

PART A	
Report of: Head of Development Management	
Date of committee:	29th November 2017
Site address:	29 Tunnel Wood Close, Watford, WD17 4SW
Reference Number:	17/01218/FUL
Description of Development:	Erection of two new five bedroom detached houses.
Applicant:	Mrs Nicki Pinder
Date Received:	31.08.2017
8 week date (minor):	Extension of statutory period agreed to 01.12.2017
Ward:	NASCOT

1.0 SUMMARY

- 1.1 The application proposes the demolition of the existing bungalow and the erection of two detached houses.
- 1.2 The two proposed houses are, very clearly, of a different architecture style and design to the context, however national policy states that variation in design, where it is executed with high quality and successful innovation, does not constitute harm (NPPF sections 58 and 60).
- 1.3 The building and context are not protected by any heritage designation. The development would therefore not harm any particular sensitive area. Whilst the design is contemporary, the scheme does successfully respect crucial and notable character features of the area as identified by the Character of the Area Study including plot and building width, building height, urban grain and density. The variation from the character including the contemporary styling is of exciting high quality and does not create visual harm. Moreover, the design approach allows for innovation of a design solution which responds to the site to successfully deliver a more efficient use of the site to provide additional and much needed family housing.
- 1.4 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the Residential Design Guide and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect.

- 1.5 As set out in the report, the proposed development is compliant with local and national policy and guidance and the Head of Development Management recommends that the application be granted conditional planning permission.

2.0 SITE AND SURROUNDINGS

- 2.1 The 'wedged' shape site of 2537sqm (0.25 of a hectare) contains a detached single storey bungalow circa 1958. The bungalow is one of 6 located around a small cul de sac with the 5 properties of Nos.23, 25, 27, 29 and 31 being positioned in a curve around the end of the cul de sac. The 6th property, No21a was added to the cul de sac as development in the rear garden of No21 following Planning Permission reference 90/00525/FUL.
- 2.2 There are notable ground level changes at and around the application site. The site ground level increases substantially from the road up to the property and beyond to the trees at the rear. This pattern is repeated at the adjacent No27 however No31 is on lower ground level relative to No29.
- 2.3 The corner position and wedged shape of the plot creates a substantial rear garden featuring trees at the northern end and mature trees adjacent to the site within the grounds of Cheslyn House to the rear. These trees are not subject to Tree Preservation Order or Conservation Area protection however are owned and managed by Watford Borough Council.
- 2.4 Cheslyn house to the north is Locally Listed however the site is not within a Conservation Area and the site building is not Listed or Locally Listed.

3.0 PROPOSED DEVELOPMENT

- 3.1 This application proposes the demolition of the existing bungalow and the erection of two detached, 5 bedroomed houses on the site. With part excavation of the site, each house will contain accommodation over 3 floors (lower ground, upper ground and first floor). The frontage of each house will contain a driveway leading to a double garage and stepped and ramped accesses from the driveway to the front of the upper ground level.
- 3.2 The houses proposed are of a contemporary design with zinc flat roof, large areas of glazing and timber cladding. Each house would have a 'V' shaped footprint with a front width of 7.7m, increasing in width to the rear with two angled 'wings' to the building.

- 3.3 House A, located on the western section of the site, would be set in from the boundary with No27 to the west by 2m at upper ground floor level and 2.6m at first floor level. House B, on the eastern side, would be set from the boundary with No31 to the west by 1.3m at upper ground floor and 1.8m at first floor. Between the two proposed houses would be a gap of 2.2m at upper ground floor at 3.2m at first floor.
- 3.4 The application is accompanied by a Design and Access statement. Following the receipt and publication of public consultation responses, a letter of response was submitted by the applicant/architect.

4.0 RELEVANT PLANNING HISTORY

4.1 No 29

1958- Building Control approval for Bungalow and house

17/00156/PREAPP Pre-application enquiry for demolition of existing 1950's bungalow to make way for build of two modern detached residential dwellings.

