

PART A	
Report of: Head of Development Management	
Date of committee:	25th April 2018
Site address:	120 Cassiobury Park Avenue Watford WD18 7LF
Reference Number:	18/00259/FULH
Description of Development:	Erection of a single storey side and rear extension (retrospective - relating to increase of external heights due to ground gradient/slope)
Applicant:	Mrs A Khosla
Date Received:	26th February 2018
Statutory Target Date	23rd April 2018
Ward:	Park

1.0 Site and Surroundings

- 1.1 The subject property is a two storey semi-detached dwelling located within a primarily residential area. It sits on the southern side of Cassiobury Park Avenue some 20 metres east of the junction with Gade Avenue.
- 1.2 A single storey side and rear extension is currently under construction. The external walls of the extension have been constructed however windows have not been installed to date. The flat roof currently consists of beams and joists and has not been finished. This planning application seeks retrospective planning permission for the extension because its height above ground level is higher than shown on the approved drawings for planning application 16/01560/FULH. This is largely because of the difference in land levels across the site which was not reflected on the approved plans. The land level of No. 120 sits higher than the neighbouring house at No. 122 Cassiobury Park Avenue. The proposed drawings show that the flat roof would only be marginally higher on the original two storey walls than the previously approved drawings.
- 1.3 The adjacent house at No. 122 Cassiobury Park Avenue has an existing single storey side and rear extension, which includes a garage at the front. It has no ground floor windows in the side elevation that face the application site. The property also has a first floor side window which is secondary in nature. The rear extension has rear patio doors adjacent to the boundary. The subject property is sited forward of No. 122 and the proposed extension does not project to the rear of the neighbouring

extension.

- 1.4 The adjoining house at No. 118 has an existing single storey rear extension which is designed with a mono-pitched roof. It has rear patio doors adjacent to the boundary.
- 1.5 The property is not listed and is not located within a Conservation Area.

2.0 Proposed Development

- 2.1 The application seeks planning permission for the single storey side and rear extension currently under construction which has not been built in accordance with planning permission 16/01560/FULH. The depth of the proposed extension is in accordance with the previous approved drawings, however the difference in land levels makes the height of the extension above ground level higher than shown on the approved plans. The proposed drawings show that the flat roof of the extension would be marginally higher on the house than the previous approved drawings.
- 2.2 Alterations have also been made to the window arrangement on the rear elevation of the extension.

3.0 Relevant Planning History

- 3.1 The following planning history is relevant to this application:

16/01560/FULH - Erection of a single storey side/rear extension. Conditional planning permission. January 2017.

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 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb

2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 Supplementary Planning Documents

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

Residential Design Guide

Watford Character of Area Study

4.4 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 7 Requiring good design

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

Section 11 Conserving and enhancing the natural environment

Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to neighbouring properties in Cassiobury Park Avenue and Gade Avenue.

5 letters of objection were received.

5.2 The points that have been raised are summarised and considered in the table below:

Representations	Officer's response
<p>The current height of the walls on the side of the extension adjoining No. 122 is currently 0.394 metres higher than the proposed plan and this does not take into account the addition of Ferring timbers, roofing boards and final covering, also the gutter design of recessed led lined channel makes it very unsightly from our side.</p> <p>The side wall is over dominant and does not blend in with the architecture of the surrounding houses.</p>	<p>The approved plans for planning application 16/01560/FULH did not reflect the change in levels across the site.</p> <p>The approved plans showed that the flat roof of the rear extension would be 3.0m high. The current plans show that the flat roof of the rear extension would be 3.4m above ground level. The difference in height is largely due to the change in land levels which were not reflected in the original drawings. The finished extension would only be approximately 10cm higher on the house than shown on the approved drawings for planning application 16/01560/FULH.</p> <p>The houses are stepped in siting, therefore the side extension projects forward of No. 122. It is not considered that the extension would appear dominant in the street scene. The proposed side extension is higher than the side garage of No. 122, however the house at No. 120 sits on a higher land level than No. 122 therefore the difference in height would not appear incongruous in the street scene. The proposed extension would appear subordinate to the house and its design would integrate satisfactorily.</p>
<p>The increased height of the side and rear extensions adversely affects the sunlight, daylight and outlook of the neighbours on both sides.</p>	<p>This is considered in paragraphs 6.4 – 6.10 of the report.</p>
<p>The change in window design on the rear elevation, compared with the original application ref: 16/01560/FULH, would be higher and</p>	<p>This is considered in paragraph 6.5 of the report.</p>

<p>more obtrusive. It would radically reduce the privacy and amenity of the owners in the garden at No. 118.</p>	
<p>The extension and roof conversion, in their tremendous size, height and construction, are totally out of sympathy with the architecture of the surrounding houses. The extension as built in no way respects the character and scale of the host building and contravenes the Watford Residential Design Guide.</p>	<p>The proposed extension would appear subordinate to the existing house and its design would integrate satisfactorily. The proposal would maintain the character and appearance of the street scene and surrounding area.</p>
<p>We object to the principle of buildings being developed with disregard to the approved plans, and with extreme disregard to the Watford planning guidance. We ask that Watford Planning Department show that this is not acceptable, and that it will continue to require householders to adhere to the regulations of permitted development.</p>	<p>The purpose of planning enforcement is not punitive but to resolve and regularise breaches in planning control. In this case, the application has been considered on its merits as set out in the report. The fact that the development is currently un-authorized is not a reason to refuse planning permission. A development should only be refused planning permission if planning harm is being caused.</p>
<p>The development of 118 Cassiobury Park Avenue has been very protracted. The prolonged presence of shuttering around the front garden, builder's vehicle plus deliveries are not only unsightly but also a hazard to residents and visitors to Cassiobury Park. The damage to the curb stones on the triangle at the junction of Cassiobury Park Avenue and Gade Avenue is evidence of this.</p>	<p>This is not a material planning consideration.</p>

The applicant has submitted a letter dated 27th March 2018 in support of the application to address the neighbour objections.

