's agent, apparently thinking that these two applications were similar to a scheme that had been granted planning permission in 2013, described the proposals on the application forms that he submitted as follows (the two were the same but for the reference number):

*"Part single and two storey rear extension, and two storey side extension, loft conversion with box dormer to the rear. This application seeks approval for minor amendments to the ground floor external wall changes to the approved scheme, 7<sup>th</sup> May 2013. This application is to be read in conjunction with another application made concurrently for changes to the Ground Floor and First Floor."*

Administrative staff who logged these two applications upon receipt used more or less the same wording, and this appeared on the notification letters that were sent to neighbours. Subsequently the case was allocated to a planning officer, who has amended and simplified the descriptions. Besides being excessively long, a problem with the descriptions on the application forms was that they gave the impression that these were

applications for amendments to an existing planning permission; but they are not – they are new applications for planning permission in their own right (albeit they have some similarities to the 2013 design). The sentence saying that each application should be read in conjunction with the other is also inappropriate – they are two separate applications and each must be considered on its own merits. The application forms that were submitted and the application fees that were paid are those that apply to applications for full planning permission – not the type that would be submitted if one were seeking amendments to an existing planning permission. We have therefore amended the descriptions in both cases as follows:

*“Erection of part single, part double storey side and rear extensions, and a loft conversion, with dormer to the rear.”*

## **5. Planning History**

This semi-detached house was built in 1934. We have the following Planning history records for the site:

<b>Case No</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
84/00095/FUL	First and ground floor extensions.	Conditional Planning Permission	28.03.1984
12/01160/FULH	Erection of part single, part two storey rear extension and two storey side extension. Loft conversion with rear dormer.	Refuse Planning Permission	21.01.2013
<b>13/00248/FULH</b>	<b>Erection of part single, part double storey side and rear extensions, and a loft conversion, with dormer to the rear.</b>	<b>Conditional Planning Permission</b>  (The development that has been commenced is similar to, but not in accordance with the plans that were approved by this permission).	<b>07.05.2013</b>
15/01268/HPD	The erection of a single storey rear extension which would extend beyond the rear wall of	Refuse Invalid HPD Notification	22.09.2015

	the original house by 5.0m for which the maximum height would be 3.0m and the height of the eaves would be 2.6m.		
15/01275/LDC	Lawful Development Certificate for a loft conversion with rear roof dormer and insertion of rooflights in the front elevation.	Application Withdrawn	12.10.2015
15/01353/FULH	Erection of a single storey rear extension.	Application Withdrawn	12.10.2015
15/01510/LDC	Lawful Development Certificate for demolition of first floor extension and new loft conversion, gable wall and dormer.	Refuse Lawful Development Certificate	09.12.2015
15/01512/HPD	The erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6m for which the eaves height would be 2.3m and the maximum height would be 3.0m.	Refuse Invalid HPD Notification	05.11.2015
15/01568/HPD	The erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6.0m for which the maximum height would be 3.0m and the height of the eaves would be 2.3m.	Refuse HPD Prior Approval	11.12.2015
15/01757/LDC	Lawful Development Certificate for demolition of first floor rear extension and hip to gable end loft conversion with rear dormer.	Grant Lawful Development Certificate  (So far this has not been implemented)	04.02.2016
16/00082/FULH	Erection of a part single, part double storey rear extension, double storey side extension and hip to gable loft conversion with rear dormer.	Refuse Planning Permission  An appeal against the refusal was dismissed by	16.03.2016

		an independent Planning Inspector.	
--	--	------------------------------------	--

## **6. Relevant Policies and Supplementary Planning Documents**

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27<sup>th</sup> March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF. Particularly relevant sections are:

- Requiring Good Design
- Decision Taking

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

#### **Watford Local Plan, Part 1: Core Strategy 2006-2031**

This document was adopted on 30<sup>th</sup> January 2013. The following sections are particularly relevant to this case:

- SD1 Sustainable Design
- UD1 Delivering High Quality Design

#### **The Watford District Plan 2000 (saved policies)**

Many of the policies in this plan were replaced on 30<sup>th</sup> January 2013 when the Watford Local Plan, Part 1 was adopted, but some of them were saved. None of those are particularly relevant to this application.

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

There are no policies that are relevant to this case.

Hertfordshire Minerals Local Plan (saved policies)

There are no policies that are relevant to this case.

### **Supplementary Planning Guidance**

The following Supplementary Planning Documents are relevant to this application:

Residential Design Guide (SPD adopted 2014, amended 2016)

## **7. Consultations**

### **7a. Neighbour consultations**

Eleven properties nearby were notified by letter: including St Lukes Church, 2 houses to the rear of the site at 1 and 1a Devereux Drive, two houses at 32 and 34 Langley Way whose rear boundaries touch the side boundary of the site, and six houses on Harford Drive.

A total of 10 people (from 8 addresses, as in two cases couples wrote separately) have written to object to these applications. Some of them sent us several letters, and one sent a lengthy booklet. All except one of them are residents of Harford Drive or Langley Way; the exception was a former councilor who lives at Temple Close.