Summary of advice:

- Principle of residential development is acceptable
- A more efficient use of the substantial site is welcomed pursuant to housing objectives
- There is no architectural merit or designation of the local area that would be harmed by the proposed contemporary design approach
- Size and bulk as read on the frontage would be minimal
- Angled boundaries would be acceptable in this instance due to position and contemporary design
- High quality materials would be required
- No notable harm to neighbour identified subject to windows and terraces not creating overlooking
- Suggested improvements-
 - Allocation of garden areas
 - Basement habitable rooms only acceptable with light and outlook
 - Need to soften the extensive front hard standing and include details of garage doors
- Noted that the advice is the opinion of one officer and not binding on the Council.

4.2 No 27 Tunnel Wood Close

05/00154/OUT Demolition of existing dwelling and erection of 2 no.4 bedroom bungalows

Refused Outline Planning Permission 9th May 2005

5.0 PLANNING POLICIES

5.1 Development Plan

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

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

5.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

5.3 Watford Local Plan Core Strategy 2006-31

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
SD4	Waste
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
HS3	Affordable Housing
T2	Location of New Development
T3	Improving Accessibility
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
GI1	Green Infrastructure
GI3	Biodiversity
GI4	Sport and Recreation

5.4 Watford District Plan 2000

SE7	Waste Storage, Recovery and Recycling in New Development
SE27	Flood Prevention
SE37	Protection of Trees, Woodlands and Hedgerows

SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

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

No relevant policies.

- 1 Strategy for the Provision of Waste Management Facilities
- 1A Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

5.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

5.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

5.8 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014 and updated in 2016. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

5.9 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

5.10 **National Planning Policy Framework**

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Section 13 Facilitating the sustainable use of minerals

Decision taking

6.0 CONSULTATIONS

6.1 Neighbour consultations

Letters were sent to

33 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

21 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

21A Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

23 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

25 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

Cheslyn House, 54 Nascot Wood Road, Watford, WD17 4SL

41 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

39 Tunnel Wood Road, Watford, Hertfordshire, WD17 4SN

24A Denewood Close, Watford, Hertfordshire, WD17 4SZ

26 Denewood Close, Watford, Hertfordshire, WD17 4SZ

27 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

31 Tunnel Wood Close, Watford, Hertfordshire, WD17 4SW

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

Number of original notifications: 12

Number of objections: 9

Number in support: 0

Number of representations: 9

The representations include an objection prepared by a planning consultant on behalf of 6 households and an objection from The Ridge Residents Association. The points that have been raised in all objections are summarised and considered in the table below.

Points Raised	Officer's Response
Development is out of keeping with the area	The buildings are of a very different architectural style however there are notable consistencies to the character of the area including building width, plot width, ridge height, scale and position. The development is consistent with 10 of the 13 features as recognised in the Character of the Area Study. The architectural differences are balanced with the consistent features to create a successful scheme.
Scaling, siting and design would be obtrusive and overly dominant.	Other than the narrow glass central core feature, the buildings would be no taller in the streetscene than the adjacent properties Nos 27 and 31 and would indeed be lower than the ridge of the adjacent No27. The buildings would be set in from all side boundaries. The deepest elements of the buildings, as dimensioned in the representation, would be almost entirely below ground level. The main building at ground and first floor would be level to the front and rear building lines of the adjacent properties. Although of a different architectural design, the buildings would not be of a scale, height, bulk or position that would be dominant in the streetscene.
Alien design/ bulky box like buildings	This is undoubtedly innovative, contemporary design however planning should not attempt to impose architectural styles or particular tastes (NPPF section 60). This design is of high quality and the site is not within an area of recognised heritage value that would be adversely affected.
Particular relevance of refused outline scheme for two 4 bed detached bungalows at No27 (05/00154/OUT)	This scheme and the reasons for refusal have been reviewed. It is noted that this 2005 scheme was considered against policy and guidance which are now superseded locally and nationally by the presumption in favour of sustainable development. Notwithstanding this, it is noted that the principle of the development at No27 was not found to be unacceptable. Furthermore, there are substantial differences between the scheme refused at No27 and the scheme now under consideration at No29 which has used detailed thought and innovation to create a successfully designed scheme.
Overbearing, overshadowing and loss of light and outlook to	Officer site visits to both neighbouring properties have been undertaken to review the site and mutual

