

PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>6<sup>th</sup> September 2017</b>
Site address:	<b>4-6, Lower Paddock Road</b>
Reference Number:	<b>17/00721/FUL</b>
Description of Development:	<b>Erection of 3 dwellings with access, parking, landscaping and associated works (amended description).</b>
Applicant:	<b>Hampden Homes Limited</b>
Date Received:	<b>22<sup>nd</sup> May 2017</b>
8 week date (minor):	<b>17<sup>th</sup> July 2017</b>
Ward:	<b>Oxhey</b>

## **1.0 Site and surroundings**

- 1.1 The site is located on the northern side of Lower Paddock Road to the east of the junction with Villiers Road. It comprises a pair of semi-detached houses with large rear gardens. The western boundary abuts the rear gardens of properties in Villiers Road, the northern boundary abuts the rear gardens of properties in Warneford Place and the eastern boundary adjoins the Keyser Hall.
- 1.2 The houses are not listed or locally listed but the site is located within the Oxhey Conservation Area.

## **2.0 Proposed development**

- 2.1 The existing pair of houses is to be substantially retained but with the removal of several small, single storey extensions and some changes to the fenestration on the side and rear elevations. All existing outbuildings within the garden areas are to be removed.
- 2.2 The existing crossover and access to 6, Lower Paddock Road is to be modified to form an improved access to the site serving an internal driveway. This will serve 3 new houses to be erected within the garden area and 9 parking spaces. The original scheme proposed 4 new houses but 1 house has subsequently been removed at the request of officers following a site visit to Warneford Place. This space has now

been provided as a communal area of open space.

- 2.3 The proposed new houses are 3 storey and comprise an integral garage at ground floor and 3 bedrooms. They are of a contemporary design with shallow, pitched roofs.

### **3.0 Relevant planning history**

- 3.1 There is no planning history of relevance to the current application.

### **4.0 Planning policies**

#### **Development plan**

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

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

- 4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

#### **4.3 Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application:

*Residential Design Guide*  
*Watford Character of Area Study*  
*Conservation Area Management Plan*  
*Oxhey Conservation Area Character Appraisal*

#### **4.4 National Planning Policy Framework**

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

- 4.5 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.
- 4.6 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF and should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

## **5.0 Consultations**

### **5.1 Neighbour consultations**

Letters were sent to 50 properties in Lower Paddock Road, Rowley Close, Warneford Place and Villiers Road.

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

Number of original notifications:	50
Number of objections:	280
Number in support:	18
Number of representations:	298

Of the 280 letters of objection, 103 are standard letters raising the following main objections:

Representations	Officer's response
Policy U19 seeks to resist small scale development which, cumulatively, could be detrimental to the character and appearance of the conservation area. NPPF para. 53 encourages policies to resist inappropriate development of residential gardens.	The impact on the character and appearance of the conservation area is considered at para. 6.3 of this report.
The proposal contradicts Policy H9 being tandem development with a shared access.	Policy H9 is discussed in para. 6.2 of this report.
Policy U18 states that development in a conservation area will be resisted if considered inappropriate in scale, setting, massing, siting and detailed appearance. The proposed height, form and design are considered completely out of character with the surrounding buildings and the conservation area.	These issues are discussed in paras. 6.3 and 6.4 of this report.
Height will create an overbearing impact on the outlook on properties in Warneford Place and overshadowing of their garden areas.	The scheme has been amended by the deletion of the dwelling closest to Warneford Place. For impacts on surrounding properties, see para. 6.6 of this report.

The main objections from other letters received are summarised below:

Representations	Officer's response
Not sympathetic to the conservation area. Scale and bulk inappropriate. Loss of green	See paragraph 6.3 of this report.

space.	
Inappropriate back garden development contrary to NPPF.	See paragraph 6.2 of this report.
Large, 3 storey brick wall facing properties in Warneford Place, Visually very dominant and overbearing. Loss of light and outlook to properties.	The originally proposed Unit 4 has now been removed, increasing the distance between the flank wall of the end unit (Unit 3) and properties in Warneford Place. See paragraph 6.6 of this report.
Loss of wildlife and natural habitat. Bats regularly seen in the gardens.	The garden areas are of no specific ecological value. The 4 most significant trees are to be retained. A bat roost survey has been carried out (see paragraph 6.8 of this report).
Increase in traffic in Oxhey village.	The proposed 3 new houses will generate a negligible level of additional traffic.
Narrow entrance.	The entrance is to be improved and widened. See paragraph 6.7 of the report.
Loss of parking for current residents.	The existing houses are provided will replacement parking spaces within the development.
Difficulty of access for construction vehicles. No space for contractors to park. Disruption to the neighbourhood.	These are not relevant planning considerations. Environmental impacts can be dealt with by Environmental Health under environmental protection legislation.
Visual impact on the streetscene.	See paragraph 6.3 of this report.
Architecture is out of place with local area.	See paragraph 6.4 of this report.
Overdevelopment of the site.	The scheme has been reduced to 3 houses and meets the relevant space requirements for new development.
Very small garden area retained for 6, Lower Paddock Road.	This garden area has now been increased in size.

