

PART A	
Report of: Head of Development Management	
Date of committee:	25th April 2018
Site address:	125 Cassiobury Park Avenue Watford WD18 7LF
Reference Number:	18/00128/FULH
Description of Development:	Retrospective application for the erection of a front porch and the retention of single storey side and rear extension with revised roof (variation from 16/01723/FULH).
Applicant:	Dr Ziya Arif
Date Received:	30th January 2018
Statutory Target Date	28th March 2018 (Extended by agreement to 30th 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 northern side of Cassiobury Park Avenue.
- 1.2 The property has an original two storey rear projection. The property has been previously extended in the form of a single storey rear extension which infilled the outrigger adjacent to the shared boundary with an existing similar infill extension at no 123 (1999 permission). The hipped roof of the main house has also been extended under Permitted Development rights in the form of a hip to gable roof extension and rear dormer (15/01617/LDC). A detached garden building has been erected in the rear garden (16/00567/FULH).
- 1.3 The property is currently being extended further at ground floor. The property had Permitted Development prior approval for a 6m deep part rear extension and this was incorporated into the most recent approved scheme for side and rear extensions (16/01723/FULH) to replace the infill extension and add a further 3.5m depth beyond the rear outrigger.
- 1.4 There is car parking to the front of the property. The property had an average sized garden to the rear of the property which is in keeping with the rectangular layout of surrounding gardens within the vicinity of the site. The topography of the site is gently sloping from south-east/east to north-west/west.

- 1.5 No125 is adjoined to its semi detached pair No123 which is sited to the east. This also has a single storey infill extension level to its rear outrigger. Adjacent to the site to the west is No 127. This has an original rear building line level to No125. No 125 is located on land raised approximately 40cm comparable to No127. No127 contains a detached garage located adjacent to the common boundary with No125.
- 1.6 The rear of the site is bounded by Cassiobury Park to the north. The front street scene of Cassiobury Park Avenue is characterised by mainly two storey semi detached dwellings, many with various side, rear and front extensions.
- 1.7 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 and a front porch currently under construction.

2.2 Single storey side and rear extensions

The depth, width and footprint of the side and rear extension is in accordance with the previously approved scheme 16/01723/FULH however the roof of the extensions has been amended with an increased pitch and increased eave and maximum heights.

2.3 Measured at the front of the side extension:

- Eave height increased from 2.8m to 2.9m.
- Maximum lean to height increased from 3.5m to 4.25m.

2.4 Measured at the rear of the side extension (adjacent to No.127):

- Eave height increased from 2.65m to 2.75m.
- Maximum lean to height has increase from 3.4m to 4.15m.

2.5 Measured at the side of the rear extension (adjacent to No.123):

- Eave height increased from 2.6m to 2.65m
- Maximum lean to height has increase from 3.7m to 4.1m.

2.6 NB Measurements taken from the submitted plans to the nearest 0.05m.

2.7 Front porch

- Width 2.65m
- Projection 1.25m
- Footprint floor area 3.3m²

- Eave height 2.8m
- Ridge height 3.9m

3.0 Relevant Planning History

3.1 The following planning history is relevant to this application:

99/00156/FUL CPP 16.06.1999 Erection of a single storey side, and single storey rear extensions

15/01617/LDC GLDC 12.01.2016 Lawful Development Certificate for hip to gable loft conversion with rear dormer.

15/01790/FULH RPP 18.02.2016 Erection of a first floor rear extension and part single, part double storey side to rear extension and detached garden room.

Reason for Refusal:

1. The proposed development by reason of its lack of a set back from the front flank wall and 1m gap from the side boundary with no 127, would result in a size, bulk and design which would be an incongruous form of development within a streetscene that predominantly comprises modest sized two storey semi-detached dwellings. Furthermore, the gable ended roof form which is not set down from the ridge, would fail to reflect the hipped roof form of the existing house and would exacerbate the bulk of the extension. As such, the proposed development would not be sympathetic to the appearance of the existing dwelling and would have a detrimental impact on the character of the building and surrounding properties within the vicinity of the site and by reason of its depth, scale and close proximity to the neighbouring building it will have an overbearing impact when viewed from the adjoining gardens, resulting in the loss of amenities to the adjoining occupiers. Therefore, the proposed development is contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31, Section 7 of the National Planning Policy Framework and the Watford Residential Design Guide, which, among other things, seeks high quality design in all new development.

16/00567/FULH CPP Erection of a first floor rear extension, single storey side to rear extension and detached garden room.

16/01253/HPD Grant Prior approval. The erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6.0m for which the maximum height would be 3.6m and for which the height of the eaves would be 2.8m

16/01723/FULH CPP Proposed erection of first floor rear extension and single storey side to rear extension. (Revision of 16/00567/FULH)

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 6 neighbouring properties in Cassiobury Park Avenue.