houses and gardens of Nos 27 and 31 Tunnel Wood Close.	relationships. The depths referred to in the consultant's representation refer to the basement level development which would be almost entirely below ground level adjacent to the neighbours. The above ground development would be approximately level with the front and rear building line of the neighbours and would not infringe the 45 degree lines taken on plan or elevation from the main habitable room windows of either neighbour. The buildings would be set in from all side boundaries and, other than the glazed core feature, the buildings would not exceed the heights of either neighbour. The relative orientation of the buildings would not result in notable loss of direct sunlight. Although the proposed buildings would be visible from neighbouring gardens, the relationship of the buildings to the neighbours is fully compliant with the RDG and the development would not create adverse impacts to neighbours.
Overlooking and sense of overlooking of side windows and balconies to neighbouring properties.	Ground floor terraces and side windows are acceptable at ground floor and would not create overlooking subject to typical 1.8m high boundary treatments. All first floor side windows are shown to be obscurely glazed and would be conditioned as such. The front and rear balcony/terrace areas at first floor would all include screens to the side elevations and would not allow for overlooking or the 'sense' of overlooking. The development is fully compliant with the privacy guidance of the RDG.
Increased noise and disturbance from two family dwellings	This is entirely reasonable in a residential area.
Concern regarding the excavation works and damage to neighbouring properties.	This is acknowledged however is not a planning consideration and would be subject to Building regulations and civil law.
Narrow road and restricted access to site. Contrary to Policy T4 of the Watford District Plan 2000.	The existing road width is entirely reasonable in serving the small cul de sac. It is not considered that the net increase of one dwelling in the cul de sac would harm highway safety or convenience of this road. Policy T4 of the WDP2000 has been superseded by Transport policies of the Watford Local Plan Part 1: Core Strategy to which the development is compliant.
Insufficient parking.	The houses would provide 4 car spaces each (2 in

	garage and 2 on drive). This is more than sufficient for family houses and would be consistent with the provision of nearby properties.
No details of tree protection in construction phase	Condition recommended to secure tree protection measures for the trees on and adjacent to the site.
Site is within ground water source zone 3.	Ground water source zone 1 is the most sensitive. This nature of development in zone 3 requires no further ground water source or Environment Agency consideration.
Construction phase will cause noise and disruption. No construction scheme has been submitted.	This is as with any new development and does not warrant refusal of any development. For this minor category scale of development, further details of the construction process are not required for planning purposes and is covered by Building control, highways and Environmental Health control.
Sewer drainage is under neighbouring properties.	This is not a material planning consideration. Drainage is under the responsibility of the water company and land ownership/permission is a civil matter.
Wider consultation should have been undertaken.	Consultation included 12 surrounding and nearby properties and exceeded the statutory consultation of the immediately adjoining neighbours.

6.3 Technical consultations

A summary of the responses from technical consultees is as detailed below. The full consultation responses are available with the application documents.

6.3.1 Conservation and Urban Design Manager, WBC

The scheme has been considered against the features of the Character of the Area study concluding that this is followed in terms of building height, building line, building/plot width and retaining an open frontage. The differences are acceptable as they create a high quality design and innovative approach. This is in accordance with the NPPF which advises that appropriate innovation and originality in design is acceptable.

The equal split of the rear gardens would be preferred and change to the style of the garage door should be made.

Officer response: The dog leg to create one larger rear garden is not ideal however due to the depth of the gardens, this would not undermine quality or privacy of garden areas. Details of garage door to be secured by condition.

6.3.2 Hertfordshire County Council (Highway Authority)

Awaiting formal response at time of report publication however response will be provided in the update sheet for the meeting.

6.3.3 Arboricultural officer

No objection subject to conditions for tree protection during construction and the inclusion of the planting of a Amelanchier Robin Hill in the front garden of the development as shown.