### 5.3 Statutory publicity

The application was publicised by site notice posted on 16<sup>th</sup> June 2017 and by advertisement in the Watford Observer published also on 16<sup>th</sup> June 2017. The site notice period and newspaper advertisement period both expired on 7<sup>th</sup> July 2017.

### 5.4 Technical consultations

The following responses have been received from technical consultees:  
No technical consultations were necessary in respect of this application.

5.5 Hertfordshire County Council (Highway Authority)

Has raised no objection to the proposal subject to suggested conditions.

5.6 Hertfordshire County Council (Ecology)

Agree with the findings of the Bat Roost Assessment report submitted with the application. Consider the Outline Mitigation Strategy forming part of this report to be acceptable and sufficient to allow the Local Planning Authority to satisfy its obligations under the Conservation of Habitats and Species Regulations 2010 and determine the application.

5.7 Planning Policy

*These comments relate to the originally submitted scheme for 4 houses.*

The site lies within the Oxhey conservation area and involves the development of four houses [*subsequently amended to 3 houses*] within the rear garden of nos. 4-6 Lower Paddock Road, the demolition of various outbuildings in the garden areas and some alterations to the pair of Victorian houses. At this time none of the structures on the site are either on the national or local list of buildings which have additional protection. Residents have requested that the Council assesses nos. 4-6 in terms of the suitability of the buildings to be included on the Council's local list of buildings. A review has been made but no decision made at this stage; these comments will treat the houses as if they were locally listed as the properties do make a positive contribution to the conservation area so does have value.

5.7.1 The houses at nos. 4-6 are included in an Article 4 Direction which removes various permitted development rights; this includes any enlargement, improvement or other alteration and changes to the means of enclosure; changes covered by these use classes are proposed as part of this application and will be considered in these comments.

5.7.2 The key issues to consider are:

- What the impact of the proposed development will be to the significance of the conservation area as a designated asset (NPPF paras 132- 134; UD2 and UD4);
- What the impact will be on the significance of nos. 4-6 Lower Paddock Road (NPPF paras 132-135 ; UD2 and UD4);
- Demolition of the outbuildings (UD2 and UD4).

5.7.3 Impact on Conservation Area:

Parking arrangements - 9 spaces are proposed within the new development and existing arrangements for no. 4 are retained along with an on street space in front of nos. 4-6. The new units also have an integral car port. The new access created

drops down approx. 1.7 m to reach the level of the ground floor to the new houses. This access will be used by refuse collection and service lorries as well. The existing brick pier which marks the start of the driveway to no. 6 is to be relocated and a curved wall used to edge the access road. The new access route will be wider to allow two way access and egress; the materials identified on the CGI images show a low wall at the front which curves round and steps up to ensure privacy for the occupiers of no. 6. It will be necessary to have detailed drawings showing this arrangement and samples of all materials. The applicants have made some effort to use materials and features which are in character with the conservation area and the properties at nos. 4-6.

- 5.7.4 As the proposed units are private houses with a car port and space in the garden for storage it is assumed that any cycle storage required will be provided within plot.
- 5.7.5 The application scheme retains the outriggers to the existing properties but removes smaller ground floor extensions. The amenity space remaining for no. 6 is very limited due to the need to take so much of the side for the access route and by squeezing four new properties onto the site. More space is needed between the existing properties – no. 6 in particular and to give a better gap to properties at Warneford Place. It is possible to alter the boundary position for no. 4 to give a greater and more usable garden area for no. 6.
- 5.7.6 Whilst the use of back garden land for other uses is not common in this area, the original gardens to nos. 4-6 (apparent on the 1871 map) have already been reduced in size to accommodate a bowls club and then the properties at Warneford Place. Policies are in place to protect adjoining properties from amenity issues arising from back garden development, but the policies in the NPPF and in the local plan do not prevent appropriate back garden development.
- 5.7.7 In terms of the conservation area; the area was on the edge of the town and was developed from farmland during the 19<sup>th</sup> century. The original pattern of development can still be read and where infill has occurred the change in building style allows that to be identified as infill rather than original development. The character of the area is now essentially urban with terraces interspersed with the occasional pair of semi-detached or detached houses. The street scene is dominated by parked cars in many places.
- 5.7.8 The principle of using the back gardens here for new residential development is acceptable, subject to an appropriate design and layout where the level of amenity for neighbours and the future occupiers of the scheme is acceptable. As submitted [4 houses] the proposed scheme causes concern in terms of the quantum of development shown on the site in terms of the impact to neighbours in Warneford

Place and nos. 4-6.

