

	PART A	Item Number
Report to: <b>Development Management Section Head</b>		
<b>Delegated</b>	Date of Committee: <b>10<sup>th</sup> May 2017</b>	
Site address:	<b>1 Bovingdon Crescent Watford Hertfordshire, WD25 9RA</b>	
Reference no.	<b>17/00368/FULH</b>	
Description of development:	<b>Erection of extensions: double storey at the rear, single storey at the side and the front.</b>	
Applicant:	<b>Mr Khurram Hussain Watford Hertfordshire, WD25 9RA</b>	
Date received:	<b>20<sup>th</sup> March 2017</b>	
8 week date (minor):	<b>15<sup>th</sup> May 2017</b>	
Ward:	<b>Meriden</b>	

### **Summary**

Following the refusal (under delegated powers) of application 16/01694/FULH in January of this year, the applicants have applied again for planning permission to extend their house at the front, the side and the rear. This revised scheme takes account of the reason for which the previous proposal was refused, which related mainly to the poor design of a first floor side extension – that element has been deleted from the new design.

The revised design is considered acceptable. It complies with the guidelines on good design that are set out in the Residential Design Guide supplementary planning document, and it will not cause significant harm to the amenity of any neighbours.

The Development Management Section Head recommends to the Development Management Committee that the application be **approved** as set out in the report.

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## **Background**

### **Site and Surroundings**

The site is an end of terrace, two storey house in North Watford. The attached neighbour to the right is number 3. Because this is the first house in Bovingdon Crescent there is no house immediately to its left, but the ends of the rear gardens of several houses on Codicote Drive abut the side boundary of this site.

Neither this house nor its attached neighbour has been extended. However this house was built with some outbuildings to its left side (for use as stores and as an outdoor toilet) and a clear plastic roof has subsequently been installed over what was formerly an open passage between those outbuildings and the side of the house.

This is not a Conservation Area. The site is neither locally nor nationally listed, and there are no Tree Preservation Orders on the site.

### **Building Works Currently Underway In The Rear Garden**

Some of the objectors who have written to the Council have been worried by the fact that builders have been seen coming and going from the site. They are worried that works might be starting prematurely on the proposed extensions, prior to the planning application having been determined. In fact builders are currently at work in the rear garden, but at the time of writing this report (20.04.2017) they have not started work on the extensions that are the subject of this report.

They have cleared the rear garden, and they are building a detached outbuilding out of concrete blockwork at the end of the garden. That will have a flat roof. A planning officer inspected it on 20.04.2017, when the roof joists were already in situ, and established that it would be slightly less than 2.5m tall, as measured from the original ground level. The ground has been excavated by a few centimetres in front of the outbuilding, but it remains at its original level in the gap that has been retained behind it. As it will not be more than 2.5m tall (from the original ground level) this outbuilding is Permitted Development – i.e. it is the type of development that does not require planning permission.

Apparently the applicant intends to use it as his home office. He would be working alone, without staff or customers visiting, and such a use is considered to be ancillary to the use of the main house as a single family dwelling – meaning that it is not necessary to seek planning permission for a change of use.

### **Proposed Development**

Full planning permission is sought for extensions to the house, which would be partly single and partly double storey. This would involve a wrap-around side and rear extension covering the whole of the side (replacing the existing outbuildings) and the whole of the rear at ground floor;

and also a first floor element covering part of the rear. A separate front porch is also proposed.

On the first floor a new bedroom would be created. An existing bathroom would be altered, and a new flank window would be inserted in an existing side wall to serve it. That bathroom would lose some of its existing space to allow for an entrance corridor to the new bedroom. On the ground floor the existing rooms at the rear (a lounge and a kitchen) would be enlarged. A new study and a new bathroom would be included in the side element of the ground floor extension.

### **Differences Between This And The Previously Refused Design (16/01694/FULH)**

The two designs are identical as regards the ground floor.

The differences on the first floor are that the first floor extension would now only be at the rear of the original house – it is no longer proposed that a first floor side extension would be included. The way in which the first floor bathroom is to be reconfigured is also somewhat different.

The double storey rear extension is to have a gable end facing the rear garden, which would be more in keeping with the character of the original house than the hip that was previously proposed.