7.0 APPRAISAL

7.1 Main issues

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

- (a) Provision of housing
- (b) The loss of the existing building.
- (c) Design, appearance and the character of the area.
- (d) The quality of the new residential accommodation.
- (e) Highways impacts and car parking provision.
- (f) Impact on amenity of adjoining residential properties.
- (g) Impact on trees and biodiversity
- (h) Previous planning decisions as material planning considerations

7.2. (a) Provision of family housing

7.2.1 National planning policy sets out a need for the delivery of high quality homes. The Watford Local Plan Part 1 clearly sets out the need for the provision of housing with a recognised need for family sized houses as informed by the Strategic Market Housing Assessment (SMHA). The development creating a net increase of one family sized house would be fully in accordance with policies HS1 and HS2 of the Watford Local Plan Part 1 Core Strategy.

7.2.2 Within the built up nature of the town, the provision of brownfield sites suitable for new family houses is limited. There are substantial areas of the town where inter and post war developments have created very generous housing plots with poor efficiency of the use of land. The application site, in a sustainable, residential location, has a particularly low density equating to 4 dwellings per hectare. This therefore provides an opportunity for an innovative and more efficient use of the land to meet the acute need for family housing. The principle of the subdivision of the site to two plots is therefore acceptable subject to the compliance with detailed policy and guidance.

7.3 (b) The loss of the existing building

7.3.1 The detached bungalow is not of any particular visual merit. Although it is comparable to the detached bungalows within the close, the appearance of the building contributes no significant character or quality to the area. The area is not

designated or of any notable character or heritage value. The loss of this building is therefore not considered to be harmful.

- 7.3.2 The site is within a predominantly residential area, as shown in the Proposals Map of the Watford District Plan 2000 and residential development of the site is acceptable in principle.

7.4 (c) Design, appearance and the character of the area.

- 7.4.1 Tunnel Wood Close features a circular arrangement of detached bungalows. These are wide, single storey properties which feature hipped roof designs and many are extended at ground floor and at loft levels to create substantial family sized properties. The proposed development would introduce two houses of a contrasting and distinctive contemporary design.

- 7.4.2 In Delivering High Quality Design, Policy UD1 of the Local Plan Part 1: Core Strategy states:

“Local character: new development should respect and enhance the local character of the area in which it is located; details of the character of the built environment can be found in the Watford Character of the Area Study 2011”

The Character of the Area (COA) study places the site in character area 23 which is defined as a low density residential area with housing generally of 1950s to 1960s with buildings also ranging from late 19th to early 21st century. The development is assessed against each identified character feature of the area as detailed in the COA.

Feature/ character	COA comment	Feature of the development	Consistent?
Period	Generally 1950s – 1960s. Included buildings from late 19 th to early 21 st centuries	The area is not characterised by any sole period and modern development will be consistent with the mixed period character.	YES
Heights	Mixed. Generally intermediate form	Two storeys of accommodation above ground level is compliant with this mixed height form. Within this cul de sac, the height of the main buildings would not exceed the ridges of the two adjacent bungalows. The additional storey of accommodation at lower ground	YES

		floor level would be set below ground level and from the streetscene, the upper ground floor would be rear level with the ground floor of the adjacent properties.	
Urban Grain	Typically 20-30 dwellings per hectare	The proposed development would create a development that increases the density of the site from 4 dwellings per hectare to 8 dwellings per hectare. This remains substantially below the urban grain of the area.	YES
Block size/structure	Estate blocks vary in size in response to existing constraints. Limited primary road network supports series of cul de sac development.	The proposed plots would continue within this block pattern and would not introduce backland development.	YES
Plot sizes	Typically 8m x 40m. Gaps between buildings of 4-5m	The proposed plot sizes with 10.3m width at the building frontage and depths between 53m and 70m would be more generous than the typical plot widths of the area. The houses would have generous gaps between each other and neighbouring properties.	YES
Street scene	Suburban Streetscene	Continuation of suburban streetscene with family housing consistent with the area.	YES
Building lines	Generally consistent building lines behind front gardens.	This cul de sac does have a strong building line of the 5 bungalows curved around the turning head. The two proposed houses would maintain and continue this pattern and this front building line.	YES
Front boundaries	Marked by hedges of varying heights, brick	Unlike the surrounding area, the cul de sac features narrowed,	YES-Consistent