5.7.9 The street elevation shown suggests that the new buildings may appear dominant in the street scene behind nos. 4-6, however, the CGI submitted shows that in perspective the proposed buildings will not dominate nos. 4-6 and will sit comfortably behind these properties allowing them to retain their prominent position within the street scene. The use of a contemporary architectural style is acceptable in principle.

5.7.10 As shown [*4 houses*], the layout and massing of the new units will alter the conservation area, but will not cause harm to the significance of the conservation area. The scheme could be improved in terms of relationships to neighbours through a reduction in the number of units which could allow more space around nos. 4-6 and a better relationship to Warneford Place. Details and material samples would need to be submitted under condition.

5.7.11 Proposed changes to 4-6 - buildings:

These are:

- removal of single storey extensions;
- additional windows in side elevations;
- new door openings to ground floor side elevations;
- significant internal changes and removal of internal walls.

5.7.12 The main significance of the building lies in the strong symmetry of the front elevation; the remaining original features to the exterior – front porch; some windows and doors; roof slates and chimneys. In general the single storey extensions do not contribute to the significance of the building and can be removed. The creation of a new window to the bedroom at the rear of no. 6 is acceptable subject to some details being submitted so that it matches the existing original windows to the house; the ground floor large new sliding doors are not welcomed as they alter the balance of these properties – it may be possible to have a different design and in the case of no. 4 a smaller door.

5.7.13 Little detail is provided in terms of materials and types of windows to be used ; in principle most of what is proposed is acceptable subject to getting the details right. I would prefer a different approach to the new sliding doors; but the proposed approach could work if a very light frame could be used. Any harm caused is less than substantial and would allow the buildings to be fully utilised going forwards. It would be possible to deal with these issues under conditions.

5.7.14 Demolition of outbuildings:



There is evidence to show that outbuildings have been present on the site since the late 1800s, however, they have been substantially altered which has affected any heritage value they may have had. They are not considered to add to the significance of the conservation area and it is not appropriate to add such buildings to the local list or to insist on protection which would stop the development of appropriate new housing. Once an acceptable scheme is agreed the buildings could be demolished.

5.7.15 On balance, the principle of developing on the rear gardens here is acceptable within the terms of the NPPF and Local Plan policies. However, good design is required along with any harm being outweighed by the public benefit ensuing from the scheme. It is my view that whilst there will be a change to the conservation area this does not cause harm to the significance of the conservation area. The current scheme is considered to preserve the character and appearance of the conservation which is acceptable under the wording “preserve or enhance” as set out in the legislation.

#### 5.8 Arboricultural Officer

The proposals indicate the retention of four trees I have assessed of being worthy of protection. These are a group of three trees (1 Yew, 1 cypress and 1 Norway spruce) located to the rear of units 3 and 4 and a Magnolia located on the site frontage. In addition to these a blue cypress and hedge to the side of Keyser Hall are also retained. Providing these have adequate protection during construction they should be safely retained. None of the other trees on site met the benchmark score for retention.

### 6.0 **Appraisal**

#### 6.1 **Main issues**

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

- (a) Principle of backland development
- (b) Impact on the conservation area
- (c) Scale and design of the dwellings
- (d) Quality of accommodation
- (e) Impact on surrounding properties
- (f) Access, servicing and parking
- (g) Environmental considerations

#### 6.2 (a) Principle of backland development

The relevant saved policy of the Watford District Plan 2000 is H9 which states:

*‘Planning permission for back garden development will only be granted where:*

*(i) a proper means of access which is convenient and safe for pedestrians, non-motorised and motorised highway users is provided, which keeps to a minimum any visual impact within the street scene; and*

*(ii) the proposal complies with the criteria listed in Policy H8 (Residential Standards) and Policies U1, U2, U3 and U4.’*

Policies H8, U1, U2, U3 and U4 have now been superseded by policies UD1 and UD2 of the Core Strategy which also do not preclude backland development.