10 representations were received with 9 objections and 1 general representation.

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

Representations	Officer's response
The extensions have been built taller than approved. The porch has been built without planning permission. The applicant has disregarded the approved plans and ignored planning regulations and the application should be refused.	Unfortunately there are occasions when development is carried out beyond or without prior planning permission. 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 unauthorised is not a reason to refuse planning permission. A development should only be refused planning permission if planning harm is being caused.
The previous application should not have been approved. Neighbours' objections have been ignored.	The officer reports to accompany the previous applications (most recently 16/01723/FULH) fully discuss and consider all issues and all objections raised. As detailed in these reports, the extensions were deemed to be compliant with the relevant RDG and there was no demonstrable harm that warranted refusal of the applications.
The change in ground levels with the neighbouring property should have been considered in the original design of the extensions and does not justify these amendments.	The purpose of this application is assess whether or not the changes to the approved scheme are acceptable in planning terms. The retrospective nature of the application is not justification to refuse the amendments.

<p>The neighbour at No127 used to have a view of a fence and greenery and now sees a brick wall and no sky or sunlight.</p>	<p>It is noted that No127 has secondary side facing windows which are affected by the extension. The light and outlook of these side windows is however significantly restricted by the original two storey house of No125. The increased impact is minor. Moreover, as these rooms have main rear windows which are not adversely affected as set out in section 6.9 of this report, the residents would therefore remain in enjoying significant overall light, outlook and amenity.</p>
<p>The unauthorised changes result in overdevelopment of the house. Poor impact to the setting of Cassiobury Park.</p>	<p>The increased height is considered modest and remains appropriate and reasonable for a single storey side and rear extension. The footprint of these extensions is unchanged from that approved. The proposed porch is modest and fully compliant with the RDG. As previously assessed for application reference 16/01723/FULH, the extensions are a substantial increase to the footprint of the property these were acceptable in accordance with the RDG. There is no overdevelopment noted and no harmful impact to the park.</p>
<p>The porch is out of keeping with the area by virtue of its height and projection.</p>	<p>This is not agreed. The footprint, projection, width and height create a modest porch of a scale subordinate to the house and street scene. Indeed porches are common in the street scene and come in varying scales and designs. The porch would not be incongruous in nature, scale or design.</p>
<p>The quality of the building work is poor.</p>	<p>This is not a material planning consideration. All building work would be subject to Building Regulations.</p>

<p>Garden building has not been built in accordance with permission. It contains a toilet and is being used as living accommodation.</p>	<p>The building has been viewed internally by the enforcement officer and the case officer during the course of this application. The building did not contain any WC facilities and there was no evidence of habitation. The building dimensions have been assessed as part of the planning enforcement enquiry which has confirmed that the building is in accordance with the approved under application reference 16/00567/FULH. The window alterations are permissible as minor alterations.</p>
<p>The Garden room overlooks the neighbours</p>	<p>This is not a matter for consideration under this planning applications however as approved under 16/00567/FULH, a garden room is considered acceptable in principle under national legislation and national and local planning policy. It is not agreed that these buildings create unreasonable overlooking in a residential area.</p>
<p>Various bricks have been used and these do not match.</p>	<p>This is noted however the bricks are a sufficient match to the house.</p>
<p>The chimney stack has been removed and looks odd with just half remaining.</p>	<p>It appears this has been undertaken as part of the Permitted Development works for the loft extensions and extensions. These works are not subject to planning assessment or control.</p>
<p>The builders have caused damage to the neighbours garage guttering.</p>	<p>This is a civil matter between the owners and not a material planning consideration.</p>
<p>Bonfires have been lit at the property.</p>	<p>Not a material planning consideration.</p>
<p>The flank elevations of the extensions have been poorly finished and neighbours not obliged to permit builders access to their property to</p>	<p>Not a material planning consideration.</p>

finish the elevations.	
Contrary to the applicant's comments, the neighbours and Residents Associated are not mounting a 'smear campaign' against him.	Not a material planning consideration.

The applicant has submitted letters dated 22nd February and 9th April 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 16/01723/FULH. The depth, width and footprint of the side and rear extension remain unchanged and were approved for the reasons discussed in the previous application report. The increased height and pitch of the roof of the side and rear extension is considered to constitute a small visual change. The extensions would remain suitable in design and bulk and would not result in the extensions being harmful to the character and appearance of the dwelling or the surrounding area.

6.4 The front porch would be of a modest width and projection and would be of a scale subordinate to and in keeping with the host property and street scene, and is fully compliant with the Residential Design Guide.

