PART A		
Report of: Head of Development Management		
Date of committee:	28 th March 2018	
Site address:	Land Adjoining 136 Langley Road	
Reference Number:	17/01291/FUL	
Description of Development:	Demolition of existing single storey brick garage and erection of one new dwelling	
Applicant:	Mr John Holt	
Date Received:	15th September 2017	
Agreed target date	2 nd April 2018	
Ward:	NASCOT	

1.0 Site and Surroundings

- 1.1 The site is located off Langley Road and currently comprises a detached garage, a narrow access way which leads from Langley Road and reaches the main building at 136.
- 1.2 The existing house at number 136 Langley Road is a substantial building set in a secluded location to the rear of buildings which has been formed at a later date. The particular character derives from its verdant nature, dominated by large trees and significant shrubberies on the application site as well as the rear gardens of the adjoining buildings.
- 1.3 The site is bound by the gardens of the detached or semi-detached properties along the narrow passage which passes through shrubberies, hedges or some trees. To the west of the access way lies the road providing access to Fairlawn estate, which comprises modern buildings of modest scale and modern appearance.
- 1.4 The application building is not within a conservation area and there is no listed structure on site.

2.0 Proposed Development

Full planning permission is sought for:

2.1 The demolition of the existing garage and the erection of a new 4 bedroom dwelling house, the provision of parking spaces, a layby and amenity space.

3.0 Planning History

- 3.1 The most relevant planning decision relates to an outline planning application for the erection of a 3 storey building, providing 4 bedroom dwelling with 5 integral car parking spaces The application was refused (2003) on the following grounds:
 - The proposed development would result in overdevelopment of the site, creating
 insufficient space around the proposed dwelling that would be in close proximity to
 the site boundaries, which would be detrimental to the appearance and character
 of the surrounding area. The proposal would be contrary to Policies U2 and U3
 (Formerly Policies U1a and U1b) of the Watford District Plan 2000.
 - The proposed development, by virtue of its proximity to the site boundaries, will give rise to problems of overlooking and loss of privacy and is contrary to the Council's Supplementary Planning Guidance 4: Privacy Guidelines and Policies U1, U3 and H8 (Formerly Policies U1r, U1b and H6) of the Watford District Plan 2000.
 - The proposed development does not provide adequate access to the site and does not allow any passing spaces along the proposed access road, which would give rise to congestion at the entrance to the site and would cause highway safety problems and traffic congestion. Therefore the proposed access is contrary to Policies T4, T21, T22 and T24 (Formerly Policies T4, T17, T18 and T20) of the Watford District Plan 2000.
 - The proposed development fails to make provision for sufficient open space and as such is contrary to Policy L8 of the Watford District Plan 2000.
 - The proposed development does not provide adequate provision for children's play space for the use of residents of the dwellings and is contrary to Policy L9 (Formerly Policy L9r) of the Watford District Plan 2000.
 - The proposed development fails to make provision for the improvement of the cycle network and/or facilities for cyclists and as such is contrary to Policy T9 (Formerly Policy T8) of the Watford District Plan 2000.

The subsequent appeal to the scheme was dismissed.

4.0 Relevant policies

National Planning Policy Framework

4.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF. Particularly relevant sections are:

4.2 The 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 Part 1: Core Strategy 2006-31 (adopted Jan 2013)
- (b) the continuing "saved" policies of the Watford District Plan 2000
- (c) the Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026
- (d) the Hertfordshire Minerals Local Plan Review 2002-2016

Watford Local Plan: Core Strategy 2013

- SS1 Spatial strategy
- UD1 Delivering high quality design
- SD1 Sustainable Design
- SD2 Water and Waste Water
- SD3 Climate change
- SD4 Waste
- HS1 Housing supply and residential site selection
- **HS2** Housing mix
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure delivery and planning obligations

Watford District Plan 2000

- SE22 Noise
- SE23 Light Pollution
- H9 Back land development
- T10 Cycle Parking Standards

Policy SE7 - Waste Storage and Recycling in New Development

Policy SE37 - Protection of Trees

Policy SE39 - Tree Provision in New Development

Supplementary Planning Guidance;

Residential Design Guide Vol. I Building New Homes (adopted 2008)

National Planning Policy Framework 2012

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 11	Conserving and enhancing the natural environment

4.3 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.

4.4 Supplementary Planning Guidance

The following Supplementary Planning Documents are relevant to this application:

Residential Design Guide (SPD adopted 2014, amended 2016) Watford Character Of The Area Study (SPD adopted Dec 2011)

Background Documents

The Manual For Streets

Technical Housing Standards – Nationally Described Space Standard (Department

for Communities and Local Government 2015).

Watford Borough Council has formally adopted these standards in 2016. They are included in the Residential Design Guide supplementary planning document (updated Aug. 2016) sections 7.3.5 to 7.3.8.