6.2.1 In addition, the Residential Design Guide provides the following guidance:

*‘7.3.4 In existing areas, particularly in the case of infill or backland development, it is important that proposals respect - but not necessarily in all instances replicate – the height and scale of adjoining or nearby buildings. In most locations in Watford the prevalent building heights of two or three-storeys will need to be mirrored in new development. However, where appropriate, on town centre sites, in locations adjacent to transport nodes and within major development sites, denser and taller forms of development may be acceptable. In such instances, the effects of a proposal on amenity and townscape will be the primary issues in determining the appropriate height of development.’*

6.2.2 The NPPF removes garden land (along with other categories of land) from the definition of previously developed land but this does not equate to a blanket ban on development of garden land. What it does mean is that garden land cannot be allocated for housing development or included within any allowance for windfall sites in calculating the Council’s 5 year housing supply figures. This puts the emphasis on allocating true brownfield land that has been the subject of previous development. Many windfall sites will come forward and many will be garden land, as is the case with this application, and any proposals will need to be considered carefully on their own merits. The development of garden land can, in some cases, give rise to inappropriate forms of development that can have adverse impacts on surrounding properties and not be in keeping with the character and appearance of the area. This will not, however, be the case in all circumstances and many developments of garden land will be acceptable because they don’t give rise to planning harm.

6.2.3 In a recent appeal decision at 177-187, Gammons Lane (ref. 16/00946/FUL), the Council’s refusal of planning permission for the development of the rear garden areas for 5 houses was overturned. In allowing the appeal, the Inspector noted that

the proposed dwellings would be of a similar scale, bulk and height to existing properties; would not be seen as incongruous or intrusive from surrounding properties or in limited glimpses from public vantage points; and would not have an overly cramped appearance. She concluded that the proposal would not be harmful to the character and appearance of the area.

6.2.4 Two other appeal decisions have also been referred to by various objectors, specifically OVEG. These relate to sites at 7, Sherwoods Road (ref. 15/01402/FUL) and 10, Cedar Road (ref. 14/00313/FUL). In both cases, a single dwelling was proposed at the rear of the garden area of the existing property, fronting onto an adjoining road. Both appeals were dismissed as the respective Inspectors considered the proposals would be harmful to the character and appearance of the area and not because they constituted backland or garden land development. Indeed, one of the Inspectors noted that the Council's policies did not exclude the development of garden land, as such.

6.2.5 There is, therefore, no objection in principle to the development of the garden land of nos. 4-6, subject to the proposal being considered an appropriate form of development. Having regard to the various criteria of saved Policy H9 and policies UD1 and UD2 of the Core Strategy, the proposal is considered to be an appropriate and acceptable form of development for several reasons:

- i) A satisfactory access has been achieved that provides appropriate vehicle/pedestrian inter-visibility and is of sufficient width to allow 2 cars to pass safely (see para. 6.7 below);
- ii) The access is a modification of an existing crossover and will not dominate the streetscene;
- iii) Adequate car parking has been achieved without dominating the site;
- iv) The proposed dwellings meet the required guidelines for new dwellings and will not give rise to a cramped form of development (see para. 6.5 below);
- v) The proposed dwellings will not have a harmful impact on the surrounding properties (see para. 6.6 below);
- vi) The proposed dwellings will adjoin the Keyser Hall which extends along the entire eastern boundary of the site.
- vii) The development will be seen in the context of Warneford Place and Rowley Close which are both examples of backland development (dating from the 2000s and 1960s respectively).

### 6.3 (b) Impact on the conservation area

The Oxhey Conservation Area Character Appraisal summarises the conservation area as follows:

*The area is distinct from other later Victorian areas of the town for its varied architectural character with terraced housing interspersed with detached and semi-detached villas, as well as being pepper potted with a variety of public houses and shops. The strong small scale streetscapes and roofscapes are an important feature emphasised by the topography, as are the spaces created at the junctions of the roads where a variety of land uses prevail. The semirural character of the Conservation Area at its eastern edge is also a valuable feature in the transition from the built up part of the Borough to the rural hinterland.*

- 6.3.1 This summary highlights the variety within the conservation area which is part of its character. It is not a uniform area in terms of its plot sizes, building typology or appearance, despite its relatively rapid growth during the mid-late half of the 19<sup>th</sup> century. The appraisal continues:

*The majority of the Conservation Area is heavily built up and has a strong sense of enclosure created by the tight formation of terraced properties along the streets. The key historic spaces here are found at road junctions, where feature buildings punctuate the townscape and the most interesting street relationships are found. At the junctions of Villiers Road with both Upper Paddock Road and Lower Paddock Road the space opens out and the character is defined by the commercial buildings, of varying styles and scales, which enclose the space and generate activity.*

