

PART A	
Report of: Head of Development Management	
Date of committee:	3rd January 2018
Site address:	25 Cassiobury Park Avenue
Reference Number:	17/01436/FUL
Description of Development:	The erection of part single storey and part two storey rear extension and the conversion of the enlarged dwelling to two apartments (1.no 4 bedroom and 1.no 2 bedroom). Covered porch and alterations to front driveway.
Applicant:	Mr Sahney
Date Received:	3rd October 2017
8 week date (minor):	19th December 2017
Ward:	Park

1. Site and Surroundings

- 1.1 The proposal relates to a two storey detached dwelling on the north side of Cassiobury Park Avenue. It incorporates a pitched roof featuring large hips on all sides with its ridge perpendicular to the road.
- 1.2 The application building has been significantly extended, converting the original bungalow into a two storey building with roof space accommodation.
- 1.3 The character of the area is of detached dwellings within generous plots, each of similar scale but with differing design. The application site sits between two detached dwellings and benefits from generous front and rear gardens.
- 1.4 The site is not in a conservation area nor does it affect the setting of a listed building.

2. Proposed Development

- 2.1 Full planning permission is sought for:

- The erection of a ground floor rear extension, 4m deep, and full width of the house.
- The erection of first floor extension 2.7m deep and 8.4m wide.
- The conversion of the enlarged house into two flats, comprising a three bed and a two bed. The proposal will provide a three bed maisonette which incorporates the entire ground floor and part of the first floor. The scheme also includes a two bedroom maisonette across part of the first floor and within the roof space.

3. Planning History

- 3.1 On 08.09.1999 conditional planning permission (Ref; 99/00368/FUL) for a single storey side extension and installation of new first and second floors to existing bungalow
- 3.2 On 06.03.2004, conditional planning permission (Ref; 04/00020/FUL) was granted for the erection of rear conservatory
- 3.3 On 25.02.2008 planning permission (Ref;08/00016/FUL) was granted for the erection of single storey summer house
- 3.4 On 24.02.2017 conditional planning permission (Ref;16/01500/FULH) was granted for the Demolition of existing conservatory. Erection of a two storey rear extension. (Plans amended Jan 17)

4. RELEVANT 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 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.

4.3 **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 10 Meeting the challenge of climate change, flooding and coastal change

Section 12 Conserving and enhancing the historic environment

Decision taking

4.4 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. The Court of Appeal has recently confirmed that a "realistic prospect" of a site coming forward within the required timeframe will be sufficient to meet the deliverability test set by national planning policy, thereby endorsing an earlier decision of Mr Justice Ouseley (*St Modwen Developments Limited v Secretary of State for Communities and Local Government & Ors*. Case Number: C1/2016/2001). Officers have undertaken a recent review of the housing supply having regard to these judgements and are of the view that the Council is able to demonstrate a 5 year supply based on the OAN. Accordingly, the Council's housing policies can be considered up to date.

5. **CONSULTATIONS**

5.1 Neighbour consultations

4 properties were notified by letter. 12 objections (including one from the residents association) were received citing the following concerns:

- Potential subsidence
- Loss of privacy
- Loss of light
- Parking issues
- Conversion against the character of the area
- Possible breach of a covenant
- Over development
- Flats are not in keeping with the character of the area

5.2 Arboriculture officer observations

The proposals indicate the loss of a mature purple leaved cherry in the front garden and an indicative replacement tree. As the existing tree is an over mature specimen I have no objection to the removal, however I would wish to see a replacement tree secured by the addition of a suitably worded condition to any consent granted. Details of the tree species and planting size and location should be submitted and agreed prior to work commencing on site.

5.3 Herts Highways observation

Herts Highways officer do not raise objection to the scheme and make the following comments;

In terms of accessibility the site is located in a residential neighbourhood. Cassiobury Park Avenue is a bus route and the site is located within walking distance to Watford Metropolitan Station and Rickmansworth Road. Watford station is an underground line which provides services to London. Bus services are available within walking distance from the site. Watford Town Centre is either walking distance or a few minutes bus ride. Overall the site is in a reasonable sustainable location.

The existing residential property has a Vehicle Crossover suitable for two parking spaces. The applicant's proposal is to provide 3 car parking spaces on site. No alteration is required internally to provide parking space for the third car. For the third car to manoeuvre in/out of parking space require the existing gate, fence and plinth removed and widen the existing crossover. On-site parking is a matter for the planning authority. Any on-street parking is subject to parking restrictions displayed on the road. Applicant should follow the instruction on AN1 to alter the existing

APPRAISAL

- 6.1 The main planning issues to be considered are:
- a) Whether the proposal would lead to an adverse impact upon the character of the area.
 - b) Whether the proposal will be in keeping with the character of the area.
 - c) Whether the proposal will have an acceptable impact on the amenity of the neighbouring occupiers.
 - d) Whether the proposal will result in the provision of dwellings of acceptable standards in terms of size, layout and amenity space.
 - e) Whether the proposal will have an adverse impact upon parking / highways conditions within the area.