	walls of timber fences. Later housing estates feature street trees in addition to extensive tree specimens in gardens. Limited street furniture.	open front boundaries. The proposed development would be compliant with this.	with this cul de sac.
Roof forms	Generally hipped or pitched tile roofs with brick chimneys	The contemporary flat roof design is not consistent with this.	NO
Windows	Originally metal or timber framed windows. These have generally been replaced with various types of uPVC windows.	The material of the window frames will be consistent with the range of metal, timber and uPVC windows seen in the streetscene however the styling and expanse of glazing will be very different.	NO
Materials	Materials include variety of brick types, render and mock-Tudor style timbering. Tile roofs.	The materials of the contemporary design are not consistent with this.	NO
Car parking	Housing generally have garages integrated or to the side. Parking is also accommodated on front drives. Limited on street parking	Integrated garage with parking on front drive	YES
Landscaping	Front gardens typically 6m deep. Rear gardens typically 15-25m. Individual trees and tree groups are a major feature of this area, giving this area a well treed character. Hedges are relatively common at garden boundaries. No grass verges	The front and rear gardens are more generous than typical for the area. Trees are retained.	YES

	between carriageways and pavements		
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Table 1: Consideration of the character of the area

- 7.4.3 The proposed development is therefore consistent with 10 of the 13 features of the character of the area as set out in the COA demonstrating that it would respect the character of the area compliant with policy UD1. In particular, the houses would not be incongruous in width, scale, height, density, gapping, front building line, position, form or nature relative to the context.
- 7.4.4 As well as respecting many features of the character of the area, these features would ensure that the houses would not appear as cramped within the site or surroundings. Moreover, the level height of the buildings, their use of the ground level changes, their modest width and lightweight materiality will create buildings of minimal bulk, and as identified by the Urban Design and Conservation Manager, by virtue of its bulk and height, the adjacent and central No27 will retain its position as the most dominant building in the streetscene.
- 7.4.5 The three features that are different to the recognised character of the area as set out in Table 1 are materials, windows and roof design. These are features resultant of the contemporary design of the houses. This introduction of a contrasting, contemporary architectural approach is acceptable in accordance with national policy which specifies that particularly architectural style should not be imposed:
“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.” (Para 60 NPPF)
- 7.4.6 In their own right, the buildings are of a notable and exciting high quality of architectural design and would present a notable enhancement to the area, pursuant to UD1 which seeks high quality design. The development would be an innovative, creative and inspiring addition to the town. The use of high quality materials and landscaping will create stunning contemporary homes which would sit elegantly within the spacious site and the sylvan setting.
- 7.4.7 The balance of variation of this contemporary design with consistent character features creates a fully successful scheme. Indeed, this highly innovative approach to balance ‘new’ and ‘old’ has allowed the development to respond to the site constraints. For instance, the ‘V’ shaped footprint to address the site shape and the flat roof design to sit level with neighbours are features only successfully compatible with a contemporary design approach. The development is therefore

welcomed, not only for the individual high quality of the houses, but also for the innovative approach allowing development of the site to create much needed family housing.

7.4.8 National policy states that development should

“respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation”. (NPPF Section 58)

This scheme epitomises this national design objective by creating high quality innovation in a suitably respectful way.

7.5 (d) The quality of the new accommodation provided.

7.5.1 The GIAs of the houses and the areas of the gardens would be well in excess of the minimum standards of the RDG. The houses have been designed to create extensive and well laid out accommodation. The ramped and stepped accesses to the front doors at the upper ground floor would be legible and provide suitable access.

7.5.2 As identified at pre-application stage, habitable rooms within a basement can experience unacceptable light and outlook. The application scheme has included an excavated area at the rear to allow all 4 basement bedrooms to have rear light and aspect. This would be restricted in places by the terrace bridge at ground level above however with the full height glazing and extensive plot, on balance it is considered that these rooms would be of a suitable residential amenity.

