

	PART A	Item Number
Report to: Development Management Section Head		
Date of Committee: 10 th May 2017		
Site address:	20 Cassiobury Park Avenue	
Reference Number :	17/00197/FULH	
Description of Development:	Part retrospective planning application for part single storey, part two storey rear extension, alterations to the roof included two rear dormer windows with Juliette balconies.	
Applicant	Mr And Mrs Hadawi	
Date Received:	20th February 2017, date revised 24th April 2017	
8 week date (minor):	17th April 2017	
Ward:	PARK	

Summary

- 1.1 There have been four planning applications since 2012 relating to proposals to extend the house, three of which have resulted in appeals. The first two appeals have led to split decisions, with planning permission being granted for parts of the developments proposed, subject to conditions.
- Under the first appeal scheme, planning permission was granted for a front porch and a three metre deep double storey rear extension. The council had primarily raised concern over the design of the roof of the two storey rear extension which incorporated a pitched roof with a 6 degree slope terminating below the overhanging eaves.
 - Under the second appeal scheme, planning permission was allowed for roof alterations to the front and the rear. Under this scheme the original roof form which incorporated pitches on all sides would have been retained.
- 1.2 In combination, therefore planning permission was granted for a two storey, 3 metre-deep rear extension, a modest front dormer and the rear dormer which would have been half the height and half the width of the hipped roof. A condition required new windows on the side elevations of the 3 metre extension to be obscured.

- 1.3 However, upon inspection by the council enforcement officers, it was revealed that what has been built on site had gone far beyond what was granted planning permission under the two earlier planning appeals. In summary the main differences are:
- The conversion of the hip end roof to gable end roof and increasing the height of the chimneys, the construction of a larger front dormer, the construction of a full-width rear dormer that appears as a second floor rear extension rather than a dormer. The roof of the first floor rear extension is flat with full height glazed doors allowing the flat roof area to be used as a raised balcony. The ground floor is 4m deep instead of 3m with a 1 metre deep large bay window. This extension also has a flat roof which is accessible from the full height rear glazed doors to the first floor bedrooms. All windows in the dwelling have been changed from crital to powder coated aluminium. The window on the side elevation of the extension has been installed with clear glazing but the plans indicate that it is to be obscured. A condition is required, the first floor side elevation windows to be fixed shut, up to 1.7m above the finished floor level, and to be fixed with obscured glazing.
- 1.4 Subsequent to the enforcement investigation, the applicant submitted a retrospective application to retain the building as had been constructed. However, it was considered that the resulting extensions and alterations to the building are such that an entirely different building has emerged which is out of character and appearance to the original dwelling and has an impact on the character of the area and the amenity of adjoining residents. Therefore, the council refused the scheme. The applicant then appealed, but whilst the appeal was dismissed the inspector considered certain aspects of the development acceptable.
- 1.5 The council had also issued an enforcement notice, requiring the restoration of the building to its original form. The applicant appealed against this decision. Again, whilst the inspector dismissed the appeal and most of the notice, part of the scheme was considered acceptable. In this the Inspector allowed only the larger front dormer which his report acknowledged only looks acceptable in the larger roof scape which remains unauthorised. The appeal decision also implied an expectation that the council and applicant seek to find a compromise and extended the compliance period.
- 1.6 The scheme, as originally submitted, sought to overcome the concerns of the appeal Inspector. However, there have been some revisions to the scheme following the original submission, which has improved the scheme further. The officers are now satisfied that the present scheme, in the light of the earlier approved scheme on appeals, is a satisfactory solution to address the harms that have arisen from the unauthorised construction.
- 1.7 The Development Management Section Head recommends the application to be approved as set out in the report.
-

