

PART A	
Report of: Head of Development Management	
Date of committee:	4th July 2018
Site address:	36A Purbrock Avenue, Watford WD25 0AD
Reference Number:	18/00580/FUL
Description of Development:	Erection of a single storey rear and side extension.
Applicant:	Mr Abdolreza Bahramian
Date Received:	21st May 2018
Statutory Target Date	16th July 2018
Ward:	Stanborough

1.0 Site and surroundings

- 1.1 The subject property is a ground floor maisonette in a two storey, semi-detached property. The entire rear garden belongs to site and is not shared with the upstairs maisonette. There is an existing detached garage in the rear garden.
- 1.2 The building contains 4 purpose built maisonettes and externally has the appearance typical of semi-detached houses. Like many Victorian properties in Watford, they include projections to the rear “outriggers” which do not span across the entirety of the respective rear elevations. The resultant gaps between adjacent dwellings allow for natural light to access habitable windows at ground and upper floor levels.
- 1.3 The attached property has an existing single storey rear extension on their outrigger.
- 1.4 The site is not listed and is not located in a designated Conservation Area. As it is a flat it does benefit from Permitted Development rights.
- 1.5 There has recently been unlawful development on the site which required enforcement action. A planning application was refused in March (see planning history below) and this is a re-submission for a revised scheme.



2.0 Proposed development

- 2.1 The application seeks planning permission for a single storey rear extension which would extend beyond the original outrigger by 3.6m deep. The rear elevation would be 5.6m wide and the extension would wrap around the side of the original house to a depth of 8.5m. It would extend 2.5m wide from the original side elevation and have a flat roof with a maximum height of 3m. The extension would make room for an additional bedroom. The detached garage would be removed.

Please note – amended plans were received to reduce the rear extension depth from 4m to 3.6m, remove the existing detached garage and re-position the new bedroom internally.

3.0 Relevant planning history

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

18/00011/FULH Refusal of planning permission 06.03.2018 Erection of 2no. single storey rear extensions.

Refusal reason:

"The proposed extension along the shared boundary with the ground floor maisonette at 34a Purbrock Avenue would breach the 45 degree rule and result in a loss of daylight, sunlight and outlook to the detriment of the amenity currently enjoyed by this neighbour. The proposal does not comply with the principles of good design for extensions which are set out in the Residential Design Guide supplementary planning document (section 8.5.1c) which states that 'single storey rear extensions that involve the infilling of spaces between existing rear projections will generally be deemed unacceptable if this causes a significant tunneling effect or

increased sense of enclosure to the adjoining property.' The extension would appear overbearing for this neighbour when seen from their ground floor bedroom window and garden area. The proposal is contrary to paragraph 17 of the NPPF, and paragraph 8.5 of the Residential Design Guide 2016, which states that rear extensions should not exceed 3.5m for a semi-detached house from the original rear wall."

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:

Residential Design Guide 2016
Watford Character of Area Study 2011

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to the following properties:

17, 19, 21, 34, 34a, 36, 42 Purbrock Avenue, Watford, WD25 0AD,
43, 45 Spring Gardens, Watford, WD25 9JJ,
1 Lamb Close, Watford, WD25 0TB.

5 letters of objection have been received and the comments made can be summarised in the table below. Please note – these comments were all made prior to the final amended plans.

Comments	Officer's Response
<p>Extension would not be in keeping with the adjoining maisonette's property at 34/34a or area. Extension is too large. RDG states 3.5m deep for semi-detached property.</p>	<p>Amended plans were received to reduce the 4m deep rear extension to 3.6m, therefore it would not extend beyond no. 34a's existing single storey rear extension. The proposed extension would appear subordinate to the existing building and its design would integrate satisfactorily. The proposal would maintain the character and appearance of the streetscene and surrounding area.</p>
<p>Asbestos garage must be removed safely by a qualified contractor.</p>	<p>There is separate legislation which requires the safe removal and disposal of asbestos material. An informative will be added to this effect.</p>
<p>No access for neighbours to carry out repairs.</p>	<p>Rights of access are a private issue between neighbours and not a material planning consideration.</p>
<p>Would need freeholder's permission to alter the building.</p>	<p>An informative will be added to draw attention to the fact that planning permission does not override any property rights that may exist. However, this is not a material planning consideration.</p>
<p>Loss of daylight, overbearing outlook for no. 42 from kitchen side window. Close proximity to property would lead to noise, disturbance and loss of privacy.</p>	<p>The carport at no. 42 already has an impact on the side window and it is not considered that the proposal would cause an unacceptable additional impact. The carport which extends to the shared boundary with the site provides sufficient screening for this neighbour and it is not considered that the proposed extra living accommodation would cause any material increase in noise or disturbance that would harm any neighbouring property.</p>
<p>Plans do not state materials, details of footings, drainage etc.</p>	<p>A condition would be added to state that materials must match the existing dwelling. An informative would also advise that all building work is subject to Building Regulations which includes</p>