*The south-eastern corner of the Conservation Area is notably different in terms of spatial form, as the urban edge of the Borough meets the rural hinterland. The Paddock Road Recreation Ground marks the transition from urban to rural with what is quite a formal green space, with managed grassland and feature trees on its road boundary. This part of the Conservation Area has a much more open character, which is further accentuated by the lower density of the housing that borders the open space.*

- 6.3.2 The application site is located within the main part of the conservation area where there is a generally strong sense of enclosure from the high density of development. Although the plots of nos. 4-6 are relatively large and wide in comparison to many other plots within the conservation area, they are not distinctive in the character of the area other than forming part of the wide variety of plots found within the area. The houses themselves are typical of the development of the area and remain good examples of Victorian housing but, like all the dwellings within the conservation area, are of no special merit. Only 7 properties within the conservation area are locally listed and only one is a dwelling (Belvedere House). There are no nationally listed buildings.

- 6.3.3 The proposed development needs to be considered within this context. The existing

houses at nos. 4-6 are to be retained and will continue to make a positive contribution to the streetscene and the appearance of the conservation area. The proposed new dwellings will have limited visibility from Lower Paddock Road, are considered to be of a high quality, contemporary design (see para. 6.4 below) and will not detract from the appearance of Lower Paddock Road. As such, the proposal will have no harmful impact and will preserve the character and appearance of the conservation area.

- 6.3.4 In making the above assessment officers have been mindful of the NPPF, the Core Strategy, and the saved policies of the Watford District Plan 2000, including Policies U17, U18 and particularly U19 which have been referred to within responses to the public consultation. It is important to apply weight to, and interpret, planning policies having a good understanding of planning legislation and the wider planning context. Generally, the saved policies of the District Plan are older and greater weight should be placed on more recent policies and guidance where this is available.
- 6.3.5 Policy U19 has been particularly raised by objectors and it is worth commenting on how this should be interpreted. Firstly, the subtext at paragraph 11.50 is important. This includes the statement ‘...proposals involving new materials and innovative techniques will especially need to demonstrate a positive contribution to the enhancement of the area...’. It is therefore clear that the Council, in both preparing and adopting the policy, did not think that modern development was unacceptable in Conservation Areas. Indeed, it clearly indicates such developments may be acceptable if they are of an appropriate quality. This is fully consistent with the manner this application has been assessed by officers in making this recommendation.
- 6.3.6 The view that ‘modern’ development is not inappropriate within Conservation Areas is also demonstrated by the recent appeal decision (APP/Y1945/W/16/3151749) on the Red Lion Public House within the Square Conservation area where the Inspector found that, despite not reflecting the traditional features within the area, a contemporary design was appropriate because the simplicity of the design did not compete with this architecture. The officers’ assessment of design is included in section 6.4 below.
- 6.3.7 Assessment of cumulative impacts in planning applications is generally reserved for developments whereby there are quantitative impacts which can be identified and could be made greater by multiple developments. For example, traffic impacts whereby two developments would both add more traffic to the same road network. In addition they are normally only undertaken when multiple developments are highly likely to come forward, e.g. the developments are all allocated, or when

multiple applications have been submitted and under consideration. A cumulative visual impact could only normally arise where two developments currently being considered would be visible within the same views. This is clearly not the case here; indeed there is no other identified scheme which is likely to come forward.

6.3.8 It is also a fundamental part of the planning system that applications have to be assessed on their individual merits. This means that:

a) if the Local Planning Authority identified that a proposal was contrary to the development plan or resulted in sufficient planning harm to justify refusal then it would determine to refuse the application. This would not set an inappropriate precedent as the application would have been refused; alternatively:

b) if the Local Authority reached the conclusion that the development complied with the Development Plan and was appropriate, the application would be approved. This would not set an inappropriate precedent as the scheme would be acceptable.

A scheme can never therefore set an inappropriate precedent because the decision maker would always have been of the view that their decision was correct at the time.

6.3.9 For the reasons set out above, Policy U19 alone could never represent an appropriate ground upon which to refuse a planning application and could only apply if the scheme is considered to give rise to an unacceptable impact in its own right. The appeal decisions referenced at 6.2.4 of this report confirm this to be the correct approach. As set out, both the Planning Officer and the Urban Design and Conservation Manager are of the view that the proposal will have no harmful impact and will preserve the character and appearance of the conservation area.