Site and Surroundings

- 2.1 The proposal relates to a 2 storey detached single family house, located on the south side of Cassiobury Park Avenue. The character of the immediate area is of detached dwellings of similar scale but with individual design. There are front dormers in the area that are modest in scale. The building has recently been substantially extended and modified and vastly differs from the original appearance of the dwelling.
- 2.2 The original dwelling had a design which was commensurate with the surrounding area in terms of its scale and massing. The building incorporated a two storey bay extension with a hipped roof onto an original front extension. There were also elegant bay features on the rear elevation. The building appears to have been erected in the 1920s, it was built in brick in the front elevation with smooth render to sides and rear incorporating a tiled roof. While the dwelling is not in a conservation area it did have some historical value which has been lost as a result of the significant alterations.
- 2.3 The building now features a gable-end pitched roof with the ridge parallel to the road with new roof tiles. It incorporates a front dormer that is larger than the dormer that was granted permission in the second appeal. However, in a subsequent appeal (4th appeal) the inspector found this to be acceptable.
- 2.4 To the rear there are part one and part two storey rear extensions, both with flat roofs and a full-width dormer which has the appearance of a second floor rear extension due to the lack of setback and the materials used. All windows in the building have been replaced with modern powdercoated aluminium many being full-height clear glazed doors rather than windows. The side elevations have some obscured glazing but some windows are shown to be fully opening.
- 2.5 The site is not within a conservation area, the building is not listed, nor is it subject to an article 4 direction.

Proposed Development

- 3.1 Full planning permission is sought for an extension to the property as follows:
 - To retain the part one (4m deep) and part two storey (3m deep) rear extension, retaining the flat roofs.
 - Alterations to the main roof. Removing the full span extension at the roof level, transforming the roof into a gable end roof and to install a pair of dormer windows to the rear roof slope.
 - The existing patio doors at the first floor rear level to be replaced by normal windows.
 - To retain the front porch and front dormer windows as existing.

Planning History

- 4.1 On 22.10.2012, planning permission (Ref; 2/00880/FULH) was refused for the erection of erection of single and double storey rear extensions, loft conversion involving two dormers to the rear and front elevations, a new porch and new windows added on both side elevations at ground and first floor level. (There was no appeal against this decision).
- 4.2 On 11.03.2013 planning permission (Ref13/00045/FULH) was refused for the “erection of single and double storey rear extensions, loft conversion with dormers to the rear and front elevations, a new porch and new windows added at ground and first floor levels. This scheme was subject to appeal (Ref: APP/Y1945/D/13/2199130). The appeal decision was issued on 6th August 2013. The double storey rear extension was approved but the front and rear dormers refused. (Please see attached the associated drawings and the appeal decision letter.) (Please see figure 1 in the appendices)
- 4.3 On 16.01.2014 planning permission (Ref; 13/01242/FULH) was refused for the erection of a two storey rear extension, a single storey conservatory beyond the proposed two storey rear extension, the conversion of the loft space into a habitable room including the installation of dormer windows to the front and rear elevations and the erection of a front porch. On 21.March.2014, the consequent appeal (Ref; APP/Y1945/D/14/2213205) to this scheme granted planning permission for the front and rear dormers. (Please see attached decision letter and the associated plans). (Please see figure 2 in the appendices)
- 4.4 On 10th November 2014, a complaint received by the council, showing concern that the scheme was not being implemented in accordance with the approved plan. It appeared that the ground floor extension was being built a metre deeper than the extension as approved by the appeal inspectorate on 6 August 2014 – Ref; 2199130). The site was subsequently inspected by the Council enforcement officer and matters were debated between the Council’s Development Management Section Head and the owner of the site. The outcome of the negotiation resulted in the council to consider that there would be no expediency in taking any enforcement action with regards to the 4-meter deep ground floor extensions, as this could have been built under permitted development rights. But it was made clear to the applicant than any extension beyond three metre deep at first floor level will be likely to be subject to enforcement action.
- 4.5 On 3rd August 2015 a further complaint was received by the council, warning that the substantial works of construction had taken place, however, the works were substantially different from the schemes approved under the appeal schemes. The Council’s enforcement officer visited the site and requested the application be submitted for considerations. On 26th October 2015 a part retrospective planning application was submitted for the retention of the unauthorised works. The application was made valid on 3rd November 2015. However, upon the examination of the case, it was revealed that the drawings associated with the planning application, were substantially different from what had been constructed on site. Therefore accurate drawings to precisely reflect what had been constructed on site were requested by the Council. The accurate drawings were