5.0 Consultations

5.1 Neighbour consultations

The following properties were notified by letter:

5 Birchmead, Watford, WD17 4RU,

6 Birchmead, Watford, WD17 4RU,

7 Birchmead, Watford, WD17 4RU,

124 Langley Road, Watford, WD17 4RR,

126 Langley Road, Watford, WD17 4RR,

128 Langley Road, Watford, WD17 4RR,

42 Fairlawns, Langley Road, Watford, WD17 4UH

44 Fairlawns, Langley Road, Watford, WD17 4UH

46 Fairlawns, Langley Road, Watford, WD17 4UH

1 Fairlawns, Langley Road, Watford, WD17 4UH

2 Fairlawns, Langley Road, Watford, WD17 4UH

4 Fairlawns, Langley Road, Watford, WD17 4UH

6 Fairlawns, Langley Road, Watford, WD17 4UH

8 Fairlawns, Langley Road, Watford, WD17 4UH

37 Fairlawns, Langley Road, Watford, WD17 4UH

39 Fairlawns, Langley Road, Watford, WD17 4UH

3 Nascot Wood Road, Watford, WD17 4RT,

In total 10 letters of objections have been received, these are addressed in section 10 of this report.

Statutory consultations

5.2 The council's tree officer has made the following comments:

The trees indicated on the block plans are not totally exact in their representation with only some of the TPO trees labelled and others not. Not all of the TPO trees (TPO6) are still there, however, T25 is and is indicated for removal although it does not fall within the footprint of the proposed dwelling in and it may be possible to retain this tree although the proposed changes in ground level close to it may

prevent this.

Other than this tree no other protected trees would be affected by the proposal. A number of non-protected trees (4 hollies and one ornamental apple) and mature laurel and shrubs will need to be removed; this may result in some opening up of limited views from Fairlawns and 7 Birchmead.

Herts Highways

No objection subject to conditions. Herts Highways considers that the proposed layby should be placed prior to the house being occupied.

6.0 Appraisal

6.1 Main issues

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

- (a) The effect of the proposed development on the character and appearance of the surrounding residential area
- (b) The impact upon the amenities of the adjoining occupiers
- (c) The quality of the proposed house in terms of residential standard
- (d) Access, parking and traffic generation.

Design Considerations

- 6.2 With regard to the siting, the proposed new dwelling and the parking spaces would be set between the rear gardens of the existing dwellings, without any direct frontage to the street.
- One of the key issues here is the impact of the proposed development upon the visual amenity of the area. This formed one of the reasons for which the planning application was refused back in 2003. The significant objection to the scheme was that the building would adversely affect the verdant nature of the site, resulting in site cramming due to the scale and bulk of the scheme. That scheme was substantially different being outline in nature, meaning there was no detailed information upon which to base detailed judgements, and seeking approval for the principal of a much taller building.
- 6.4 The built form and the design of the proposed development have been subject to negotiation with the applicant and the scheme has been revised in accordance with officers' advice.

- 6.5 The dwelling as proposed will follow a modern design incorporating a flat roof and with an L-shape foot print. It will include garden space on three sides of the building and will be built close to the boundary with the neighbouring building at number 7 Birchmead.
- 6.6 The proposed building has been particularly designed to be subordinate to other buildings within the vicinity. The appeal scheme was intended to be two storey plus accommodation within a pitched roof, the current proposal is two storeys with a flat roof, or 1.5 storeys when compared to the land levels at 7 Birchmead.
- 6.7 The character of the area is defined by detached and semi-detached houses fronting public roads with large front and rear gardens relative to the size of house and relatively uniform plot width and depth. However, the areas of land and planning unit associated with no. 136 are in existence and differ from the surrounding urban grain. It is not considered introducing an additional dwelling on this land will cause harm will to the character of the area. In this case the proposed house will not be visible from public vantage view point and will not alter the established urban grain. Further, the proposed house in comparison with the refused scheme will incorporate sufficient space around which means it will not appear cramped within the site its self..
- 6.8 It is considered that the proposed building will respond well to the site specific constraints by creating a building of balanced proportions and stylish design.
- 6.9 Fears have been raised claiming that the proposed development if permitted may set an unacceptable precedent by building in back gardens. However, there is no in principle objection to garden development which constitutes good design and comply with development plan policies, as is considered to be the case here. In addition, the application must be considered on its own merits and the site is fairly unique in terms of its location and layout.