#### 6.4 (c) Scale and design of the dwellings

The proposed new dwellings are set over 3 storeys with a shallow, pitched roof. They are of a contemporary design incorporating large picture windows, in contrast to the distinctive Victorian design and detailing of nos. 4 and 6. It is proposed to use materials that will reflect the existing houses and the wider conservation area, in particular a yellow multi stock brick and natural slate roof tiles.

6.4.1 It is a widespread and accepted practice for new development within conservation areas to not seek to mimic traditional styles of development which often give rise to an unsatisfactory pastiche and blur the distinction between the original forms of development and their heritage value and later development. All new development

within conservation areas is required to enhance or preserve the character and appearance of the area and this is often most successful with a contemporary design in contrast to the original forms of development. This is the approach that has been adopted for this application. This is an acceptable approach and accords with the guidance in para. 7.3.4 of the Residential Design Guide.

6.4.2 The proposed dwellings are 3 storeys with a shallow, pitched roof, in contrast to the 2 storey scale with main pitched roof of nos.4-6. Overall, the proposed dwellings are higher than nos. 4-6, having a height to eaves level of 8.25m and to ridge level of 10.1m. In contrast, the existing houses have a height of 4.8m to eaves level and 7.7m to ridge level. In order to mitigate this difference in scale, the site level has been reduced by 1.3m in addition to the existing drop in level across the site. As a result, the overall ridge level of the proposed dwellings above ordnance datum (OAD) is 58.46m compared to 57.80m for nos. 4-6 (a difference of 0.66m). This difference in overall height has been considered by the Council's Urban Design and Conservation Manager in respect of the impact on the conservation area. In her opinion, the new dwellings will not appear overbearing to nos. 4-6 nor will appear dominant within the streetscene. As such, she considers the proposed dwellings will not have a harmful impact on the significance of the conservation area.

6.5 (d) Quality of accommodation

Each of the proposed new dwellings comprises 3 double bedrooms over 3 storeys with an internal floorarea of 142m<sup>2</sup>. This is in excess of the minimum floorarea required under the nationally described space standards of 108m<sup>2</sup> for this type of dwelling. Each new dwelling will have an approximate east-west orientation and all windows will have good levels of outlook, natural light and privacy.

6.5.1 Each dwelling will also have a private garden area of at least 67m<sup>2</sup>, which exceeds the minimum requirement of 65m<sup>2</sup> for a 3 bedroom dwelling in the Residential Design Guide. In addition to this, a communal area of open space is also provided alongside Unit 3 (the land formerly occupied by the deleted Unit 4) which will be managed by a management company responsible for this development.

6.5.2 A communal bin store is provided for the new dwellings which is acceptable in its location and size. Secure cycle storage can take place within the integral garages or the private garden areas.

6.5.3 Both of the existing dwellings at 4 and 6, Lower Paddock Road will be retained as 3 bedroom dwellings with internal floorareas of 112m<sup>2</sup> and 119m<sup>2</sup> respectively. Both will also retain garden areas of approx. 100m<sup>2</sup> and 140m<sup>2</sup> respectively. The garden area of no.6 has been increased in size following comments from local residents.

6.5.4 Comments have been received regarding the relationship between no. 6 Lower Paddock Road and the new dwelling (Unit 1). However, the only window facing the flank elevation of the new Unit 1 is a secondary bedroom window which does not provide the primary outlook for the room. While it will provide additional light the scheme would be acceptable without this window and there is good outlook through the other window. As such, it is not considered that no. 6 Lower Paddock Road would provide unacceptable living conditions.

6.6 (e) Impact on surrounding properties

6.6.1 *i) 2, Lower Paddock Road*

The southernmost new dwelling (Unit 1) will give rise to some overlooking of the rear part of the garden area of this property, however, this is a common situation in urban areas and is not considered particularly harmful. No overlooking of the windows of the property will occur.

6.6.2 *ii) Properties in Villiers Road*

Some overlooking of the rear part of the garden areas of these properties will occur, however, this is a common situation in urban areas and is not considered particularly harmful. No overlooking of the windows of these properties will occur as they are sited 37m from the boundary of the site.