### **7b. Statutory consultations**

None were necessary.

---

## **8. Appraisal**

### **8a. Design**

The designs that are proposed in these two applications are generally similar to that which was granted planning permission 13/00248/FULH in 2013; albeit there is no longer to be a kink in the side wall of the extension where the dining room begins, and the ground floor of the side extension is now to be flush with the front corner of the main house rather than being set back. In application 16/01355/FULH the first floor side element of the extension is similar to that which was approved in 2013, but in application 16/01356/FULH it comes further forwards and it is 20cm wider.

The Council have published the Residential Design Guide (RDG) as a supplementary planning document, setting out how extensions to houses can be well designed. This states in section 8.7d that side extensions should be set back 1m from the principal front building line of the original house. This is aimed at ensuring that they remain subordinate to the original house. In the case of ground floor side extensions, this is more an aspiration than an enforceable rule because it is usually the case that a ground floor side extension can be built, without the need for planning permission, that is flush with the front building line of the original house; and there are many examples of that to be seen around Watford. However it is important that the first floor element of a two storey side extension should be set back by a metre from the main front building line to ensure that it remains subordinate. Both of these applications propose to do that: 16/01355/FULH proposes to set the front of the first floor back by 4.8m (similar to the 2013 design that was approved) and 16/01356/FULH proposes to set the first floor back by 1m: one is ample and the other is adequate.

Section 8.8 of the Residential Design Guide states that two storey side extensions should leave a 1m wide space between the first floor element and the side boundary. This is mainly to prevent a terracing effect that could arise if two neighbours that were previously detached from each other both built double storey side extensions that touched each other at first floor, which could result in those houses becoming a de facto terrace. Both of these applications comply with that requirement: 16/01355/FULH proposes to leave a gap of 1.2m wide at first floor (as was the case with the 2013 approved scheme) and 16/01356/FULH proposes to leave a 1m wide gap at first floor.

It has often been considered acceptable in Watford that the ground floor element of a double storey side extension touches the side boundary, but in these two applications that would not happen because a gap 0.8m wide has been left down the side of the extension at ground floor, to preserve an open passageway between the front and the rear gardens, and to reduce the visual impact of the development, as well as reducing its potential impact on the neighbours at 2b Harford Drive (see below).

The proposals include a loft conversion. Fortunately these applications are not proposing a hip to gable side roof extension with a full sized box dormer covering the whole rear roof slope; that would certainly have harmed the appearance of the site, drastically changing its character – albeit a Lawful Development Certificate was granted for such works last year as 15/01757/LDC (because they would have complied with the national Permitted Development regulations). Instead these applications propose some relatively modest changes to the roofscape. The roof of the first floor side extension would be set well down below the main ridge to keep it subordinate, and the dormer that is proposed at the rear would of a modest size, set down below the ridge and well up above the eaves.

The only element of the proposed design in these two cases that would depart to a significant extent from the guidance on good design that is set out in the Residential Design Guide is the deepest part of the ground floor rear element which would contain the dining room. The RDG recommends that ground floor extensions on semi-detached houses should not normally be deeper than 3.5m, but this would be a total of 6.3m deep relative to the original rear building line at this point. However it will replace a garage that stood there until recently (one can see on an aerial photograph that several other properties nearby have similar garages in the same position) so there will be no change in the depth to which the building projects into the garden at this point.

### **8b. Impact on neighbouring properties**

A number of local residents have written to object to this application (see the table of comments below) but actually the only properties that could be affected by these extensions are the immediate neighbours on either side – those are the attached neighbours at 4 Harford Drive and the non-attached neighbours at 2b Harford Drive. Other neighbours might be able to see the development at a distance, but their amenity would not be affected by it.

In considering the impact of this development on neighbours we must compare it with the previous arrangement, as had existed since 1984, whereby the house already had ground floor and first floor rear extensions, and also a detached garage that projected deeply into the rear garden, next to the side boundary fence with 2b Harford Drive.

That detached garage stood close to the rear of the house, with a gap of only 1.2m between its front and the rear corner of the house; so in effect it was almost equivalent to an extension. It abutted the side fence with 2b Harford Drive (the non-attached neighbour). Looking at the two applications that are now before us, they propose that part of the ground floor, which would contain the dining room, would stand where the garage was and it would be the same depth. It is shown as being 2.8m high to its flat roof (there also would be side parapets 20cm high). The old garage that it replaces had a monopitched roof that was 2.8m high at the front, sloping down to 2.2m at its rear. We can see therefore that the new extension would be the same height as the old garage that it replaces at one end, and only 60cm taller at its rear end – which leads one to suppose that its impact on the neighbours at 2b Harford Drive would be only slightly more than was the case with the old garage. However one must also bear in mind that it would stand farther away from them – thus reducing its impact. The old garage stood against the side boundary fence, but the new extension stands away from it, with an 80cm gap.

