

PART A	
Report of: Head of Development Management	
Date of committee:	31st January 2018
Site address:	1, Neston Road
Reference Number:	17/01555/OUTM
Description of Development:	Outline application for the demolition of the existing dwelling and adjacent garages and erection of a block of 10 flats with access, parking and amenity space (with only landscaping as a reserved matter).
Applicant:	Mr J Morgan and Mr J Prior
Date Received:	13th November 2017
13 week date (major):	12th February 2018
Ward:	Callowland

1.0 Site and surroundings

1.1 The site is located on the outside of the bend at the western end of Neston Road. It is irregular in shape and includes the detached house at 1, Neston Road and the adjoining plot of land comprising 9 lock-up garages. To the east, north and west it adjoins existing residential properties. The surrounding area is wholly residential and comprises terraced and semi-detached, 2 storey houses developed between 1900 and 1920.

2.0 Proposed development

2.1 To demolish the existing house and the 9 lock-up garages and erect a single, rectangular block of 10 flats. Ten car parking spaces are provided to the front of the block together with a bin store. The application is for outline permission with access, appearance, layout and scale to be determined at this stage. Only landscaping is a reserved matter.

3.0 Relevant planning history

3.1 The following planning history is relevant to this application:

03/00550/FUL – Planning permission refused in September 2004 for the demolition

of the 9 garages and the erection of a pair of semi-detached houses adjoining the existing house. The application was refused for 3 reasons:

1. The proposed development, by reason of the size, height, bulk, design and siting of the proposed houses, and the provision of car parking and pathways on the front of the houses leaving inadequate room for satisfactory landscaping, results in a form of development which appears unnecessarily cramped, over dominant and alien to the established form and pattern of development in the area.
 2. The proposal fails to adequately demonstrate that the garages on site cannot be used for parking of vehicles by residents in the local area. The loss of 9 garages on the site will lead to additional motor vehicles being parked on street in an area which already has on street parking problems and would worsen the existing problems to the detriment of highway and pedestrian safety.
 3. The proposed development by reason of the siting and orientation of the proposed houses does not provide for adequate distances between the proposed houses and the boundaries with existing residential properties which will cause problems of overlooking and loss of privacy and will result in the proposed houses appearing over dominant when viewed from the windows and gardens of surrounding residential properties.
- 3.2 This refusal was the subject of an appeal which was dismissed in May 2005. However, the Inspector only upheld the second reason for refusal.
- 3.3 With regard to reason 1, the Inspector did not consider the siting of the houses back from the highway would give rise to visual dominance. The design was considered to be bulkier than the existing house at no.1 but off-set by the set-back. He noted that the house at no.1 and no.4a opposite were both detached and built after the surrounding houses. Whilst acknowledging the design features of the proposed houses did not reflect the rest of the street, he did not consider they amounted to a cogent reason for rejection. He saw no objection to 2 storey development on the site.
- 3.4 With regard to reason 2, the Inspector noted the high level of on-street parking during the weekday morning of his site visit and was in no doubt that the position would be far worse in the evenings. He considered the loss of the garages would add to local congestion.
- 3.5 With regard to reason 3, the Inspector noted that overlooking of adjoining

properties in Sandringham Road would only be from one bedroom window and at an oblique angle. He considered any loss of privacy would be minimal. In respect of over-dominance, he considered this would only occur from the nearer parts of adjacent gardens. Due to their depth at approximately 15m, he did not consider there would be a significant loss in nearby residents' enjoyment of their rear gardens.

4.0 Planning policies

4.1 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.*

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.

Residential Design Guide
Watford Character of Area Study

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.

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 40 properties in Neston Road, Sandringham Road and Bushey Mill Lane. Representations were received from 87 properties, with 83 letters of objection and 4 letters of support. The comments are summarised in the table below:

Representations	Officer’s response
Objections (83)	
Garages are still in use. Many used for parking cars.	Noted.
Claims of anti-social behaviour and drug dealing at the garages are not true.	Noted.
Inadequate parking provision will exacerbate existing parking problems. Already heavily congested area. Lack of parking for residents and visitors will lead to overspill parking on adjoining roads. Loss of 2 on-street parking spaces.	Parking congestion is acknowledged as a significant issue in this area. Two on-street parking spaces will be lost as a result of the proposal.
Overlooking and loss of privacy to surrounding properties.	See Section 6.7 of the report.
Overshadowing of adjoining garden	See Section 6.7 of the report.