6.6.3 *iii) Properties in Warneford Place*

The properties in Warneford Place comprise 8 houses over 3 storeys (incorporating accommodation within a mansard roof). Their rear garden areas adjoin the rear boundary of the site. The flank elevation of Unit 3 is sited 20.8m from the rear elevation of 11, Warneford Place and 21.8m from the rear elevation of 15, Warneford Place (note, there is no no.13). In the original scheme, proposing 4 houses, the flank elevation of the nearest dwelling (Unit 4) was only 15.2m and 16.2m respectively from the rear elevations of nos. 11 and 15 and only 2.7m from the rear boundary at its closest point. Given the depth of the flank elevation at 11.5m and the height at 8.25m, it was considered that Unit 4 would have a visually dominant and overbearing impact on the amenities of nos. 11 and 15 in particular. Given the siting of the unit to the south of Warneford Place and its proximity to the rear boundary, there was concern that it would also give rise to an unacceptable level of overshadowing to the garden areas.

6.6.4 In order to address these adverse impacts, the applicant has removed Unit 4 from the scheme. This has increased the distance between the flank elevation of Unit 3 and the rear elevations and garden boundaries of nos. 11 and 15, Warneford Place.

6.6.5 The British Research Establishment's guidelines for daylight and sunlight propose a '25 degree rule' for assessing light to existing windows. Where a line taken from the



mid-point of a window subtends an angle of 25°, the guidance advises that levels of daylight and sunlight may be adversely affected. In this case, the angle between the mid-point of the ground floor windows and the eaves level of Unit 3 is 15°. As such, the proposal will have no adverse impact on daylight and sunlight to the windows in the rear elevation of nos. 11 and 15. This low angle, a function of the increased distance now achieved, also indicates that although the flank wall of Unit 3 will still be clearly visible, it will not have an overbearing or dominant impact on these windows.

- 6.6.6 In respect of the garden areas, the angle taken from the rear garden boundary to the eaves level of Unit 3 is 30°, suggesting there will be some loss of sunlight to the rear part of the garden area (approximately 3m deep) from the shadow of Unit 3. This will only occur for a limited period of time as the sun moves across the sky but will be most evident from autumn through to spring when the sun is lower in the sky. It is not considered that this impact would be so severe as to merit a refusal of permission.

*iv) Keyser Hall*

This is a single storey building occupied by the Oxhey Conservative Club and contains no residential accommodation. The proposal will have no impact on this property.

6.7 (f) Access, servicing and parking

The existing crossover to no.6 is to be modified to form an improved access to serve the proposed dwellings. This includes the provision of 2m by 2m visibility splays to ensure adequate visibility between vehicles and pedestrians and an access road 4.8m wide, to allow 2 cars to pass safely. This is supported by Herts. County Council as the highway authority. Although no turning facilities are provided for servicing vehicles, smaller transit size vehicles will be able to reverse into the site. Larger vehicles will need to service the houses from Lower Paddock Road, which is the situation that exists for all existing properties on the road. This is acceptable.

- 6.7.1 The proposal incorporates 13 parking spaces for the existing and proposed dwellings, including 3 spaces within integral garages for the proposed dwellings. This exceeds the maximum number of 11 spaces for the proposed development based upon the Council's adopted standards. Whilst 2 spaces could be removed, there is no objection in this case to 13 spaces being provided. The parking spaces will not dominate the site and they will not appear as visually intrusive within the streetscene. Lower Paddock Road already experiences heavy parking congestion and this level of provision will minimise any likelihood of overspill parking taking place on the road.

## 6.8 (g) Environmental considerations

### 6.8.1 *i) Trees and hedging*

There are only 4 significant trees within the site considered worthy of retention. These are:

- a magnolia sited within the front garden area of no.6;
- a yew, cypress and Norway spruce located on the western boundary.

6.8.2 All of these trees are to be retained. Also to be retained is a blue cypress located on the northern boundary and a 30m section of the existing laurel hedge along the eastern and northern boundaries. These are the most significant landscape elements and their retention is welcomed.

### 6.8.3 *ii) Bats*

Following reports from local residents that bats are regularly seen flying around the site, a Bat Roost Assessment was undertaken. This concluded that 1 outbuilding to be demolished and 2 trees to be removed (a mature apple tree and a mature pear tree) had low potential for roosting bats and recommended a bat emergence survey to be undertaken. One tree, the cypress, was considered to have moderate potential but this is to be retained. A bat emergence survey is due to be undertaken during August and its findings will be reported to the committee. Pending this, the requirement for an emergence survey has been included as proposed Condition 3 within the recommendation.

6.8.4 The assessment was accompanied by an Outline Mitigation Strategy which is considered acceptable by Hertfordshire Ecology and also forms part of proposed Condition 3.

## 7.0 **Community Infrastructure Levy and Planning Obligations**

### 7.1 **Community Infrastructure Levy (CIL)**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

The CIL charge applicable to the proposed development is £120m<sup>2</sup>.