If there had not previously been a garage on this spot then the proposed dining room would be considered unacceptably deep. It projects 6.3m beyond the house's original rear building line – making it a deeper extension than the maximum of 3.5m that is usually considered acceptable as a ground floor rear extension on a semi-detached house (see section 8.5.1 of the Residential Design Guide SPD). However in this case the proposal is considered to be no worse in terms of its impact on the neighbours at 2b than the previous arrangement was because it will be no deeper, it will be only slightly taller at the rear (60cm) and the same height at the front, and it will stand 0.8m farther away from the neighbour than the old garage did.

A condition will ensure that any windows that face sideways towards 2b Harford Drive must be obscurely glazed and that any parts which are less than 1.7m above the floor must not be openable, in order to protect that neighbour's privacy. The windows in question serve a ground floor toilet, a landing and two first floor bathrooms, and there is also a side rooflight above a staircase. Drawing P030/003 is the proposed ground floor plan. It appears to show a large window in the flank wall of the dining room, facing 2b, but that seems to be a mistake because it is inconsistent with the proposed side elevation drawing P030/012 which shows that wall as solid, and indeed it has already been built as a solid windowless wall. This error on the drawing does not matter particularly because even if a side window were to be inserted there (which seems very unlikely given that the wall has already been built without one) it would have to be obscure to comply with the condition, and in any case it would only provide a view of a fence, so it would not threaten the neighbours' privacy at 2b.

The attached neighbour (i.e. the other half of the semi-detached pair) is 4 Harford Drive. Until recently both these houses (2 and 4) had matching extensions which abutted each other at ground floor on the boundary – both apparently dating from 1984. That has now been demolished at this site, and it is to be replaced by part of the extension that would be at ground floor only (as before), but with a monopitched roof (rather than flat) and it would be 3.6m deep (rather than 2.2m deep as it was, and as the neighbours' extension still is). The additional 1.4m section would be stepped in from the side boundary by 35cm to reduce its impact on the neighbour. The result would be that this element of the extension would be 3.6m deep relative to the original rear building line. That is only 10cm deeper than the limit of 3.5m that the Residential Design Guide recommends as acceptable on a semi-detached house (see section 8.5.1b). It would be difficult to argue convincingly that the extra 10cm caused such harm as would justify refusing planning permission – particularly considering that it is stepped in away from the boundary, and particularly given that the neighbours have their own extension abutting the boundary, so it is not 3.6m deep relative to their nearest windows but only 1.4m.

There are no side windows proposed that would face towards 4 Harford Drive.

The first floor element of the rear extension that is proposed in these applications would be slightly deeper than was approved by the 2013 permission: it is shown as being 3.382m deep rather than 3.282m (in both cases we can add 30cm for the thickness of the wall as the marked dimension is internal). The increase of 10cm would not have any noticeable effect on the neighbours, and in any case this first floor rear element would be kept away from both the side boundaries.

### **8c. Consideration of objections received**

A total of 10 people (from 8 addresses, as in two cases couples wrote separately) have written to object to these applications. Some of them sent us several letters and one sent a lengthy document. All except one of them are residents of Harford Drive or Langley Way. The exception was an objection from a couple who live on Temple Close, which is approximately ten minutes walk away.

The table below summarises the points that were raised in the letters that were received. It contains only those points that are relevant to these applications. The issue of the detached outbuilding that has been erected at the foot of the rear garden was raised in several of the letters that were received, but that is not a matter for this report as it is not part of either of these applications. Please refer to section 3b of this report for an account of the outbuilding.

<b>Points Raised</b>	<b>Officer's Response</b>
<p>A resident who lives nearby (but not immediately adjacent) believes that the applicant has deliberately attempted to confuse local residents with these two simultaneous applications, but he writes that as he (the local resident) happens to be a structural engineer, he has been able to see through this attempted deception.</p> <p>The wording of the description for these two applications was incorrect. These are not minor amendments to the 2013 scheme but rather they are significant departures from it. Some side walls have been brought closer to the boundary and the front of the</p>	<p>The applications are rather confusing because they are so similar to each other, and because so many drawings were submitted on A3 sized paper (rather than submitting fewer sheets of A1 sized paper with more drawings per sheet, as is traditional). Matters were not helped by the descriptions that were submitted on the application form (see above section 4b) which we have now simplified. However there is no reason to suppose that this was done with the deliberate intention of confusing people. The applicant's agent apparently felt that because he was applying for designs that bore some</p>