Land use

- 6.2 Policy H13 advises that the sub-division of the dwellings will be acceptable in principle provided they are in accordance with Policy H11 and do not result in more than 10% of a residential frontage being converted and does not affect the residential frontage in a street block so as to unacceptably alter the character.
- 6.3 The Council asks that no more than 10% of properties within a particular block in a street are to be converted into flats. This is in order to maintain the character of the street. In this case the street frontage extends along the entire road and given that there has not been any change of use to the houses in this street the proposed conversion is in compliance with this policy.
- 6.4 Further, policy H11 requires a variety of mix of dwellings to be provided to meet the need of the local area. The proposal will provide two maisonettes comprising a three bed and a two bed dwellings and therefore is in compliance with the policy.
- 6.5 Finally, policy H14 requires the re-provision of family type dwellings with a minimum of three bedrooms when converting properties over 150m². The policy also requires the three bedrooms dwelling to have direct to the garden. The proposal includes a four bed dwelling with direct access to the garden and hence it would satisfy the requirement of the policy.
- 6.6 Therefore, it is considered that the proposal in land use terms, in principle complies with the policies.

Design

- 6.7 The proposed extension is identical to a recently approved scheme granted earlier on this year. The approved scheme had been subject to a number of revisions where amendments were made and errors in the plans were corrected, before it was approved.
- 6.8 Whilst it is not necessary to reconsider elements granted by the previous permission, the following paragraphs highlight the merit of the scheme in terms of its visual impact and neighbour amenity issues.
- 6.9 The application building has been significantly extended and the original bungalow is now a two storey house. However, with the exception of the rear conservatory (depth c.4m), the built development remains within the confines of the original rear building line as loosely established by the other dwellings at Cassiobury Park Avenue.
- 6.10 The immediate neighbours are Nos. 23 and 27 to the west and east respectively. No. 23 is unusual in its sprawling layout and breaks the aforementioned building line, while No. 27 sits behind the established rear building line with the exception of its conservatory, itself remote from the subject dwelling.
- 6.11 Watford's RDG recommends the ground floor extensions for detached properties should not exceed 4m deep and that upper floor extensions should not generally exceed 3m in depth as beyond this the likelihood of an unacceptable neighbour impact is increased.
- 6.12 In this instance the upper floor depth measures 2.7m while the ground floor redevelopment extends 4m beyond the original rear elevation, i.e. similar to the depth of the existing conservatory which it will replace. The extension will incorporate a double pitched with hip end projection to the rear. This will break down the scale of the roof and will improve its appearance. The extension in terms of its scale, bulk and design is considered acceptable.

Neighbour Impact

- 6.13 The proposed extension will have a similar impact on No. 27 at ground floor level as depths are similar between existing and proposed ground floor projections. A 45 degree line would be bisected from the window kitchen closest to the boundary however this window is already impacted by the existing conservatory therefore it is not considered that the amenity enjoyed at the kitchen (which is also served by two windows from at the rear elevation) would be significantly reduced. It is

therefore considered that no significant or unacceptable impact arising from the ground floor element of the extension.

- 6.14 The 2.7m addition at first floor level is within guidance as outlined by Watford's RDGs. Moreover, the upper floor window adjacent the party wall would not be unacceptably impacted as 45 degree lines drawn from the centre of that window would not be bisected.
- 6.15 Regarding impacts on the amenity enjoyed at No. 23 it is considered that no significant effects on light or privacy will arise from this development as it would be protected by the extent of development at that site, most notably the wall on the boundary with the subject site.
- 6.16 The proposal will include a new window on the flank wall looking onto No. 27 and therefore a condition will be included to ensure this window would be obscure glazed to protect privacy at No 27.
- 6.17 It is therefore, considered that the proposed extension will not have a significant impact upon the amenity of the adjoining neighbouring occupiers.

Quality of the dwelling units

- 6.18 The proposal will provide two generously sized apartments which are both acceptable in terms of the residential space standards.
- 6.19 The proposal is described as a three bed flat on the ground and part first floor. The drawing also indicates a three bedroom unit. However, one of the rooms in the drawings is annotated as a living room incorporating a wardrobe. Given that there are already two large rooms within the lower flats which are designated as living, dining including a substantial kitchen, there is a potential that the room as annotated living room could potentially be used as the fourth bedroom. Therefore, it is considered that assessment should be made against what they appear to be on plan as a 4-bed 8 person rather than what is described.
- 6.20 For a two bedroom flat on two floors the minimum floor space requirement is 79m², the proposal as indicated on the drawings will provide 113m² of internal floor space. For a 4 bedroom 8 person dwelling, the minimum floor space requirement is 124m², the proposal will provide 194m². Therefore both apartments will provide adequate internal floor space to meet the recently adopted guidance.

6.21 There is no information with regards to the provision of amenity space. However, the garden is quite large and it is possible to provide amenity space for both units.