### **Planning History**

<b>Case No</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
16/00999/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 3.5m and the height of the eaves would be 2.8m	Refuse Householder Permitted Development Prior Approval application.	24.08.2016
16/01694/FULH	Erection of a single storey front and double storey rear and side extensions.	Refuse Planning Permission	31.01.2017

**The sole reason for which application 16/01694/FULH was refused was as follows:**

*The first floor element of the proposed extension would have a roof that would not be well integrated with the original house, and the design of that roof would be out of keeping with the character of the original house. As this would be clearly visible at an angle and in profile from the*

*western end of the street, as well as from the rear windows and rear gardens of numerous neighbouring houses, it would be harmful to the visual amenity of the site and to the character of the area. The proposal is therefore contrary to the principles of good design that are set out in the Residential Design Guide supplementary planning document (section 8.2.1 and 8.3.1 and 8.11), and contrary to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1, and contrary to section 64 of the National Planning Policy Framework.*

## **Relevant Policies**

### **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:

- 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 & 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)
- Watford Character Of The Area Study (SPD adopted Dec 2011)

### **Neighbour consultations**

Notification letters were sent to 10 properties on Bovingdon Crescent and on Codicote Drive. Five responses were received from local residents. Four of those were letters that were identical except for the names, addresses and signatures. A table summarising the points that were raised is given below in the section of this report entitled Consideration of Objections Received.

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### **Appraisal**

This application for planning permission relates to the proposed extensions to the house. It does not include the outbuilding that is nearing completion at the end of the garden – that is *permitted development* (i.e. it does not require planning permission).

### **Design**

The reason for which the previous application was refused (under delegated powers) related to a first floor element of the extension which would have projected out to the side of the original flank wall - its roof was not well integrated with that of the main house, and it would have looked awkward and obtrusive. The planning officer's report also noted that the rear first floor extension was shown as having a hipped roof above it, which would have been at odds with the gables that currently face forwards and rearwards on either end of this terrace. Since that application was refused the applicant's agent has sought advice from the planning officer, and both of those problems have been addressed in this revised design. There is no longer any first floor side extension proposed – the only part of the development that would be double storey would be at the rear – not at the side. The roof above the rear first floor extension is now to have a gable rather than a hip.

The proposal complies with the principles of good design that are set out in the Residential Design Guide supplementary planning document. That recommends that double storey extensions should not usually exceed a depth of 3m, and that is the depth that is proposed in this case. Most of the development will be single storey only, and it will not appear unduly large or out of scale.

The ground floor elements of the extension would have flat roofs, they would be relatively unobtrusive, and the part that would be at the side would be replacing some existing outbuildings. These elements of the proposal are considered acceptable.

The porch is considered acceptable, being only 1.5m deep, and with a front gable proposed to

replicate the gable that characterises the front of the existing property. It is copying a porch that has already been added to the other end of the terrace in the equivalent position at 7 Bovingdon Crescent, and this will mean that symmetry is restored to the terrace.

### **Impact on neighbouring properties**

The site stands to the east of its nearest neighbours on Codicote Drive, which are numbers 34 and 36, so any shadow that the extensions cast would only affect those neighbours in the early morning, and even then the shadow would only lie over the far ends of their gardens. It would not affect their rear windows or any conventional patios (i.e. patios located in the usual place at the immediate rear of a house). In the case of 34 Codicote Drive their patio is in an unusual location because it is at the far end of their garden so that it would be close to the proposed extension. However, as the shadow cast would be modest (the double storey element of the extension being relatively small) and only in the early morning, when a patio is not likely to be used, it is not considered that the fact that the neighbours have chosen to put their patio in this unusual position amounts to a justifiable reason to refuse planning permission.

The rear extension would be 3m deep, which complies with the design guidance for double storey rear extensions that is set out in the Residential Design Guide supplementary planning document (section 8.5.2). The part that would be closest to the attached neighbour at 3 Bovingdon Close would be single storey only: a ground floor extension 3m deep is unlikely to have a significant impact on the amenity of that neighbour (and indeed it would be lawful to build a ground floor only extension of that depth without having to apply for planning permission). The first of two applications that were submitted in 2016 (16/00999/HPD), and which was refused on account of its likely harm to this neighbour's amenity, would have been twice as deep at 6 metres.

There would be no unreasonable overlooking of neighbours on either side of the extensions. There are no side windows proposed that would face the attached neighbour at 3 Bovingdon Close, and the only side window that is proposed facing 34 Codicote Drive is a bathroom window inserted in the existing side wall, which would be obscurely glazed. This can be controlled by a condition.