<p>side extension is further forward. The first floor rear element would be deeper too. As such the development would be larger than was approved in 2013.</p>	<p>similarities to an approved 2013 scheme he could describe them as “amendments” to that scheme; but actually because the extensions would be larger they cannot be considered as such – these are two stand-alone applications for fresh planning permission which must be considered on their own merits. The application forms that were submitted and the application fees that were paid were those that apply to fresh applications for planning permission; a different form and a cheaper fee would have been submitted if the applications had indeed been for amendments to an existing planning permission.</p>
<p>In recent years no fewer than ten planning applications have been submitted at this site. Most have been either withdrawn or refused.</p>	<p>This is true, these are the eleventh and twelfth applications in four years, and it is understandable that neighbours are becoming weary; but any would-be developer is entitled to submit as many planning applications as they like, and the Local Planning Authority are obliged to consider them.</p>
<p>The proposed extensions would constitute a 70 percent increase over the house’s original habitable area.</p>	<p>It is the visual impression created by the proposed design that matters, and whether that appears out of proportion to the host building. Apart from the very deep element that contains the dining room, the extensions are considered to be reasonable in terms of their proportions. That deep dining room element would normally not be considered acceptable, but in this case it is replacing a garage that previously stood there.</p>
<p>Where the dimensions are marked on the drawings these do not correspond</p>	<p>This is not the case. The planning officer has checked them and found that they</p>

<p>accurately to scale measurements of those drawings.</p>	<p>correspond correctly. Perhaps the objector has printed the drawings out and suffered some distortion in printing, but the paper copies that we have are accurate.</p>
<p>When one considers the cumulative impact of the extensions and the outbuilding they amount to over-development of the site. The objector has calculated that the amount of free draining open land has been reduced from 299.7sqm to 107.8sqm, meaning that 64 percent of the original garden will have been covered over. If every garden were to be covered over like this it would cause major harm to the environment and to the climate. A hydrological survey should be required to protect the longevity of the aquifer and the water authority should be alerted.</p>	<p>This house had a large rear garden, and although some of that has been lost at one end to the outbuilding and at the other to the extensions, one can see when one visits the site that there is sufficient garden space left. In terms of the amount of rear garden space that these extensions cover, relative to the amount that was covered by the previous (1984) extensions and the garage, only a few square metres of additional garden space have been lost. It is true that the outbuilding at the far end of the garden has taken up some garden space, but there is nothing unusual or unreasonable about having sheds, cabins or summer houses at the end of one's garden, taking up space.</p> <p>The objector has calculated that the amount of open land remaining is 107.8sqm. The minimum acceptable area for a private garden for a 5 bedroom family house is 95sqm (see the Residential Design Guide section 7.3.22), so if the objector is right then the rear garden would still be large enough to comply.</p> <p>These are ordinary applications for extensions to an ordinary house, and there are no grounds that would justify us in requiring the applicant to go to the significant expense of hiring a hydrological consultant to prepare a report. It is worth remembering that a householder is entitled to entirely pave over their whole rear garden, without having to seek any</p>

	<p>consent, and without even having to provide drainage as this is a Permitted Development right under national regulations. It is only when <i>front</i> gardens are paved that drainage or permeable surfaces are required – not at the <i>rear</i>.</p> <p>This objector lives in one of a pair of houses that were built in the 1970s as a back-land development, on land that was previously the ends of the gardens of 34 and 36 Langley Way.</p>
<p>Local residents are entitled to request that an Environmental Impact Assessment must be submitted with this application.</p>	<p>Local residents are not entitled to request that. Environmental Impact Assessments are only required for major planning applications on very large development sites such as urban regeneration projects etc. An EIA is not required for an application to extend an ordinary house in an ordinary street.</p>
<p>The house will become larger, and it will therefore have a greater carbon footprint. Therefore this application should have been accompanied by an energy efficiency assessment.</p>	<p>There is no requirement that an application for extensions to a house be accompanied by such a document.</p>
<p>A Design and Access Statement should have been submitted.</p>	<p>The national regulations changed several years ago. Design and Access Statements are no longer compulsory for this type of planning application.</p>
<p>The side passage is shown as being 760mm wide, but it would only be 600mm when taking account of half the width of the fence and a rainwater pipe. It would be too narrow to fit wheeled bins or invalid chairs down. Emergency services would not be able to fit their equipment down it, and</p>	<p>The ground floor has already been built, and the fence is there, so the planning officer was able to measure the gap when he visited the site recently, on 15.11.2016: it is 84cm wide. A large wheeled bin is less than 60cm wide. It is preferable that bins be stored out of site at the rear, but in a case</p>

<p>therefore it would be inadmissible under health and safety regulations. As there is a granny annexe at the foot of the garden a 1m wide passage should be provided for disabled access.</p>	<p>such as this where there is a front drive on which they could be stored it is not essential.</p> <p>The outbuilding that has been built at the end of the garden is not a “granny annexe” and it may not be used as a bedroom or a dwelling without further specific planning permission. It consists of only one large room – there is no bathroom or toilet – and we have no reason to suppose that it would be used for any other purpose than as a hobby room, summer house, home office or home gym – which are generally considered appropriate uses for outbuildings. It is true that it has been solidly built and insulated, with electric lighting, but there is no requirement that outbuildings must be flimsy, and if one is going to the trouble of building an outbuilding then one might as well build one that can be used year-round.</p> <p>Although it is not sensible to cut off one’s own access to one’s rear garden, there are many houses around Watford that have built ground floor side extensions that touch the side boundary with no access to the rear at all. There are also many terraced houses that have never had side passages. This does not contravene health and safety regulations.</p>
<p>The following errors on the drawings are noted. The chimney breasts have already been taken out.</p> <p>On the proposed plan a flank window is shown to the dining room but not on the south facing elevation.</p> <p>The first floor plan shows a sloping roof above the sitting room adjacent to number</p>	<p>The chimney stack remains atop the roof. Whether or not the breasts have been removed internally is irrelevant – that is a matter for Building Control (who would check that the remaining stack is properly supported) rather than being a Planning consideration.</p> <p>The error regarding the flank window of the</p>