### 7.2 **S.106 planning obligation**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. There is no requirement for a planning obligation in this case.

## **8.0 Conclusion**

- 8.1 The main element of the proposal is for the erection of 3 new houses within the garden areas of 4-6, Lower Paddock Road. National and local policies do not preclude backland or garden development but schemes of this nature do need careful consideration. There is, therefore, no objection in principle to the development of the garden land of nos. 4-6, subject to the proposal being considered an appropriate form of development. Having regard to the various criteria of saved Policy H9 and policies UD1 and UD2 of the Core Strategy, the proposal is considered to be an appropriate and acceptable form of development.
  - 8.2 The character and appearance of the Oxhey Conservation Area is one of varied, generally high density housing with a strong streetscape and sense of enclosure. The existing houses at nos. 4-6 are to be retained and will continue to make a positive contribution to the streetscene and the appearance of the conservation area. The proposed new dwellings will have limited visibility from Lower Paddock Road, are considered to be of a high quality, contemporary design and will not detract from the appearance of Lower Paddock Road. As such, the proposal will have no harmful impact and will preserve the character and appearance of the conservation area.
  - 8.3 The proposed houses will provide a good quality of accommodation for future occupiers and have adequate car parking to avoid any overspill onto Lower Paddock Road. The reduction in the scheme to 3 houses means the proposal will not have any significant adverse impacts on the existing houses in Warneford Place.
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## **9.0 Human Rights implications**

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

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## 10.0 Recommendation

That planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1639-A PL-02-003C, 004C, 005C, 006C  
1639-A-PL-04-003B, 004B

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

3. Prior to commencement of the development, 1 dusk emergence/dawn re-retry survey of building B1 and trees T1 and T2 (as identified in the 2017 Bat Roost Assessment) should be undertaken between May - August (inclusive), to determine whether bats are roosting and will be affected by the proposals. If bats are found to be roosting, no development shall commence until an amended outline mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details and within the constraints of any relevant European Protected Species licence.

Reason: This is a pre-commencement condition in order to ensure the development will have no adverse impact on any bats roosting on the site, in accordance with European and National legislation.

4. No removal of trees, scrub or hedges shall be carried out on the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.

Reason: In order to avoid harm to nesting birds which are protected.

5. No development shall commence until details of the external materials to be used for the development (both the retained dwellings at nos. 4 and 6, Lower Paddock Road and the new dwellings) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the building, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

6. No development shall commence until details of the tree protection measures to be installed to protect the retained trees numbered 1, 6, 7, 8 and 9 on drawing no. SPH/SN/5837-01/10.05 (Tree Surveys) and the retained sections of the existing hedge along the eastern and northern boundaries, as shown on approved drawing no. 1639-A-PL-02-003C, have been submitted to and approved in writing by the Local Planning Authority. No materials, vehicles, fuel or any other items shall be stored or buildings erected or works carried out inside this fencing and no changes in ground level shall be made within the spread of any tree or shrubs (including hedges) without the prior written approval of the Local Planning Authority. These measures shall be retained as approved at all times during the development works.

Reason: To safeguard the health and vitality of the existing trees and hedge which represent an important visual amenity during the period of construction works in accordance with Policies SE37 and SE39 of the Watford District Plan 2000. This is a pre-commencement condition as the tree protection measures need to be agreed with the Local Planning Authority and installed before construction commences.

7. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until the following works have been carried out in full:
  - i) The construction of the modified access junction to Lower Paddock Road and the internal access road as shown on drawing no. 1639-A-PL-02-003C;
  - ii) The construction of the 9 car parking spaces (numbered 05-13) as shown on drawing no. 1639-A-PL-02-003C;
  - iii) The construction of the communal bin store as shown on drawing no.

1639-A-PL-02-003C;

Reason: To ensure adequate facilities are provided for the future occupiers of the development.

8. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until a detailed hard landscaping scheme for the site, including details of all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon approved drawing no. 1639-A-PL-02-003C.

Reason: In the interests of the visual appearance of the site and the wider conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

9. No dwelling (including the retained dwellings at nos. 4 and 6, Lower Paddock Road) shall be occupied until a detailed soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon approved drawing no. 1639-A-PL-02-003C. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the wider conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the

character and appearance of the site and its surroundings and will not prove detrimental to the amenities of residents in accordance with Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Drawing numbers

1639-A-PP-00-001

1639-A-PP-01-001, 002B

1639-A-PP-02-001, 002

1639-A-PL-02-003C, 004C, 005C, 006C

1639-A-PP-04-001, 002

1639-A-PL-04-003B, 004B

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Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284