Transport, access and parking

7.1 The site is located in an area subject to parking restrictions. The parking restrictions are designed to deter commuters from using the street for parking purposes.

7.2 This is a rather busy road and there appear to be some parking problems in the street. Most houses benefit from front gardens which now provide off street parking. The proposal includes the widening of the cross over to allow improved manoeuvring within the front garden and to allow parking for three cars.

7.3 This is a sustainable location with ease of access to town centre, bus routes and underground station. But the street is not subject to Control Residential Parking Zone where car free scheme could be implemented. However, the increase in parking demand will not be significant and it is not considered that the proposal would be prejudicial to the operation of the highway network.

8 Trees

8.1 The proposal indicates the loss of a mature purple leaved cherry in the front garden and an indicative replacement tree. The council tree officer has not objected to the loss of the tree but requests a replacement tree. A condition is therefore recommended to require details of the tree species, planting size and location to be submitted and agreed prior to work commencing on site.

9 CIL

9.1 The proposal will be CIL liable, mitigating to some degree the impact of the development upon the public social infrastructure.

10 Consideration of representations received

10.1 12 response have been received. The following table contains a summary of the points that were raised.

Points Raised	Officer's Response
The proposed conversion to flats will be against the character of the area which comprises detached and semi-detached family houses.	There is no policy objection to the scheme in principle. This has been considered in the body of the report.
Objections regarding overdevelopment have been noted	The precedent has long been set in the Cassiobury Estate for redevelopment of

	bungalows into larger dwellings. This is not in itself a reason to refuse planning permission provided that all other policy requirements are met.
There is a covenant which may restrict the use of each plot to one house	Private covenants are not material planning issues.
The resident at No. 23 cites several issues relating to proximity to the shared boundary and subsidence and party wall	These are not planning related issues, (they come under the purview of the Party Wall Act and/or Building Regulations) and therefore have not been addressed in this report.
The adjoining resident cites concerns relating to loss of light, loss of privacy, loss of outlook, would result in an overbearing and unneighbourly impact on amenity.	There is already an approval for the proposed extension to the house. Therefore, no objection can be raised with respect to the physical alteration to the building. The report highlights the reasoning behind the approval for the extensions.
The occupant refers to a tree that sits on the party boundary that may be impact negatively by the proposed development.	There is no protected tree on the site. This issue will be a matter between the respective landowners and perhaps the party wall act to find a solution to protect this tree. The proposed tree to the front will be replaced with a species to be agreed with the council.
The formation of additional hardstanding to accommodate 3 car parking spaces will be against the green character of the area	The large majority of the front gardens in the street are already adapted for parking purposes and the proposal will be in keeping with the character of the area.

Human rights implications

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

RECOMMENDATIONS

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

Reason: To ensure that the development applies high quality materials that respond to the site's context and makes a positive contribution to the character and appearance of the area in accordance with the provisions of Planning Policy Statement 1 "Delivering Sustainable Development" (PPS1) and the requirements of Policy UD1 of the Watford Local Plan Core strategy 2006-31.

- 3 The development shall be carried out in accordance with the following drawings

471/EX/001 Rev x
471/EX/002 Rev x
471/EX/003 Rev x
471/EX/004 Rev x
471/TP/001 Rev x
471/TP/002 Rev x
471/TP/003 Rev x

Unless otherwise approved in writing by the Local Planning Authority.

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

- 4 Notwithstanding the permitted development rights there shall be no windows, or any other openings on the flank elevations of the extension hereby approved and the glazing in the new window on the upper floor west facing elevation shall be completely obscured and shall be permanently maintained as such unless otherwise approved in writing by the local planning authority.

Reason: To protect the amenity of the residents at No 27 Cassiobury Park Avenue.

- 5 Development shall not commence until a scheme for the subdivision of the rear garden to provide amenity space for each dwelling has been provided and agreed in writing with the local planning authority. This scheme should include the details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site. These works shall be carried out prior to the first occupation of the development and shall be maintained as such at all times.

Reason: In the interests of the visual appearance of the site, in accordance with Policy UD1 of Watford Local Plan Core Strategy 2006-2031 adopted 2013.

- 6 None of the dwellings hereby approved shall be occupied until a replacement tree has been planted within the site in a position agreed in writing with the Local Planning Authority. In the event of the tree being removed or seriously damaged or diseased within a period of five years it shall be replaced by a tree of similar size and species.

Reason: To maintain the greenery offered by the existing tree with respect to the visual amenity of the area in accordance with policies SE36 and SE37 of the Watford District Plan 2000.

INFORMATIVES :-

- 1 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.

- 2 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

- 3 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 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 entered into extensive pre-application discussions with the applicant and requested amendments during the consideration of the application.

- 5 All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the

Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Drawing numbers

471/EX/001 Rev x

471/EX/002 Rev x

471/EX/003 Rev x

471/EX/004 Rev x

471/TP/001 Rev x

471/TP/002 Rev x

471/TP/003 Rev x

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