areas.	
Increase in noise and light pollution.	It is not considered that the proposed additional units will give rise to any adverse impacts.
Out of scale and proportion with the surrounding area. Architecture doesn't reflect historic value. Not in keeping with the character and appearance of the area.	See Section 6.3 of the report.
Overdevelopment of the site.	See Section 6.4 of the report.
Flats will be out of character with the area.	There is no objection in principle to the provision of flats on this site.
Schools and doctors surgeries are already oversubscribed.	The proposal will be liable for CIL payments towards local infrastructure.
Increased traffic on surrounding roads. Cars already parking dangerously on corners/junctions and reducing visibility. More traffic will increase hazards.	See Section 6.8 of the report.
Parking on bends and junctions will prevent access by service and emergency vehicles. Bins have not been collected on some occasions due to hazardous parking.	Evidence provided from Council's website that bins could not be collected due to inadequate access for refuse vehicle.
Public transport links often infrequent and unreliable. Future residents will rely on cars.	Bus stops are located on St Albans Road to the west.
No affordable housing provision.	See Section 6.5 of the report.
No surface water drainage scheme.	See Section 6.9 of the report.
Support (4)	
Garages have been source of anti-social behaviour over many years.	No evidence has been provided to substantiate this.
Local residents are not parking their cars in the garages.	No evidence has been provided to substantiate this.
Need more homes. Opportunity to provide 9 additional homes.	Noted.
Superior design and aesthetics to existing house.	See Section 6.3 of the report.
Parking provided for the flats.	See Section 6.8 of the report.

5.2 **Statutory publicity**

The application was publicised by a site notice posted on 23rd November 2017 and by advertisement in the Watford Observer published on 24th November 2017. The site notice period and the newspaper advertisement period expired on 15th December 2017.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

In the absence of a surface water drainage assessment, object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

5.3.3 Thames Water

No comments received.

5.3.4 Urban Design and Conservation Manager

Government is clear in the provisions of the NPPF that schemes which are of poor quality should be refused. Council policy is clear that good design is a requirement for all new development. The principle of using the land for residential development is not an issue here but the design quality of the scheme proposed is an issue.

Layout:

Corner Plot – creates issues in terms of achieving a suitable layout – it is not possible to simply follow the building line of the northern side of Neston Road. The approach taken in the proposed scheme does not work well on this awkward plot. It is considered that it would be more appropriate in design terms to split the single block up into two or three bays with a staggered building line

Parking – frontage is car dominated and is not easily navigated due to poor design and cramming the spaces in – too many spaces in too small an area. If adequate parking cannot be provided within the site then the number/type of units may have to be reviewed. It is not acceptable to have such a poor quality car dominant entrance and access to the new units.

Amenity area – no real thought has gone into the design of this just area and it appears as space left over after the building and car parking has been put in. A different approach to the scheme using dual aspect units would allow some semi private space to the rear for the ground floor units and then a proper well design shared area. Access to the rear of the building is not controlled and there is little overlooking at the rear so the units could be vulnerable to burglary.

Street scene:

Scale is out of character – single large block which does not respond to the rhythm of the existing streets scene. Various elements of the proposed scheme are out of character with the existing street scene. It is possible to take the framework from the existing street scene and work that up into framework for a new building – whether it is in traditional vernacular style or more contemporary. The applicant has seeks to take what appear to be traditional features but apply them to a large block in such a way that the result does not meet the requirements of paragraph 60 of the NPPF or Policy UD1 in reinforcing local distinctiveness or paragraph 64 to improve the character and quality of an area.

The treatment of the frontage area is not well defined and is basically a car park – the extent of the crossover is not good for pedestrian safety and cars will be backing out of the spaces onto a road with poor visibility.

Dominance of the roof: aside from the general street scene comments the roof form used is very dominant; the proposed roof has a very different proportional relationship in the frontage elevation – the existing buildings on the north side of the street are approximately 33(roof):47(wall) and the proposed approximately 44(roof):56(wall). This results in the roof being overly dominant in the elevation.