5.3 Statutory publicity

No statutory publicity was required for this application.

5.4 **Technical consultations**

No technical consultations were required for this application.

6.0 **Appraisal**

6.1 **Main issues**

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

(a) Impact on the character and appearance of the area

(b) Impact on the residential amenities of neighbouring properties

6.2 a) Impact on the character and appearance of the area

Policy UD1 of the Watford Local Plan Core Strategy 2006-31 seeks high quality design in all new development. Paragraph 8.2 of the Residential Design Guide (RDG) states that extensions must respect the character and scale of the host building. Among other things, it states that an extension should complement the size, shape and character of the existing property and should normally be subordinate to it.

6.3 The impact of the proposed side and rear extension on the character and appearance of the area was assessed in the Officer's report for planning application 16/01560/FULH. In comparison to the previous approved drawings, it is not considered that the slight increase in height of the proposed extension is harmful to the character and appearance of the dwelling or the surrounding area. Furthermore, the changes to the window openings in the rear elevation of the extension are considered to be acceptable.

6.4 (b) Impact on the residential amenities of neighbouring properties

Impact on No. 118 Cassiobury Park Avenue:

The depth of the part of the rear extension adjacent to the boundary with No. 118 is the same as the approved drawing for application 16/01560/FULH. It is not considered that the slight increase in height of the extension causes a significant loss of light or outlook to the rear habitable windows or main outdoor amenity area of the neighbouring property.

6.5 The impact on neighbouring windows is assessed using the Building Research Establishment guidance document 'Site Layout Planning for Sunlight and Daylight A guide to good practice' (2011). It states that an extension is likely to cause a significant loss of sunlight and daylight to a neighbouring window that is positioned perpendicular to an extension if it crosses a 45 degree line in both plan and elevation, measured from the centre of the window. In the case of patio doors, the reference point is taken 2m above ground level. The proposed extension would not infringe the 45 degree line in elevation measured from the centre of the rear patio

doors of No. 118, therefore, in accordance with the BRE guidance, it would not cause a significant loss of sunlight or daylight to the neighbouring habitable room.

6.6 Furthermore, the single storey rear extension would not cause excessive overshadowing or an unacceptable sense of enclosure to the main outdoor amenity area of the neighbouring property.

6.7 The rear window openings of the proposed extension are larger than the previous approved drawings. However, the windows would not cause a significant loss of privacy to the neighbouring property. It should be borne in mind that the application site is located in an urban area where mutual overlooking of gardens already exists.

6.8 **Impact on No.122 Cassiobury Park Avenue:**
The depth of the rear extension adjacent to the boundary with No. 122 is slightly reduced compared to the previous approved drawings. The proposed extension does not extend beyond the single storey side/rear extension of No. 122, therefore the increased height of the extension has not caused a significant loss of light or outlook to the habitable rear windows or main outdoor amenity area of the neighbouring property.

6.9 The neighbouring extension has no ground floor windows in the side elevation that would be affected by the proposal. The property has an existing first floor side window, however there is no loss of amenity due to the secondary nature of the window and its first floor position.

6.10 The proposed extension projects in front of the main front elevation of No. 122 (due to the staggered building line that exists in this part of the street). However, the neighbouring property has a garage adjacent to the boundary and the gap maintained to the nearest window ensures that there is no loss of light or outlook to the front habitable rooms of the neighbouring property.

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 floor space created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

No liability to CIL arises in the case of the development proposed in this application.

8.0 Conclusion

- 8.1 The proposed development maintains the character and appearance of the area and has no adverse effect on the residential amenities of neighbouring residential properties. Therefore, it is recommended that the application should be approved.
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9.0 Human Rights Implications

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

That conditional planning permission be granted subject to the conditions listed below:

Conditions

1. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (and any order revoking and re-enacting that order) no additional ground floor windows or doors shall be inserted in the south-eastern or north-western side elevations of the extension hereby permitted.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

2. 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:
120cassioburyparkavenue/2015/01; 120cassioburyparkavenue/2015/02A rev A; 120cassioburyparkavenue/2015/03A rev A; and
120cassioburyparkavenue/2015/06 rev A.

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

Informatives

1. 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.
2. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

3. 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 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

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

Monday to Friday 8am to 6pm
Saturdays 8am to 1pm
Noisy work is prohibited on Sundays and bank holidays

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

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:
https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

5. The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk/planning, or on request from the Regeneration and Development Department.

Drawing numbers

120cassioburyparkavenue/2015/01; 120cassioburyparkavenue/2015/02A rev A;
120cassioburyparkavenue/2015/03A rev A; and 120cassioburyparkavenue/2015/06
rev A.

Case Officer: Chris Osgathorp

Email: chris.osgathorp@watford.gov.uk

Tel: 01923 278968