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

The Residential Design Guide (Updated Sept 2016) states in section 8.4 that:

An extension must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties. Effects on amenity may comprise one or more of the following:

- *a reduction in levels of daylight and sunlight to the main windows of habitable rooms;*
- *a reduction in sunlight to a garden;*
- *overlooking resulting in a loss of privacy; and/or*
- *an increase in the “sense of enclosure” experienced within a habitable room or a garden.*

6.6 Section 8.4.2 further details that

The Building Research Establishment (BRE) guidelines “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (2011) provides guidance on avoiding unacceptable impacts and sets out non-mandatory targets for levels of daylight and sunlight within existing and proposed development. The Council will generally apply the BRE guidance targets to assess new development and where new development may affect natural light to existing properties.

6.7 The RDG further details the “45 degree rule” which seeks to ensure adequate levels of daylight and sunlight. Section 8.5.1 also details suitable plan depths for single storey rear extensions stating that 3.5m is a suitable depth for an extension to a semi detached house.

6.8 *Impact on No. 127 Cassiobury Park Avenue*

The depth of the rear extension adjacent to the boundary with No. 127 remains the same as the approved schemes of 16/00567/FULH and 16/01723/FULH. The single storey extension has a depth of 3.5m relative to the rear of No127 which remains compliant with the Residential Design Guide.

6.9 The single storey extension at No125, with the increase in height and raised ground level, remains below the 45 degree line taken on elevation from the centre of the nearest rear facing window of No127. As this line is not infringed by the increased height of the extension, the relationship remains compliant with the ‘Sunlight and

Daylight' assessment of the BRE and Residential Design Guide and confirms that the increased relative height of the extension would not create unreasonable loss of light or outlook to the rear windows of No127.

- 6.10 It is noted that the height increase further reduces light and outlook to the side facing windows of No127 however these are secondary windows and are significantly restricted by their position facing the flank of the original two storey house of No125. As the main rear facing windows to these habitable rooms are not adversely affected, the overall living environment of No127 is not unreasonably harmed.
- 6.11 The increased eave and ridge heights of the extension remain reasonable for a single storey structure. The relative depth remains at 3.5m. It is therefore not considered that the taller extension would create notable overshadowing or an unacceptable sense of enclosure to the main outdoor amenity area of the neighbouring property.
- 6.12 The front porch would not create any notable harm to the amenities of the neighbour.
- 6.13 *Impact on No.123 Cassiobury Park Avenue*
The depth and position of the rear extension adjacent to the boundary with No. 123 is unchanged from the approved scheme. The single storey extension has a depth of 3.5m relative to the extended rear of No123 which remains compliant with the Residential Design Guide.
- 6.14 The single storey extension, with the increase in height, remains below the 45 degree line taken on elevation from the centre of the nearest rear window of No123. As this line is not infringed by the increased height of the extension, the relationship remains compliant with the 'Sunlight and Daylight' assessment of the BRE and Residential Design Guide and confirms that the increased height of the extension would not create unreasonable loss of light or outlook to the rear windows of No123.
- 6.15 The increased eave and ridge heights of the extension remain reasonable for a single storey structure. The relative depth remains at 3.5m. It is therefore not considered that the taller extension would create notable overshadowing or an unacceptable sense of enclosure to the main outdoor amenity area of the neighbouring property.
- 6.16 The front porch would not create any notable harm to the amenities of the neighbour.

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 This application seeks permission for changes to the approved extensions including an increase in height of the single storey side and rear extensions and a front porch. These extensions remain suitable in scale and design for the host building and street scene and indeed are comparable to various existing extensions seen in the area.

8.2 The relationships between the taller extensions and the neighbouring properties Nos123 and 127 have been assessed in detail and are within the guidance of section 8.4 of the RDG. The revised extensions would not create a harmful loss of sunlight, daylight or create an overbearing impact to the neighbouring properties.

8.3 The strong objection to the application has been noted and considered in detail. The significant point raised in the objections is that the development has been carried out beyond the approval and that, as a principle, the approval should be complied with and the amendments should not be approved. Occasionally development does vary from an approval and in such instances the purpose of planning enforcement, as set out by national government, is not punitive but to resolve and regularise breaches in planning control. The varied scheme has to be considered in the same manner with regard to the planning matters only. Therefore the fact that the development is currently un-authorised is not a reason to refuse planning permission.

8.4 The single storey side and rear extensions with an increased height and amended roof design and the front porch do not create harm to the character and appearance of the street or the amenities of neighbour properties and are found to be in accordance with the RDG guidance.

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.
-

10.0 Recommendation

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

Conditions

1. 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: Site Location Plan 1:1250 and CPA-125/7 Rev H.

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

2. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. 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: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

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

Site Location Plan 1:1250

CPA-125/7 Rev H

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279