Gable features: these are inappropriate in this street scene; this feature is not found in the existing buildings and the size of the gable shown is too big for the building and the location.

The applicant has elected to use a vernacular language using pitched roofs/gables/traditional style windows but this does not work well when applied to a building of this size in the manner proposed. The gables to rear are oversized and result in an unattractive appearance which will be visible from the rear of properties on Bushey Mill Road.

Conclusions:

As it stands the proposed scheme does not meet the requirements for good design set out in the NPPF and the Council's local plan. It is possible to redevelop this site

with residential units and meet requirements for high quality design. The current scheme should be refused and the applicant advised to review the design approach.

5.3.5 Housing team

The Housing Service does not support this application for planning as all 10 units have been proposed as market housing; there is no provision of affordable housing. On a site of 10 units, in line with Council policy, we would expect 3 units (35%) of affordable housing.

5.3.6 Arboricultural Officer

The proposals will not affect any existing trees although some tree protection measures may be required for trees located on the rear boundary. There should also be some opportunity to plant some new trees to the front of the proposed building although not necessarily in the numbers indicated on the site plan.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of development.
- (b) Character and appearance of the area.
- (c) Affordable housing.
- (d) Quality of accommodation for future occupiers.
- (e) Impacts on adjoining properties.
- (f) Access, servicing and parking provision.
- (g) Surface water drainage.

6.2 (a) Principle of development

The site is not an allocated housing site but is within an established residential area. It is a brownfield site and is in general accordance with the criteria of Policy HS1 of the Core Strategy for windfall sites. The Council has no policy that specifically seeks to retain lock-up garages. As such, there is no objection in principle to the development of this site for residential use.

- 6.2.1 Policy HS2 gives guidance on the mix of housing units sought across the borough in order to provide for the needs of the whole community. Policy SS1 acknowledges that in town centre locations and locations within the designated Special Policy Areas within the Core Strategy the vast majority of units will be 1 and 2 bed. In suburban areas a significant provision should be made for family sized units, whether in the form of flats or houses. Given the location of the site within an established suburban area, the majority of the units should be 2 bed or more. The

proposal achieves this with 8 x 2 bed and 2 x 3 bed flats, which is considered to be an acceptable mix for this site. However, whilst acceptable in principle, all of the 2 bed flats are substandard in size (see Section 6.6 below).

6.3 (b) Character and appearance of the area

Neston Road was developed in 2 phases. The first phase, on the northern side of the road, comprises late Victorian terraced housing with pitched roofs and outriggers. The main facing material is a yellow stock brick with red brick detailing and patterning. The second phase, on the southern side of the road, comprises semi-detached houses from the 1920s with gabled roofs. These generally have a red brick at ground floor and brown pebble dash render above. The application site lies on a bend in the road and was developed in 1907. The surrounding area is generally characterised by late Victorian terraced housing similar to the northern side of Neston Road.

6.3.1 The proposal is to erect a single rectangular building 20m wide by 12.5m deep with a large crown roof and large scale front and rear gable projections. Some of the detailed comments of the Urban Design and Conservation Manager are included in Section 5.3.4 of this report. The siting of the proposed building does not address the bend in the road and the footprint of the building is overly large. The frontage is dominated by car parking and appears very cramped for the number of spaces proposed. The crown roof is considered to be visually dominant and inappropriate in this context as are the large front and rear gable projections. Despite pre-application advice having been given, little attempt has been made to design a building that reflects the context of the site and which will sit comfortably within this Victorian/Edwardian streetscene.

6.3.2 Overall, the proposal is not considered to be an appropriate or successful response to this site. It will appear as a dominant and jarring feature within the streetscene and fails to meet the requirements of good design that reflects the character and appearance of the local area.

6.4 (d) Affordable housing

As the scheme provides more than 9 units, Policy HS3 requires 35% of the units to be provided for affordable housing. For a scheme of 10 units, this equates to 3 units. The 35% provision should ideally have a tenure breakdown of 20% for social rent, 65% for affordable rent and 15% for intermediate tenures. The size of units should also meet current need. The supporting planning statement states that no affordable housing provision is to be made. The applicant does not rely upon any viability appraisal but instead on the Government's Planning Practice Guidance (PPG) which states that affordable housing contributions should not be sought on schemes of 10 units or less. This is based upon a written ministerial statement

made in the House of Commons on 28th November 2014.