7.0 Effects on neighbours' living conditions

- 7.1 Although there will be some loss of light to the neighbouring gardens, given its distance the proposal will not result in significant technical loss of daylight or sunlight to the occupiers of the neighbouring buildings.
- 7.2 Given its location to the rear of a number of houses, the impact of the proposal on privacy needs to be given due consideration. One of the reasons for the refused

scheme was the loss of privacy. However, the refused outline application did not include sufficient detail with respect to windows and in the absence of this information sufficient detail it was feared that the development could potentially cause problems. The present scheme has been carefully designed to ensure the proposed house will not result in the loss of privacy to the neighbouring buildings and there are no windows within the development which would breach the Council's guidance in this respect.

- 7.3 At the ground floor level the proposed house will include windows on all sides. However, these will be below the level of the boundary fences and therefore, they will not cause overlooking to the neighbouring buildings.
- 7.4 The main windows at the first levels are largely oriented away from the immediate neighbouring buildings i.e. 7 and 8 Birchmead and 126 and 128 Langley Road.
- 7.5 At first floor level, to the rear, facing Birchmead properties, there will be only a single high level window which will be fixed shut with obscured glazing.
- 7.6 There are no widows directly facing 126 and 128 Langley Road, at the first floor level. The two balconies are well set back from these properties and views from them are substantially obscured due to their location on the building. It is not considered taking into account their location, design, the distance and the intervening vegetation that they would result in any undue loss of privacy.
- 7.7 The main views from the first floor bedrooms, as well as a terrace, towards the flats in Fairlawn estate will be largely obscured by heavy tree lines. Further, the nearest flats in Fairlawn are over 30 metres away. The flats in Fairlawn do not benefit from a private amenity space or significant windows facing the application site.
- 7.8 The windows facing 136 Langley Road are well away from the application site.

 There will be some overlooking from the proposed terrace onto number 8

 Birchmead, but the line vision will be largely limited due to the full height privacy screen.
- 7.9 It is therefore considered that the proposal will not result in any significant overlooking or loss of privacy to the neighbouring houses.
- 7.10 The proposed building will incorporate a flat roof and will be sunk into the garden to the rear in order to reduce its bulk. Originally the scheme displayed a pitched roof, with its ridge rising over the boundary wall by about 6 metres. The proposed

scheme now rises above the rear boundary fence by about three metres, thereby reducing its bulk and sense of enclosure to 7 Birchmead, the house which will be most affected by the proposed scheme.

7.11 It is therefore considered that the proposal will have an acceptable impact upon the amenities of the adjoining occupiers.

8.0 Living condition of the future occupiers

8.1 The scheme provides a high quality design with sufficient floor space. The building will have windows on all sides providing reasonably good level of daylight, sunlight and outlook. It is considered that the proposed dwelling will provide a high quality dwelling with sufficient amenity space.

9.0 Impact on highways condition, access and parking

- 9.1 The proposed development will share the existing narrow access way to the main house. One of the reasons for which the previous scheme was refused was in relation to safety of access to and from the site on to Langley Road.
- 9.2 The existing driveway access to the property is from Langley Road adjacent to Langley Road / Fairlawns junction on Langley Road where there is a bend in the road. The driveway is rather hidden from view, largely being concealed by hedging. In terms of highway safety it is important for vehicles to enter and leave the driveway in forward gear manner. The visibility is restricted for any vehicles likely to reverse back on to Langley Road.
- 9.3 The planning inspector considered that the narrow access way would be problematic as two cars will not be able to pass each other, and there may be occasions where one may have to reverse onto the main carriage way, thereby causing potential hazards to road safety.
- 9.4 The present scheme has sought to overcome the issue by including a layby where it would reduce the likelihood of the drivers coming face to face in the narrow access to reverse on a long distance.
- 9.5 The proposal will incorporate three off-street car parking spaces which will be shared between the existing house and the proposed house. This is considered to be sufficient in this location.

9.6 The Local Highways Authority does not object to the proposed access and does not consider that the proposal will have any significant adverse impact on highway safety.

10.0 Consideration of objections received

Objections	Officer's response
The building will be too	The issue has been fully considered in the body of the
large, too dominant,	report. It is considered that the design, layout, bulk,
visually obtrusive, breaks	scale and the location is such that the proposal will
the building line and is	have an acceptable impact upon the character and
not in keeping with the	appearance of the area.
character of the area and	
will set a precedent for	
back garden	
development in the area.	
The proposal could not	The location of sewerage infrastructure is not an
be built because of the	impediment to the grant of planning permission. The
sewerage problem.	applicant would have to separately deal with
	easement or relocation of sewerage infrastructure
	and this is not a reason to refuse planning permission.
There is no retaining wall	This would be a matter for building control.
shown	
There are inaccuracies in	There appear to be no inaccuracies in the revised
drawings	scheme
Fire engines will not be	Herts Highway have raised no objection in this
able to reach the existing	regards and access for fire vehicles is ultimately a
house	matter dealt with under the building regulations.
The proposed building is	This matter is discussed in the relevant section of this
not any smaller than the	report.
refused scheme and	
previous issue with	
regards to impact on the	
neighbours and the	
character of the area will	
remain	
This will set an	There is no in principle objection to garden
unacceptable precedent	development which constitutes good design and
for back land	comply with development plan policies, as is
development.	considered to be the case here. In addition, the