received by the Council on 1st December 2015. Given the development had been substantially completed and the fact that a significant number of people had commented on the actual development rather than making specific reference to the drawings, the council did not carry out any further consultation, in respect of the revised accurate drawings.

- 4.6 This application Ref:15/01520/FULH for “part retrospective application for two storey rear extension, loft conversion with front and rear dormer windows and the erection of a front porch was finally refused by the council on 15.12.2015. The appeal (Ref: APP/Y1945/D/16/3146076) was dismissed but the inspector agreed that the front porch, was considered acceptable. (Please see figure 3 in the appendices).
- 4.7 The council had also issued an enforcement notice which was subsequently appealed (Ref: APP/Y1945/C/16/3152304) and dismissed on 1st February 2017. The inspector, whilst dismissing the appeal considered that the front dormer window within the enlarged roof was acceptable and granted permission for this, albeit the enlarged roof remain unauthorised and remained subject to enforcement. The enforcement notice was upheld in all other regards, however the inspector extended the period compliance and the report implies an expectation that the appellant and council continued to work towards appropriate lesser steps during this period.

Relevant Policies

5.1 **Local Development Framework Core Strategy**

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

Watford District Plan 2000 (saved policies)

- 5.2 There are no policies contained within this plan that are relevant to this case.

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

- 5.3 There are no policies contained within the Hertfordshire Waste Local Plan that are relevant to this case.

Hertfordshire Minerals Local Plan (saved policies)

- 5.4 There are no policies contained within the Hertfordshire Minerals Local Plan that are relevant to this case.

Supplementary Planning Guidance Notes

- 5.5 A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council’s Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the

Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004).

National Planning Policy Framework

- 5.6 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 27th 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.
- 5.7 The relevant section with regards to this application is contained within Section 7; Requiring Good Design, as follows; ,

At paragraph 56, NPPF explains, "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 57 of this document explains, "It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

Paragraph 58 advises, Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
 - And are visually attractive as a result of good architecture and appropriate landscaping.
-

Consultations

Neighbour consultations

6.1 The following properties were notified:

52 Rickmansworth Road, Watford, WD18 7HT,
17A Cassiobury Park Avenue, Watford, WD18 7LA,
Ground Floor Flat, 54 Rickmansworth Road, Watford, WD18 7HT
First Floor Flat, 54A Rickmansworth Road, Watford, WD18 7HT
48 Rickmansworth Road, Watford, WD18 7HT,
50 Rickmansworth Road, Watford, WD18 7HT,
22 Cassiobury Park Avenue, Watford, WD18 7LB,
18 Cassiobury Park Avenue, Watford, WD18 7LB,

10 responses were received (including one from the Cassiobury Residents Association) citing the following objections:

- Loss of light,
 - Overlooking and loss of privacy,
 - Excessive development, dominant, unsightly and detrimental to the visual amenity.
 - The building as emerged is entirely different from the schemes which were previously approved.
 - Loss of outlook
 - Damage to the quality of the environment by loss of greenery
-

Appraisal

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

- (a) *Watford Local Plan: Core Strategy 2006-31 (adopted January 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*; and
- (d) the Hertfordshire Minerals Local Plan Review 2002-2016.

7.2 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 27th 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.