6.4.1 This ministerial statement was challenged in the High Court in 2015 and was ruled to be unlawful. The guidance was subsequently withdrawn. However, in 2016 the Court of Appeal ruled that the ministerial statement was not unlawful and that it did constitute Government policy (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441). The guidance was subsequently re-instated. However, it is important to note the findings of the Court of Appeal. Whilst it found that the policy issued in the ministerial statement was not unlawful, it confirmed that it did not override any requirements of section 70(2) the Town and Country Planning Act 1990 or section 38(6) of the Planning and Compulsory Purchase Act 2004. Importantly, these sections both require a planning application to be assessed against the policies of the local development plan and any relevant material planning considerations. In this case, the Court of Appeal confirmed that the ministerial statement (WMS) was a material planning consideration to be considered along with all other planning considerations. The key paragraphs from the judgement are as follows (relevant extracts only):

28. *The policy's unqualified terms do not demonstrate that it was intended to countermand or frustrate the effective operation of the statute. The Secretary of State was not obliged to assure the reader that that was not his intention, nor to state that his policy was subject to the development plan.*

30. *In our judgment, then, the policy stated in the WMS is not to be faulted on the ground that it does not use language which indicates that it is not to be applied in a blanket fashion, or that its place in the statutory scheme of things is as a material consideration for the purposes of s.38(6) of the 2004 Act and s.70(2) of the 1990 Act, and no more. It does not countermand or frustrate the effective operation of those provisions.*

6.4.2 The judgement makes clear that the policy expressed in the ministerial statement is a material planning consideration but that it does not override the legal requirements of section 70(2) of the 1990 Act or section 38(6) of the 2004 Act. The adopted local plan policy, which should be the starting point for assessing all planning applications, must take precedence. This has been supported by the Courts.

6.4.3 The Courts have held that the section 38(6) obligation “requires the decision maker not merely to have regard to the plan but to offer it priority” (*R (on the application of Ash Parish Council v Guildford Borough Council* [2014] EWHC 3864 (Admin)). In *South Northamptonshire Council v Secretary of State for Communities and Local*

Government [2013] EWHC 11, the Court held that:

“the section [section 38(6)] requires not a simple weighing-up of the requirement of the plan against the material considerations but an exercise that recognises that while material considerations may outweigh the requirements of a development plan, the starting point is the plan which receives priority. The scales do not start off in an even balance.”

In *Ash Parish Council* the Court also pointed out that:

- 6.4.4 Although the NPPF is a material consideration it is not of equal legal force to the policies in the Development Plan: see *Sea and Land Power Energy Ltd v Secretary of State for Communities and Local Government* [2012] EWHC 1419 and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 at [46]:

“All of this, one has to remember, sits within the statutory framework for the making of decisions on applications for planning permission, in which those decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Government policy in the NPPF does not, and could not, modify that statutory framework, but operates within it – as paragraph 12 of the NPPF acknowledges.”

- 6.4.5 It is clear, therefore, that priority in the decision making process is to be given to the development plan. Moreover, if the NPPF is not of equal legal force to policies in the development plan then the guidance in the PPG must be even less so.
- 6.4.6 It is also well established law that the weight to be given to a material consideration is a matter for the decision maker not the Court, unless the decision maker has behaved irrationally.
- 6.4.7 In this case, the Council has an identified and significant need for affordable housing in the borough. Policy HS3 is therefore a relevant and up-to-date policy that should be given significant weight. The guidance in the Planning Practice Guidance is not considered to outweigh the known need for affordable housing in the borough or the requirements of Policy HS3.
- 6.5 (e) Quality of accommodation for future occupiers
Each of the 2 bed flats are shown with double bedrooms. However, the bedrooms measure approximately 12m² and 8.5m² respectively in each flat. The nationally described space standard (NDSS), which has been incorporated into the Council’s Residential Design Guide, has a minimum area of 11.5m² for a double bedroom and

7.5m² for a single bedroom. As such, notwithstanding what is shown on the submitted drawings, the flats are only considered suitable for occupation by 3 persons. The NDSS has a minimum floorarea of 61m² for a 2 bed, 3 person unit on 1 level. The proposed flats each have a floorarea of 57-58m² and so are all below the minimum standard. Each flat also has inadequate storage space. Each of the 2 bed flats will therefore provide sub-standard accommodation.