<p>4 but the east elevation shows a narrow section of flat roof there. The elevations show the chimney stack as retained, but the loft plan makes no allowance for it.</p>	<p>dining room has been noted – see section 8b of this report. It makes no difference to our assessment because in the (very unlikely) event that such a window were to be inserted in the wall, it would have to be obscurely glazed to comply with conditions, so it would not threaten the neighbours' privacy at 2b). There is no inconsistency as regards the sloping roof adjacent to no4: the east elevation correctly shows it as being pitched.</p>
<p>There are no section drawings showing floor to ceiling heights. In application 16/01356/FULH it seems that there would not be enough head room for the staircase.</p>	<p>Floor to ceiling heights are not a Planning consideration. Planning applications are sometimes accompanied by section drawings, but usually they are not, and this is not a requirement. Building Control drawings are more likely to include sections than Planning drawings. If an applicant obtains planning permission for a scheme that cannot be built, that is their problem, but it is not legitimate grounds for refusing the application.</p>
<p>There is a discrepancy between the north elevation which indicates a height of 2.8m to the brick feature at parapet level and the east and south elevations which show 2.8m to the top of the coping stone.</p>	<p>This is not the case. All the elevation drawings show the height of the dining room's flat roof as being 2.8m, excluding the side parapets. The height of those parapets is not marked, but scale measurements indicate they would be an additional 20cm.</p>
<p>The DPG sets the maximum height of side extensions to 2.3m, and in Hammersmith and Fulham the limit is 1.8m along a boundary. Watford Borough Council should follow their example.</p>	<p>The objector does not explain what DPG stands for. Neither the Planning Officer nor the Council's Building Control Manager have heard of such a document. The policies of the London Borough of Hammersmith and Fulham are not relevant in Watford. Our guidance document is the Residential</p>

	Design Guide 2015, which does not set a maximum height limit for side extensions.
The scale of the extensions is out of proportion to the scale of the original house, making the development obtrusive.	If one ignores the deep section that contains the dining room, the rear extension is 3.6m deep, relative to the original rear building line (and only 1.4m deep relative to the previous extensions). The side extension is modest in terms of its width. It is the dining room element that is excessively long, and which would in most cases have been considered unacceptable. However in this case it replaces a garage that previously stood there, so there are no grounds to refuse it as it will not be significantly worse than the previous situation.
The proposals do not comply with Policy UD1 because they are not in keeping with the style of the original house, consisting as they do of mismatching levels and add-ons.	It is the opinion of the Planning Officer and the Development Management Section Head that the proposed extensions are generally well designed and in keeping with the existing house; but it will be for the members of the Development Management Committee to decide whether they agree.
There is no other extension down any other garden in Harford Drive for as far as the eye can see.	This is not a legitimate reason to refuse planning permission. Most of the houses have been extended in some way – perhaps not as deeply as is proposed here, but several have detached garages of an equivalent depth.
The rooflight for the dining room is not shown on the elevations, but it must be at least 30mm thick, making the overall height of the dining room 3.5m.	The plan shows a rooflight but the elevations do not. Presumably therefore it would be flush with the flat roof (which is 2.8m high). Unlike the 2013 approval, there is no proposal shown on these drawings for the type of lantern style rooflight that would stand up above the roof.

<p>A line of 45 degrees drawn from the rear kitchen window of 2b would be cut by the dining room. This would affect levels of light and outlook from 2b.</p>	<p>The method of drawing a 45 degree line from the middle of the nearest rear-facing window of a habitable room at the neighbouring house is done to assess whether a <i>double</i> storey extension would obstruct natural light to that room, given that sunlight comes from above, not horizontally. The part of the development that would obstruct that line in this case would be only single storey. It would also stand 0.8m into the site, away from the side boundary, with a further gap of approximately a metre on the other side of the boundary at 2b. The dining room would be only slightly taller (up to 60cm at the rear) than the garage that it would replace, it would be no deeper, and it would stand farther away from the neighbour than the garage did. It is not considered likely that it would cause a significant reduction in levels of natural light to the windows of 2b when compared with the previous situation.</p>
<p>Such a large plain brick wall is unsightly.</p>	<p>One must consider what was there previously – it was a brown, unpainted, pebble-dash garage, which was closer to the neighbour. At least in this case red bricks have been used – the extension might have been rendered and painted white, which would have been more obtrusive.</p>
<p>The first floor side extension will reduce light to side windows at 2b. It will be overbearing towards that neighbour.</p>	<p>These do not seem to be the main windows of habitable rooms – those are in the front and rear elevations, not the side.</p>
<p>The architect has failed to consider the impact of the first floor windows to the flank wall of 2b.</p>	<p>A condition will ensure that these must be obscurely glazed, and that sections that are low enough to see out of must be fixed shut, so as to protect the privacy of 2b.</p>