- 7.3 A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004).
- 7.4 The Local Development Framework Core Strategy was submitted to the Secretary of State for Communities and Local Government on 28 February 2012. Hearing sessions were held from 12 to 19 June 2012 and were followed by public consultation on proposed modifications from Monday 31 July to Monday 10 September. The Inspector concluded that the Watford Core Strategy provides an appropriate basis for the planning of the Borough to 2031 providing a number of modifications are made. These modifications were the subject of the summer 2012 public consultation. The Core Strategy is therefore sound and legally compliant in the view of the Inspector. The Core Strategy was formally adopted at a Council meeting on 30th January 2013. It is a material consideration and should be afforded considerable weight in the determination of planning applications.
- 7.5 The *Watford Character of Area Study* was approved by the Council's Cabinet as a Supplementary Planning Document on 5th December 2011 and is a material consideration of significant weight in the determination of planning applications.

Planning Assessment

- 8.1 There are four issues to be considered;
- a) the effect of the proposed extensions on the character and appearance of the building and the area; and
 - b) the impact of the proposal upon the amenities of the adjoining occupiers in terms of loss of light, privacy and sense of over dominance.
 - c) impact upon highways
 - d) loss of greenery
- a) Character and appearance**
- 8.2 The major issue here is the impact of the proposed development upon the visual amenity of the area. Prior to the recent modifications, the building had not been extended before and generally had retained its original character.

- 8.3 The most damaging aspect of the development is in regards to the insensitive alterations to the roof of the building. These include a flat roof two storey extension, large patio type fenestration, and the hip to gable element together with large front and rear dormers which has created an incongruous feature which is totally out of keeping with the character of the building and the area.
- 8.4 However, certain aspects of the development; including the front dormer and the two storey rear extension incorporating a flat roof, have already been allowed at appeal and therefore, the council must have regard to these approvals.
- 8.5 The applicant however, has sought to address the most offending aspect of the unauthorised development, by removing the second floor extension to the rear, restoring the rear pitch slope and to incorporate a pair of dormer windows, with a design suitable to the appearance of the enlarged building and in keeping with the character of the area.
- 8.6 Further, the applicant is now seeking to replace the large patio type windows to the rear elevation with suitably designed windows which would enhance the appearance of the building.
- 8.7 It should be noted that the scheme since it was originally submitted, and for which public consultation was carried out, has somewhat changed. The significant changes include alteration to the rear fenestration and dormer windows to the roof. (Please see figures 4 and 5 in the appendices).
- 8.8 The porch already benefits from planning permission as a result of previous decision and no issue can therefore be raised with its retention as built.
- 8.9 Given the above deliberations, and in particular with the reference to earlier approved schemes, it is considered the proposal in visual terms will have an acceptable impact upon the visual amenities of the area.

b) Impact on neighbouring properties

- 8.10 Except for the ground floor extension which is deeper than what was allowed under appeal, the extension overall as built is not any larger than those already approved. The additional ground floor depth is not considered to be an issue in regard to impact on light to neighbouring dwellings. In fact the extension as completed does comply with the Council's standards and does not breach the 45 degree rules on either the plan or the elevations when considering the ground floor window on the rear elevation of the adjoining properties. This rules as advocated in the recently adopted Residential Design Guide, suggests "extensions should be designed so as not to cross a 45 degree line (on plan and in elevation) projected from the centre point of an adjoining neighbour's ground floor habitable room window which is perpendicular to the proposed extension.
- 8.11 The manner in which the extension has been built with the incorporation of flat roofs has

allowed the opportunity for the use of the flat roof as an amenity space together with the full height clear glazed patio doors to the rear elevation and the side windows above ground floor having clear glazing or not being fixed shut up to 1.7m above finished floor level has resulted in significant loss of privacy to the adjoining occupiers.

8.12 The revised scheme retains the flat roofs. However, at the roof level the extensive rear roof extension will be removed, the rear roof slope will be restored to its original pitch. A pair of small dormer windows will be installed. Similarly the windows at the first floor level will be shortened and will include an upstand which will prevent access to the flat roof. Further, a condition will be imposed to prevent the use of the flat roof as an amenity space.