	drainage, structural stability, fire precautions etc.
Discrepancies with plans – they do not show no. 36's side kitchen/bathroom windows or soil vent pipe. They do not reflect the existing property due to the unlawful work which has been carried out. The 2 outbuildings at the rear of the property do not exist. The detached garage is shown on the existing plans in the wrong location.	It is noted that the plans do not show no.36's windows, however officers are aware of the windows which are not considered to be impacted as they sit above the flat roof of the proposals. The existing plans relate to the original building for no.36a however again officers are aware that due to unlawful works, the current building does not reflect this fully although enforcement action is required to return the property to its original state. The proposals are accurate. There are no discrepancies which officers consider would preclude determination of the application.
Would allow for multiple occupancy	The application seeks permission for residential extensions to form an extra bedroom and should be assessed on this basis. As with all C3 properties, it could potentially be used as a small HMO without the need for permission.
Loss of outlook and view for no. 34a	The extension is set in approx. 3.5m from the shared boundary with the neighbour at 34a, creating a separation distance that means it would not be overbearing for them. It would extend to the same depth as 34a's existing extension and in terms of the proposed extension's height, scale and bulk, it is not considered that it would appear visually dominating for any neighbouring property. Loss of view is not a material planning consideration.
Removal of garage creates additional parking problems in the street.	The existing garage is approximately 2.5m wide and is considered too narrow to park a modern car. Therefore its removal would have no impact on parking.

5.2 Statutory publicity

No statutory advertisement was required for this application.

5.3 Technical consultations

None

6.0 Appraisal

6.1 Main issues

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

- (a) Scale and design
- (b) Impact on surrounding properties.

6.2 (a) Scale and design

The extension would be 3.6m deep from the rear outrigger and would match the depth of the existing ground floor extension on the adjoining semi-detached property.

As the extension wraps around to the side of the house, it would be visible from the immediate streetscene but is well set back from the front building line by 4.5m. Surrounding properties vary in size and appearance and the proposed extension would not appear out of keeping given the context of development within the area. It would not cause any harm to the appearance or character of the streetscene and would be considered subordinate to the original house in terms of height, scale and bulk. Materials would match the existing dwelling.

Amended plans were received so the new bedroom has a window and complies with the Residential Design Guide which advises that a single bedroom should have a minimum floor area of 7.5sqm.

Overall, the proposal is acceptable in terms of design.

6.3 (b) Impact on surrounding properties

The other half of the building also consists of ground floor and first floor maisonettes. The ground floor maisonette in this property (no. 34a Purbrock Avenue) has an existing single storey extension on the outrigger of their property. The proposed extension would be set in approx. 3.5m from the shared boundary with this neighbour and would not extend beyond their rear building line.

As assessed previously, it is not considered that at single storey level, the proposal

would have any negative impacts on the first floor maisonettes at 34 and 36 Purbrock Avenue.

The other adjoining neighbour at 42 Purbrock Avenue has an existing side carport structure, single storey rear extension and loft conversion. The extension would extend 8.5m along the shared boundary with this neighbour. The carport provides sufficient screening for the majority of the proposed extension. It appears on existing plans that there was gap of approximately 1m between the rear of the carport structure and front of the site's detached garage which extended a further 4.8m deep along the shared boundary. The garage would be removed and the proposed extension would have an acceptable relative rear depth of approximately 2.2m beyond the carport for this neighbour.

It is not considered that the proposed extension will cause any significant loss of light, privacy, overshadowing or appear overbearing for any neighbouring properties.

On this basis, the proposed single storey rear extension is deemed acceptable in terms of residential amenity.

7.0 Conclusion

- 7.1 The proposed extension has been significantly amended from the previously refused scheme. It is considered the sole reason for refusal has now been overcome and the proposal will not cause any harm to neighbours or to the character and appearance of the area.

8.0 Human Rights implications

- 8.1 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.

9.0 Community Infrastructure Levy (CIL)

- 9.1 The gross internal area of the proposed extensions is less than 100 square metres and therefore the development is not CIL liable.

10.0 Recommendation

Grant planning permission subject to the following conditions:

1. The detached garage must be removed as part of the development in accordance with the approved plans.

Reason: To satisfactorily protect residential amenity and the character and appearance of the area pursuant to the council's Residential Design Guide supplementary planning document.

2. 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.

3. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority: Drawing no. PB-18/36A-purb/02D, PB- 18/36A-purb/03D, PB-18/36A-purb/10B, PB-17/36A-purb/01B

Reason: For the avoidance of doubt and in the interests of proper planning.

4. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. 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 UDI of the Watford Local Plan: Core Strategy 2006 - 31.

Informatives

1. Your attention is drawn to the fact that planning permission does not override any property rights that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner.
2. It is your responsibility to ensure that the removal and disposal of the detached garage is done safely due to it possibly being an asbestos material. The correct approach must be carried out in accordance with Health and Safety Executive (HSE) advice to protect yourself and others from any asbestos dangers. The HSE have produced guidance sheets which you can find on our website. Most asbestos removal work will require a licensed contractor.
3. 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.

4. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.
A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

5. 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

6. 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 2015.

Drawing numbers:

PB-18/36A-purb/02D

PB-18/36A-purb/03D

PB-18/36A-purb/10B

PB-17/36A-purb/01B

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