7.6 (e) Highways impacts and car parking provision.

7.6.1 It is seen that the existing road into the cul de sac, is narrower than a standard classified road however the existing road width is entirely reasonable in serving the small cul de sac. It is not considered that the net increase of one dwelling in the cul de sac would harm highway safety or convenience of this road.

7.6.2 The cul de sac provides dropped kerbs to all properties and a turning head. As is seen in the existing situation and at neighbouring properties, vehicles will be able to safely and conveniently access the proposed plots.

7.6.3. The parking provision would be in excess of the maximum standards of the Watford District Plan 2000 however high parking provision is a feature of houses in this area and it is not considered that this would result in unacceptable development. It is supported that the houses will be more than adequate parking provision to serve the occupiers and avoid increased on road parking demand, pursuant to ‘saved’ policies T24 and T22 of the Watford District Plan 2000.

7.7 (f) Impact on amenity of adjoining residential properties.

- 7.7.1 It is clear that the development would introduce two buildings of a notably different architectural appearance in the cul de sac as viewed from the road and surrounding properties. This change does not however determine that the development constitutes harm. Site visits have been made to both neighbouring properties and the assessment of the potential harm to neighbours is made in accordance with the Residential Design Guide which sets out tools and guidance to accurately assess potential impacts to the light, outlook and privacy of neighbouring properties.
- 7.7.2 In accordance with the '45 degree rule' of section 7.3.12 of the RDG, the 45 degree lines have been taken on plan and elevation from all the main habitable room windows of both neighbouring properties on their front and rear elevations. The proposed development above ground would not infringe any of these 45 degree lines taken from the main habitable room windows. This is fully compliant with the RDG and clearly indicates that the light and outlook of these properties would not be notably affected.
- 7.7.3 No 31 to the east/south-east is located on ground level below that of the application site. The bungalow has a study on the side adjacent to the application site. A side window of this study faces the site and would have restricted daylight and outlook by virtue of the development. This room is however also served by a front high level window and a rear facing full-size window, neither of which would be unduly affected. Therefore, on balance, it is considered that this impact to the side room would not impact the amenity of the property to an unacceptable degree.
- 7.7.4 The new houses would be set in generously from the boundaries shared with neighbouring properties as set out in section 3.3 of this report. The houses above ground would be no further forward or deeper than the rear building lines of the adjacent properties. The main flat roof elements of the houses would not exceed the ridge height of the existing bungalow at No29 and neither would they exceed the heights of either neighbour. The adjacent neighbours also face away from the application site due to the splay of the plots. Although the houses would be visible from the rear gardens of No27 and 31, it is considered that by virtue of this generous spacing, modest height and modest depth above ground level, the buildings would not undermine the pleasant and open aspect of these rear gardens.
- 7.7.5 The main houses would not include clear glazed side facing windows so would not overlook the neighbouring properties. The front entrance terrace and rear garden terraced and walkway areas are at ground or basement level heights. Provided suitable 1.8m high boundary treatments are maintained these areas would not

allow for overlooking to neighbours. The first floor front and rear balconies/terraces would be bordered by full height screening, which along with the splay of the plots, will prevent overlooking or any notable sense of overlooking to the neighbouring properties and gardens or between the two houses themselves. The glazed core areas to each building would be sited within the plots, away from side boundaries and by virtue of their use and relative position would not allow for notable or unreasonable overlooking to the front aspect. The development would be fully compliant with the privacy arc tool of sections 7.3.17 and 7.3.18 of the RDG.

- 7.7.6 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the RDG and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect and is acceptable.

7.8 (g) Impact on trees and biodiversity

- 7.8.1 The trees at the northern end of the garden and the mature trees adjacent to the site within the grounds of Cheslyn House to the rear are set substantially away from the area for the proposed development. A condition is however recommended to ensure the protection of these trees during the construction phase.

- 7.8.2 There is no local list requirement for biodiversity surveys. There is no identified requirement for further consideration of biodiversity issues in respect of the site or proposed development.