<p>The new sloping roof over the ground floor extension adjacent to no4 is offensive due to its height. It will restrict light to the windows and patio of no4.</p>	<p>This roof is not unusually high – at its tallest point it tucks in beneath the sill of the first floor window above, and most of it is lower than that as it drops down to an eaves height of 2.6m. This is normal for a single storey rear extension.</p>
<p>Where the ground floor extension adjacent to no4 is to be stepped in from the side boundary no dimension is shown. It should be stepped in more than is shown.</p>	<p>Scale measurement of the plan shows that the set in would be approximately 30cm The planning officer measured it on site as being 35cm. Ground floor rear extensions of about this depth are often allowed in Watford abutting the side boundary, so this design has shown more consideration to the neighbours at 4 than is usual.</p>
<p>The dormer cannot be built without encroaching over the boundary onto the roof of number 4.</p>	<p>The proposed rear elevation drawing shows the dormer as being set in from the boundary with 4, leaving a gap of approximately 30cm, so it should be possible to build it without crossing the boundary.</p>
<p>The application forms, in addressing the issue of trees and hedges, have misrepresented the “devastation” caused to trees and hedges of adjoining owners’ properties as a result of roots that cross the boundary having been severed. The bottom of the site’s garden has been denuded. An arboricultural report should have been submitted with this application. Because the section of the application form relating to trees and hedges has not been correctly filled in, both these applications should be declared invalid.</p>	<p>We have not received any reports that any trees on neighbouring properties have been suffered; but if they were that would be a legal issue rather than a Planning issue - unless they were trees that are protected by Tree Preservation Orders, but the only such trees nearby are at St Luke’s Church, which may be near the new outbuilding but they are not near the extensions that are the subject of this report.</p> <p>A land owner is entitled to remove any of their own trees or shrubs that they like, provided that they are not protected by Tree Preservation Orders (there are none on this site) and the site is not in a</p>

	<p>Conservation Area (this is not). Therefore there would be no good reason to require an arboricultural report with this application.</p> <p>Invalidating the applications would achieve nothing other than to leave the development site in a state of limbo. The problem of the unlawful development that is standing half-built needs to be resolved one way or another by either approving or refusing these applications. There is no reason to invalidate the applications as the issue of trees and hedges on the site is not relevant in this case.</p> <p>The National Planning Policy Framework is a government document which states that <i>“local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.”</i> (section 187)</p>
<p>The section on parking in the application form is wrong because the garage has been removed.</p>	<p>The form is wrong in that it has said there would be no change to the number of parking spaces, but clearly the loss of the garage and the side drive will reduce the parking capacity. However, if the application form had been correctly filled in as regards parking it would not have led us to a different conclusion on this application because there is still a front drive which would be sufficient for two cars to park on, and that is adequate provision for a family home.</p>
<p>A local resident complains that the descriptions of the two applications were the same, making it difficult to understand the difference. The Planning department should provide a clear summary of the</p>	<p>The procedure is that letters notifying neighbours of a planning application are sent out by administrative staff on the first day on which the application is received. Usually the description under which the</p>

<p>applications to make them comprehensible.</p>	<p>application is logged is the one that the applicant provided on their application form. Due to the number of applications that are received and the limited resources that we have, it is usually at least two weeks later before the case can be thoroughly reviewed by a Planning Officer. In this case the Planning Officer decided to simplify the description – see above section 4b. The fact that the two descriptions were (and still are) the same is because the two applications are almost the same – they are both for part single, part double storey side and rear extensions.</p>
<p>The applicant has not consulted the local community.</p>	<p>It would have been polite to have done that, but it is not compulsory.</p>
<p>These are retrospective applications as the work has already commenced. This should not be allowed. A developer should not be allowed to get away with works simply because he has already built them unlawfully. The applicant should be ordered to demolish what he has built. The applicant is only interested in building what he wants to build. Watford Council's Enforcement Officers have failed to insist that the rules are upheld on this site.</p>	<p>The reason why these two partly retrospective applications have been submitted is because our Planning Enforcement Officer has investigated (acting on complaints received from members of the public), she has found that the development is not being built in accordance with the 2013 permission, and she has required the applicant to either obtain retrospective planning permission for what has been built or else change it so that it does comply with the 2013 permission. If these two applications were both to be refused then that would be the developer's fall-back option. A retrospective application is no more and no less likely to be granted planning permission than one that was submitted in advance – they are assessed under the same policies. The Council does not encourage or condone unlawful development, and it investigates whenever that is reported. A developer would certainly not be sensible if he</p>