8.13 It is therefore considered that the proposal will not have a significant impact upon the amenities of the adjoining occupiers in terms overlooking and loss of privacy. And it would meet the advice given in paragraphs 7.3.13 to 7.3.19 of the residential design guide.

Loss of trees and vegetation;

8.14 The proposal has resulted in loss of greenery and some trees. However, the trees were not protected and were not subject to tree preservation order.

Response from adjoining and nearby neighbours;

8.15 A significant number of local residents have objected to the scheme. Whilst the Council only notify the adjoining occupiers within the close proximity of the site, a wider public response to the consultation, reflecting their aversion to the scheme, has been received.

8.16 A summary of the objections is provided above. The Council shares the views of the objectors in many respects and hence has sought revisions where it has been able to do so. However, certain aspects of the development have been already approved by previous appeal inspectorates, and the council would not be in a position to raise objection to those aspects.

8.17 The other issue which the Council view differs from the neighbours' is in relation to the loss of light. In this respect the scheme will not break the 45 degree rule as set out in the Council. Therefore, the scheme in terms of loss of light or outlook is considered acceptable. Further, there could be no issue raised with respect to the loss of greenery, as the lost trees were not protected by any designation.

8.18 The most problematic issue is with regards to the overlooking from the use of the flat roofs, should they be used for amenity purposes. However, the present scheme will adequately address the issue. The patio doors have not been replaced by windows which makes access to the flat roof rather difficult. Further, a condition will be imposed to prevent the use of the flat roof as amenity space.

Conclusion;

- 9.1 The proposed development is now considered to have overcome the council's previous concerns. The resulting amendments by reason of their design and layout are now considered to have an acceptable impact upon the character and appearance of the area and will safeguard the amenities of the adjoining occupiers. Hence, the recommendation is for approval but subject to condition.

HUMAN RIGHTS IMPLICATIONS

- 10 The refusal of planning permission will have a significant adverse impact upon the human rights of the applicants to develop their land. However, in this instance it is not considered that the adverse impact of the development upon the human rights of the third parties outweighs the impact upon the human rights of the applicants

Recommendation

Grant planning permission subject to the following conditions;

- 1 The scheme shall be completed within nine months from the date of the enforcement appeal of the 1st February 2017.

Reason: As required by the enforcement appeal decision notice and in order to overcome the harms which is being caused to the visual amenity of the area and the amenities of the adjoining occupiers.

- 2 All the external surfaces shall be finished in materials to match the colour, texture and style of the existing/adjoining building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this condition.

Reason: To ensure that the development applies quality design that respond to the buildings context and makes a positive contribution to the character and appearance of the area in accordance with the provision of National Planning Policy Framework and the Policy UD1 of the Watford Local Plan Core Strategy (2006-2013) adopted 2013.

- 3 The development shall be carried out in accordance with drawings hereby approved 3178/APS/K unless it is agreed in writing by the local planning authority.

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no other window opening on the side elevations or at roof level hereby approved shall be installed without the prior written permission of the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 of the Watford Local Plan Core Strategy (2006-2013) adopted 2013 the adopted Residential Design Guide.

5. The recently installed windows to the side elevation at the first floor level shall be fixed and obscured 1.7m from the finished floor level.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 of the Watford Local Plan Core Strategy (2006-2013) adopted 2013 the adopted Residential Design Guide.

6. The flat roof of the proposed extensions hereby approved shall not be used as a terrace, balcony or any other amenity purposes.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 of the Watford Local Plan Core Strategy (2006-2013) adopted 2013 the adopted Residential Design Guide.

Informatives :-

- 1 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
- 2 This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

- 3 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:

- o Monday to Friday 8am to 6pm
- o Saturdays 8am to 1pm
- o 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

Case Officer: Habib Neshat

Tel: 01923 278285

Email: habib.neshat@watford.gov.uk