6.5.1 Each of the 3 bed flats are also shown with double bedrooms. Each bedroom has a minimum floorarea of 12.5m² and so the flats are suitable for occupation by 6 persons. The NDSS has a minimum floorarea of 95m² for a 3 bed, 6 person unit on 1 level. The proposed flats each have a floorarea of 103m² and so exceed this minimum standard. Although they are not shown to have adequate built in storage, the additional floorspace allows adequate storage (2.5m²) to be provided.

6.5.2 All of the proposed 2 bed flats are single aspect; with those on the front elevation facing south-west and those on the rear elevation facing north-east. The 3 bed flats are both dual aspect. All of the flats will have good outlook and daylight. The 4 rear facing 2 bed flats (at ground and first floor levels) will however receive very little direct sunlight.

6.5.3 The Residential Design Guide sets out minimum area guidelines for communal amenity space which equates to an area of 185m² for the proposed development. Whilst it is accepted that in town centre locations the level of amenity space provided is often very limited, in suburban locations such as this there is every opportunity to provide sufficient and high quality amenity space for future residents. In this case, the proposed level of provision is 356m² which exceeds the guideline. However, the majority of the amenity space is provided at the rear of the block and is only 6.5-8m deep. This space will not, therefore, be very useable on a communal basis without significantly compromising the privacy of the 2 ground floor flats. Furthermore, this area is sited on the northern side of the block and, due to its limited depth, will also be overshadowed by the block itself. The area of space to the side will be more useable as a communal amenity area and has an area of 190m². Overall, it is considered that this will provide an acceptable area of amenity space for future residents.

6.6 (f) Impacts on adjoining properties

The site is adjoined by residential properties on 3 sides.

6.6.1 *3, Neston Road*

This property is an end of terrace house adjoining the south-eastern boundary of the site. The proposed building is sited 4m from the boundary and projects 5m beyond the rear elevation of the property. Despite the depth of the projection, the

building does not breach a 45° line taken from the mid-point of the nearest ground floor window on the rear elevation so will not impact on the outlook or natural light to this property.

6.6.2 *36-42 (evens), Bushey Mill Lane*

These properties are sited along the north-eastern boundary of the site. They comprise detached houses linked by garages. The proposed building is sited 6.5-8m from the rear boundary with these properties. The distance to the habitable room windows in the rear elevations is 22.5-23m at ground floor and 27.5m at first floor. In order to maintain acceptable levels of privacy between proposed development and existing residential properties the Residential Design Guide requires a minimum distance of 11m to the rear boundary and 27.5m to rear facing habitable room windows. In this case, neither is achieved. As such, the proposed building will give rise to unacceptable overlooking and loss of privacy to these properties and their private garden areas.

6.6.3 In respect of natural light, the British Research Establishment's guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' have been applied. The proposed building does not breach a 25° line taken from the nearest ground floor windows of these properties. As such, it is not considered that the building will give rise to an unacceptable loss of light to these properties. Based on the application of this guideline, it is also not considered that the building will have an adverse impact on outlook.

6.6.4 *158-184 (evens), Sandringham Road*

These properties adjoin the western and north-western boundary of the site. The proposed building is sited 6-8.5m from the north-eastern boundary and 10.5-12m from the eastern boundary. There are no windows proposed in the north-west facing flank elevation so there will be no overlooking of nos. 168-184 (evens). In respect of nos. 158-162 (evens), the windows in the front elevation of the proposed building will face towards the rear elevations and gardens of these properties. However, the distance from the rear garden boundaries of 10.5-12m generally accords with the RDG guideline of 11m. In respect of the rear habitable room windows, the building achieves a distance of 28-34m, which is in excess of the RDG guideline of 27.5m.

6.6.5 In respect of natural light, the British Research Establishment's guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' have been applied. The proposed building does not breach a 25° line taken from the nearest ground floor windows of these properties. As such, it is not considered that the building will give rise to an unacceptable loss of light to these properties. Based on the application of this guideline, it is also not considered that the building will have

an adverse impact on outlook.