7.9 (h) Previous planning decisions as material planning considerations

- 7.9.1 It is noted that there was a refused outline planning application in 2005 for the subdivision of the adjacent No27 to create two dwellings. This has very little weight as a consideration as this application was determined in 2005 under policies which are now superseded. A significant change in local and national policy has occurred since that time under the Development Plan and lead by the presumption in favour of sustainable development of the NPPF.

- 7.9.2 Notwithstanding this, it is noted that the principle of the development at No27 was not found to be unacceptable. Furthermore, there are only superficial similarities between the two with substantial differences existing between the scheme refused at No27 and the scheme now under consideration at No29 which has used detailed thought and innovation to create a successfully designed scheme.

8.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

8.1 Community Infrastructure Levy (CIL)

8.1.1 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.

8.1.2 The CIL charge applicable to the proposed development is £120 per sqm. The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing.

8.1.3 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

8.2 S.106 planning obligation

8.2.1 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.

8.2.2 As the proposed development does not include 10 or more units, affordable housing is not required in accordance with saved Policy H16 of the Watford District Plan 2000 and Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

8.2.3 There are no other site specific requirements which warrant a planning obligation in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

CONCLUSION

9.1 The two proposed houses are, very clearly, of a different architecture style and design to the context, however national policy states that variation in design, where it is executed with high quality and successful innovation, does not constitute harm (NPPF sections 58 and 60).

- 9.2 The building and context are not protected by any heritage designation. The development would therefore not harm any particular sensitive area. Whilst the design is contemporary, the scheme does successfully respect crucial and notable character features of the area as identified by the Character of the Area Study including plot and building width, building height, urban grain and density. The variation from the character including the contemporary styling is of exciting high quality and does not create visual harm. Moreover, the design approach allows for innovation of a design solution which responds to the site to successfully deliver a more efficient use of the site to provide additional and much needed family housing.
- 9.3 The buildings would represent a significant visual change for the surrounding properties, however, the relationship of the buildings with the neighbours is fully compliant with the Residential Design Guide and the houses would not create notable loss of light, outlook or privacy. As such, the development does not constitute harm in this respect.
- 9.4 As set out in the report, the proposed development is compliant with local and national policy and guidance conditional planning permission is recommended.
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10.0 HUMAN RIGHTS IMPLICATIONS

- 10.1 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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11.0 RECOMMENDATION

Grant Conditional Planning Permission

Conditions

1. Time Limit

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. Approved drawings

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

1606_P001 Rev00

1606_P002 Rev00

1606_P003 Rev00

Design and Access Statement

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

3. Details and samples of materials

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

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

4. Soft Landscaping

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

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

5. Hard Landscaping

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

Reason: In the interests of the visual appearance of the site and the local area pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. Tree Protection

No development on site shall commence until details and a method statement in respect of tree protection measures (including ground protection) relating to trees located within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved under this condition shall be implemented prior to the commencement of any works and shall be maintained as such at all times whilst the construction works take place.

Reason: To ensure the existing trees which make a positive contribution to the visual amenity of the area are retained and not harmed by the development in accordance with saved Policy SE37 of the Watford District Plan 2000.

7. Bin Storage

Neither building shall be occupied until the bin storage for the building, as shown on drawing nos.1606_P002 Rev00 and 1606_P003 Rev 00 has been installed in accordance with the approved details. The bin and cycle stores shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policy SE7 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. Side windows

The first floor windows in the south-west and north-east side elevations of House A and the west and east side elevations of House B shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres 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 the Residential Design Guide (Sept 2016).

9. Permitted Development rights removed

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and H of the Order shall be carried out to the dwelling(s) 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 proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policy Watford Local Plan.

Informatives

1. Positive and Proactive Statement

In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant during the application process.

2. Building Control

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. Party Wall

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.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

4. Hours of Work

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

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

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Noisy work is prohibited on Sundays and bank holidays

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

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

5. Naming and numbering

All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early

as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

6. Community Infrastructure Levy (CIL)

This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email.

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course.

Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279