A tall and dense belt of fir trees stands just beyond the rear boundary, protecting the privacy of neighbours to the rear. In any case, the rear first floor window would be 15 metres from the rear boundary, which exceeds the minimum distance of 11m that is recommended in the Residential Design Guide.

### **Consideration of objections received**

Notification letters were sent to 10 properties on Bovingdon Crescent and on Codicote Drive. Five responses were received from local residents: all of which were objections. Four of those were letters that were identical except for the names, addresses and signatures. The following table summarises the points that were raised:

Points Raised	Officer's Response
<p>Site notices have not been displayed in the street for this application, nor for either of the previous applications in 2016.</p>	<p>Site notices are not usually displayed for applications of this type. They are only displayed for major applications, or for minor applications that are in Conservation Areas or affecting Listed Buildings. Immediate neighbours (those whose boundaries touch the site) are sent notification letters.</p>
<p>Building work has already started on site, although the planning application has not yet been determined.</p>	<p>The builders are not working on the extensions that are the subject of this application. They have been clearing the garden, and building an outbuilding at the end of the garden, which does not require planning permission.</p>
<p>The proposed extensions would be out of character with the street, and its visual impact would be harmful.</p>	<p>The front porch would look the same as one that already exists in the equivalent place at the other end of this terrace. The side extension, when seen from the street, would be low and unobtrusive, and would not look very different to the existing outbuildings that it would replace. The double storey rear extension will not affect the street-scene, and its design is considered acceptable as regards the view of it from the rear.</p>
<p>Some houses on Codicote Drive fear that their views would be harmed.</p>	<p>There is a distinction to be made in Planning terms between an <i>outlook</i> and a <i>view</i>. Serious harm to an <i>outlook</i> may be a reason for the refusal of planning permission, but case law has ruled that there is no right to a <i>view</i> in Planning law. In this case it is clear that the views of those neighbours would be affected in the sense that they would be able to see the development when they look from their rear windows or from their gardens; but the fact that they would be able to see it does not amount to a legitimate reason to refuse planning permission. It is rare that any development is proposed that would be invisible. <i>Outlook</i> is a consideration for example in cases where an extension would be built right in front of a neighbour's main window at close quarters; but that would not happen in this case. The nearest neighbours on Codicote Drive are 34 and 36, but they would be separated from the development by the full lengths of their own rear gardens, which are approximately 15m long.</p>
<p>Extending at the front and the side and the rear is excessive. It might be acceptable to extend the property on one of its elevations, but not on all three.</p>	<p>The house is quite well set back from the street, and it has a fairly large rear garden. The extensions are not necessarily considered to be unduly large in themselves. The double storey rear extension would be only 3m deep (which complies with the design guidance in the RDG). The front porch and the</p>

This is over-development of the site. It would be overbearing and out of scale.	rear extension will not be seen together. The only element that will be forward of the original front building line will be a modest porch.
Four neighbours on Codicote Drive wrote to express their concern that their properties would be overshadowed.	The first floor element of the extension would not be particularly large, and any shadow that it cast over those neighbours would only be in the mornings, as the site is to their east. That shadow would be small, and it would only affect the far ends of their rear gardens, not their rear windows.
Subsidence is thought to have occurred at this site in the past.	This would be a matter for Building Control, rather than being a material Planning consideration.

### **Conclusion**

The revised design is considered acceptable: it has addressed the reasons for which the previous application was refused. It complies with the guidelines on good design that are set out in the Residential Design Guide supplementary planning document, and it will not cause significant harm to the amenity of any neighbours.

The Development Management Section Head recommends to the Development Management Committee that the application be **approved**.

### **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.

**Decision Level:** Committee Decision (meeting of 10<sup>th</sup> May 2017)

**Recommendation:** Conditional Planning Permission

### **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:

Site location plan

Un-numbered drawing dated as 'amended 23/11/16'

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

3 The walls shall be finished in bricks to match the colour, texture and style of the existing building. The roof tiles shall resemble those used on the existing house. The window frames shall be white to resemble those of the existing house.

**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 plans hereby approved, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority. The proposed new first floor bathroom window in the existing flank wall shall be fitted with obscured glass at all times, and no part of that window 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 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.

### **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, where it is appended to the agenda of the Development Management Committee meeting of 10 May 2017; and please refer 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%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93%93_construction_noise)

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