	application must be considered on its own merits and the site is fairly unique in terms of its location and layout
Insufficient space for a dwelling on this site	The application building provides suitable residential accommodation for the future occupier of the site. All rooms meet the council's guidance and the amount of amenity space is now considered to be sufficient. In an urban location, normally the open space is overlooked by other neighbouring buildings. This will not be any different.
The increase in number	The Council has adopted the Community
of houses will create	Infrastructure Levy which , which means relevant
more demand for	payments will be made to mitigate the impact of the
schools and other public services	development on local and public social infrastructure.
Loss of and impact on	The issue has been considered and appropriate
trees	condition will be imposed to ensure the trees will be protected.
The development is not	The proposed house will be built in a sustainable
sustainable as it does not	location utilizing a brown field site. It will replace
improve the amenities of	unsightly garages which potentially could exert
the existing and future occupiers of the site	significantly more disturbance to the local residents and cause a greater degree of harm to highway
occupiers of the site	safety. In all these respects the proposal will improve
	the quality of life and hence will meet the objectives
	of the sustainability principle.
There is no record as	The scheme was not refused, but revised in
how the earlier scheme	association with the officers' comment. The Council
submitted earlier on was	carried out further consultation. The council carried
refused.	out full consultation with neighbours with respect to
	the current revised scheme

11.0 Conclusion

11.1 The development will provide a small family house on a previously developed land in a sustainable location, thereby, meeting the key priority objective of both local and national planning and housing policies. The proposal in land use terms is therefore particularly welcomed.

- 11.2 The proposal will replace an unsightly and disused garage with a building of modest proportion and elegant design. Hence, the proposed development will preserve and enhance the character of the area.
- 11.3 Given its scale, bulk and design the development will not cause significant harm to the amenities of the adjoining occupiers.
- 11.4 The development will have an acceptable impact on highway conditions and the safety of the road users
- 11.5 It is therefore recommended that planning permission be granted for the proposed development, subject to conditions.

12.0 Human rights implications

12.1 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.

13.0 Recommendation

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.
- No development shall commence within the site until full details and samples of the materials to be used for the external surfaces of the building, including doors, and windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and its impact on the

character of the surrounding area, in accordance with Policy UD1 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

No development shall commence within the site until full details of the provision for bicycle storage facilities, refuse and re-cycling storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development and shall be retained thereafter.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policy UD1of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

A No work shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The fencing or other means of enclosure shall be provided as approved prior to the first occupation of the dwelling hereby approved and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G 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 Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

The proposed first floor high level window serving the En-Suite and facing no. 7
Birchmead shall be fixed shut and fitted with obscured glazing.

Reason; In order to protect the privacy of the occupiers of the neighbouring building pursuant to the advice given in the residential design guide adopted 2008 and the overall objective expressed in UD1 of Watford Local Plan Core Strategy 2006-2031 and the Residential Design Guide adopted 2008.

No development shall commence on site until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping 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 in accordance with policy UD1 of Watford Local Plan Core Strategy 2006-203.

No development on site shall commence until the details of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts showing depth, width and routing of all trenches have been submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Any alterations to the approved layout during construction, that falls within 6m of any retained tree shall be notified to and approved by the Local Planning Authority in writing before any excavation is made.

Reason: To ensure all existing trees to be retained are not prejudiced by the development in accordance with Policy SE37 of the Watford District Plan 2000.

9 No development on site shall commence until the details and method statement in respect of ground protection measures within the root protection zones of the located in the North East corner of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure all existing trees to be retained are not prejudiced by the development in accordance with Policy SE37 of the Watford District Plan 2000.

- The development shall not be occupied until the layby indicated on the drawing hereby approved (or any subsequent amendment agreed in writing by the Local Planning Authority) has been laid out and made available for use and that area shall not thereafter be used for any other purpose.
 - Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: 200, 2002, 201-B, 202-B, 203-B, 205-A

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

Informatives

- The applicant is reminded that this planning permission does not obviate the need to obtain the 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. You are particularly reminded to contact the network rail and obtain the necessary agreement prior to any works of construction to commence on site. 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.
- You are advised that this permission does not dispense with the necessity of obtaining approval or consent under the Building Regulations, Building Acts and other relevant legislation or regulations. You should contact the Building Control Manager of this Authority if you require information.
- You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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_compl aints %E2%80%93 construction noise.

Drawing Numbers;

200, 2002, 201-B, 202-B, 203-B, 205-A

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