6.7 (g) Access, servicing and parking provision

The existing site is served by 2 crossovers, one to the lock-up garages and one to the garage of 1, Neston Road. In addition to these, 1 on-street parking space exists along the frontage between the crossovers. The proposal includes 10 parking spaces on the frontage, to be served by 3 double width crossovers. These will result in the loss of the existing on-street space.

6.7.1 It is evident from the representations from local residents and site visits by the case officer that Neston Road and the surrounding roads experience significant on-street parking congestion. This was also noted by the appeal Inspector in 2005. Very few of the houses on Neston Road and the surrounding roads have any on-site parking provision and so all residents rely on parking on-street. The provision of 10 parking spaces for the proposed 10 flats is considered to be acceptable in principle. The Council's car parking standards are expressed as maximums - 1.5 spaces for 2 bed and 2.25 spaces for 3 bed dwellings - which would give a maximum provision of 16.5 spaces for the proposed development. However, the 2011 Census data on car ownership shows that the average car ownership per household in Callowland Ward is 1.05 cars per household. On this basis, the provision of 10 spaces for 10 dwellings accords with the current car ownership levels in Callowland Ward. Whilst it is acknowledged that the proposal may lead to some additional demand for on-street parking from visitors to the development, the increase in demand is likely to be limited and for short periods only.

6.7.2 The applicant has claimed that the existing garages have been vacant for the past 12 years since the appeal in 2005. However, there is significant anecdotal evidence in the representations from local residents that this is not the case. The garages appear to be in good condition and well maintained which would suggest they have continued to be used. As is the case with all privately owned garages, however, the Council has no control over who they are let to or whether they are used for parking cars or for storage purposes. The applicant is entitled not to let them or could even decide to demolish the garages. In any event, and notwithstanding the previous appeal decision, the Council as the local planning authority is not in a position to prevent any loss of parking from these privately owned garages.

6.7.3 Overall, the proposal may give rise to some additional on-street parking demand through the loss of the garages (assuming some of them are used by local residents for parking cars) and the lack of visitor parking provision. However, it is not considered that a reason for refusal on the grounds of inadequate car parking provision or on-street parking congestion could be justified in this case given the level of parking proposed.

6.7.4 Servicing of the site will need to take place from Neston Road, as for all existing properties. Notwithstanding the evident problems that are experienced from time to time through poor parking at junctions, this is acceptable.

6.8 (h) Surface water drainage

As a major development of 10 or more dwellings, the application proposal is required to provide a sustainable surface water drainage scheme to reduce the risk of flooding. No scheme has been provided with the application. The County Council as the Lead Local Flood Authority (LLFA) is a statutory consultee and has objected to the application due to the failure to provide a sustainable surface water drainage scheme.

7.0 Community Infrastructure Levy and planning obligation

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.

7.1.1 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. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

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.

7.2.1 The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

8.0 Conclusion

8.1 There is no objection in principle to the development of this windfall site to provide 2 and 3 bedroom dwellings, subject to a high quality design. The proposed scheme, however, is not considered to be of the quality of design necessary for this prominent site having regard to the context of the site and the character and appearance of the surrounding area. Furthermore, the proposal will provide sub-standard accommodation for future occupiers, will have a harmful impact on the amenities of adjoining occupiers, fails to provide affordable housing and lacks a surface water drainage scheme. For these reasons, the application is recommended for refusal.

9.0 Human Rights implications

9.1 The refusal of planning permission will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to accord with the policies of the development plan and in the wider public interest.

10.0 Recommendation

That outline planning permission be refused for the following reasons:

1. The proposal is considered to be of poor design quality, having a poor relationship to the street frontage, a dominant and cramped parking area and incorporating inappropriate design features that fails to respect or enhance the locality. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
2. The proposed 2 bedroom units all fail to meet the nationally described space standard and will therefore provide an inadequate standard of accommodation. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.
3. The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
4. The proposal will result in significant overlooking and a loss of privacy to the properties adjoining the site in Bushey Mill Lane. This will be harmful to the

occupiers of these properties, contrary to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.

5. No sustainable surface water drainage scheme has been incorporated into the proposal to reduce the risk of flooding both in the present and in the future, contrary to paragraphs 99 and 103 of the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

Drawing numbers

NR/001A, NR002

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