	<p>deliberately built first and applied later because if his application were to be refused he would be expected to demolish or alter what he had built - which would be expensive.</p>
<p>A local resident (who objects to other aspects of the proposals) writes that she is pleased that at least these applications do not propose to extend the side hip of the main roof sideways to form a gable end, as had been proposed and approved by a recent application for a Lawful Development Certificate. That would have been unsightly.</p>	<p>We agree that the hip to gable side roof extension and the very large box dormer that were approved as 15/01757/LDC would have been unsightly and would have spoiled the character of the building. That was an application for a Lawful Development Certificate (not for planning permission) and the fact that it was approved was simply because it complied with the national regulations that define Permitted Development – not because we felt that it was well designed. The Council is obliged to approve such applications if they comply with the national regulations; but an application for planning permission is different because local policies apply and planning officers and Councillors may use their judgement to assess whether the design is acceptable.</p>
<p>The proposals in these two applications are for extensions that would be larger than those that were approved by the 2013 planning permission. This is unacceptable.</p>	<p>These are stand-alone applications for fresh planning permission (notwithstanding what the agent wrote on the application form – see above re the change to the descriptions). They must be assessed on their own merits.</p>
<p>The development does not accord with the Residential Design Guide, nor with Permitted Development guidelines. The deepest part of the rear extension greatly exceeds the limit that is set out in the RDG.</p>	<p>The development does generally comply with the Residential Design Guide, except as regards the depth of the dining room, but that replaces a garage that stood there until recently. Permitted Development is irrelevant as far as these two applications are concerned because PD means that</p>

	<p>which can be built without Planning Permission – but these are applications for Planning Permission.</p>
<p>There are unsightly hoardings around the front of the site which neighbours have to look at. The pavement has been broken by heavy delivery vehicles.</p>	<p>The hoardings are the type that is typically erected to protect a building site from intruders. They are only at the front. The site is currently unoccupied so it is understandable that the owner wants to protect it. A builder has the right to erect hoardings around a building site during the works if planning permission has been granted for those works. Any damage to the public highway is a matter for Herts County Council, who are the Highway Authority, and they would usually require that it is repaired at the developer's expense.</p>
<p>The developer has taken a cavalier approach by appointing his own private Building Control Inspector, rather than using Watford Borough Council's Building Control service.</p>	<p>He is entitled to do that. He has appointed an "approved inspector". Building Control issues are not a Planning consideration.</p>
<p>There was originally a gap of 1.1m between the detached garage and the rear of the house, but the new extension that replaces the garage will not leave a gap.</p>	<p>That is true, but it is still possible to get around the extension by walking down the side of it and around the end.</p>
<p>The side wall of the extension has been moved nearer to the side boundary with 2b by 600mm.</p>	<p>The side wall of the extension stands farther away from the boundary with 2b than the old garage – which abutted the boundary. The side of the dining room will not be set as far away from the boundary with 2b as would have been the case with the previously approved 2013 plans, but these two new applications must be assessed on their own merits. The extensions will still be kept at least 80cm away from the</p>

	boundary with 2b.
<p>In the report for the application that was refused (and subsequently dismissed at appeal) earlier this year (16/00082/FULH) the planning officer wrote that the Council was justified in interfering with the Human Rights of the applicant by refusing his application. The same should apply in this case.</p>	<p>In assessing any application for planning permission, the Council must balance a consideration of the Human Rights of the applicant to develop their property with the Human Rights of other residents. In cases where significant and unreasonable harm would be caused to the amenity of neighbours the Council considers that it is justified in refusing planning permission, notwithstanding the Human Rights of the applicant. However in the case of these two applications it is not considered that they would cause unreasonable harm to the neighbours.</p>
<p>If everyone in the street were to build such side extensions it would create a terracing effect that would spoil the character of the area.</p>	<p>Both these applications have been designed in accordance with the principles of good design that are set out in the Residential Design Guide which are intended to ensure that a terracing effect does not happen. This has been done by setting the first floor element of the side extension back by at least a metre from the main front elevation, keeping its roof down below the roof of the main house, and setting the side walls of the side extension in from the side boundary by at least a metre at first floor. A gap is also to be left at ground floor, although planning permission is often granted for ground floor side extensions that touch the side boundary.</p>
<p>The attached neighbours at 4 complain that because building work has been paused for several weeks the site has been left as an unsightly mess.</p>	<p>When the planning officer inspected the site on 15.11.2016 it was no more untidy than a typical building site. The developer has paused works on the advice of our Planning Enforcement Officer, pending the outcome of these two</p>

	<p>applications. He would have been unwise to have continued at first floor on building a scheme that might then be refused. Clearly some kind of extension will be built here – if not either of these two designs then the one that was approved in 2013. The sooner this impasse can be resolved, the sooner the builders will be able to finish on site and leave it tidy.</p>
<p>The attached neighbours at 4 complain that the building work has caused sand and debris to fall down inside their chimney and they worry that damage might have been caused. Also the flank wall of their own rear extension, which was formerly a party wall is now exposed to the elements because the 1984 extension at the site has been removed and not yet replaced, and they worry that the damp might cause damage to their wall.</p>	<p>If any damage is caused to neighbouring property that is a civil legal matter between the parties involved. It is not a Planning matter.</p>
<p>A neighbour writes that she is infuriated that no member of staff from the Planning department has bothered to visit the site to inspect it.</p>	<p>The neighbour does not explain why she thinks that no member of the Planning staff has visited the site. On the contrary there have been several visits. The planning officer who is assessing these two applications visited the site most recently on 15<sup>th</sup> November. Other planning officers who dealt with previous applications have also visited the site several times over the last few years, and there have been visits over the last few months by a Planning Enforcement Officer as well. Presumably there have been visits by a Building Control Inspector as well to check the quality of the work, but the applicant has exercised his right to appoint a private Approved Inspector, so the Council have no</p>

	records of those visits.
--	--------------------------

### **9. Community Infrastructure Levy (CIL)**

The Community Infrastructure Levy is payable at a rate of £120 per square metre on new residential floor-space that is created above a threshold of 100 square metres. The relevant CIL forms were not included with these applications initially, but they were submitted on 23.11.2016. They show that in both cases the gain in floor area would be less than the threshold of 100 square metres, and therefore the Levy will not be payable in either case.

### **10. Conclusion**

When one considers how many planning applications have been submitted here in the last four years (these two make it twelve) it is perhaps unsurprising that the neighbours have become exasperated. However we must assess these applications on their own merits.

Both applications largely comply with the guidance that is set out in the Residential Design Guide supplementary planning document, except as regards the depth of the proposed dining room – which will not have a significantly greater impact on any neighbours than the garage did that previously stood there (it will be only slightly taller than the old garage, and it will be further away from the neighbours at 2b).

The **recommendation** to the committee as regards application **16/01355/FULH** is that the planning permission be **granted** subject to the conditions that are set out at the end of this report.

The **recommendation** as regards application **16/01356/FULH** is also that the planning permission be **granted** subject to the same conditions. It is slightly more ambitious than 16/01355/FULH as regards its first floor side element, but that first floor element still complies with the Council's adopted design guidance.

It is for the members of the committee to decide each application separately. It would be possible for them to approve both, or to refuse both, or to approve one application but refuse the other.

### **11. 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.

---

**12. Decision Level:** Committee

**13. Recommendation:** Conditional Planning Permission

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

- Drawing PO30/001
- Drawing PO30/002
- Drawing PO30/003
- Drawing PO30/004
- Drawing PO30/005
- Drawing PO30/006
- Drawing PO30/007
- Drawing PO30/008
- Drawing PO30/009
- Drawing PO30/0010
- Drawing PO30/0011
- Drawing PO30/0012
- Drawing PO30/0013
- Drawing PO30/0014
- Drawing PO30/0015
- Drawing PO30/0016

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

*\* Note that the same number of drawings, with the same drawing reference numbers have been submitted with both applications (albeit some of the drawings are different) so there is no need to vary the wording of this condition for the two applications.*

3 The walls of the extensions shall be finished in red bricks to match the front wall of the existing building. The roof tiles shall resemble those used on the existing house. The vertical faces of the dormer window shall be clad in hanging tiles to match those of the roof.

**Reason:** In the interests of the visual appearance of the site and the character of the area, pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1.

4 No windows or doors, other than those shown on the drawings hereby approved, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (section 7.3.16) as referenced in paragraph 12.1.5 supporting Policy UD1.

5 No part of the flat roof of the development hereby permitted shall be used as a terrace, balcony or other open amenity space.

**Reason:** To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (volume 2 Extending Your Home, section 3.3.1c) as referenced in paragraph 12.1.5 supporting Policy UD1.

6 The proposed windows in the flank elevation facing 2b Harford Drive shall be fitted with obscured glass at all times, and no part of those windows shall be capable of being opened other than parts that are at least 1.7m above the floor of the room in which the window is installed.

**Reason:** To prevent overlooking of those parts of neighbouring premises in which the residents should have a reasonable expectation of privacy, pursuant to section 17 (point 4) of the National Planning Policy Framework and Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document as referenced in paragraph 7.3.16 supporting Policy UD1.

## **15. Informatives**

1 For details of how the Local Planning Authority has reached its decision on this application please refer to the planning officer's report, which can be obtained from the Council's website [www.watford.gov.uk](http://www.watford.gov.uk), where it is appended to the agenda of the Development Management Committee meeting of 14 December 2016; and also to the minutes of that meeting.

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 2015.

3 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 more information and for advice as to whether a Building Regulations application will be required please visit [www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com).

4 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)

5 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)

6 A discrepancy has been noted between the proposed ground floor plan and the proposed flank elevation drawing in that the plan proposes that the flank wall of the dining room would include a window facing 2b Harford Drive while the elevation shows no such window. For the avoidance of doubt, this planning permission does not approve such a window.

Case Officer: Mr Max Sanders

Tel. 01923 27 8288 E-mail: [max.sanders@watford.gov.uk](mailto:max.sanders@watford.gov.uk)