

Committee date	3rd October 2018
Application reference	18/00994/FUL
Site address	116A, High Street
Proposal	The erection of a part one, part two storey first floor rear extension containing two self-contained residential units, and the conversion of the upper floors of the existing property into two self-contained residential units.
Applicant	116A Watford High Street 2013 Limited
Agent	GL Hearn
Type of Application	Full planning application
Reason for committee item	Number of objections
Target decision date	2nd October 2018
Statutory publicity	Site notice posted 15th August 2018 Public advertisement published 17th August 2018
Case officer	Paul Baxter paul.baxter@watford.gov.uk
Ward	Central

1. Recommendation

Approve subject to conditions and the completion of a s.106 unilateral undertaking, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the south-western side of High Street and is within the prime retail frontage of the town centre. It is one of 4 locally listed buildings (114B, 114C, 114D and 116A) within a terrace of properties that back onto St Mary's View and The Cloisters. These 4 buildings fall within the south-eastern corner of the St Mary's Conservation Area.
- 2.2 The property is 2 storeys on the High Street frontage with accommodation in the roof and has a large, single storey extension to the rear. On the roof of the extension is a further flat roofed structure that currently houses plant and equipment associated with the ground floor occupation of the adjoining property by Tesco Express (also in the ownership of the applicant). The ground floor of the application property is currently in commercial use (Liberty Flights) although the upper floors appear to be vacant.
- 2.3 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

3. Summary of the proposal

3.1 Proposal

To erect a part 2 storey, part single storey rear extension on the roof of the existing single storey rear extension at the property, to provide 2 self-contained flats, and to convert the existing first and second floors of the existing building into 2 self-contained flats, to provide a total of 4 flats. Access to all the proposed flats will be from the rear (St Mary's View) via the shared entrance and stairs to the flats at Addison Court (nos. 114C and 114D), which are also in the ownership of the applicant. The development is to be car-free.

3.2 Conclusion

There is no objection in principle to the provision of additional residential accommodation on the upper floors of the application property. The scale and design of the proposed 2 storey rear extension is considered to be high quality and appropriate for this site, and is considered to enhance the 2 heritage assets; the St Mary's Conservation Area and the application property, a locally listed building. The proposal will provide an acceptable level of accommodation for the 4 proposed flats and will have no significant adverse impact on the amenities of the existing flats in the adjoining Addison Court. There is also adequate bin storage to serve the proposed flats. A s.106 unilateral undertaking has been completed by the applicant to exclude the development from the local controlled parking zone. Although the proposal fails to provide any cycle parking facilities, this is not considered to be fatal to the scheme given the highly accessible and sustainable location of the site. The proposal has overcome the previous reasons for refusal and is recommended for approval.

4. Relevant policies

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

5.1 114C and 114D, High Street (adjoining)

06/00305/FUL – Planning permission granted in May 2006 for conversion of first and second floors at 114D into 4 flats.

12/00795/FUL – Application withdrawn for change of use of 114C and two rear extensions to first and second floors to provide 8 residential units at 114C and 114D.

12/01026/FUL – Planning permission granted December 2012 for change of use to 114C and rear extensions to the first and second floors to provide 7 residential units at 114C and 114D. This development is known as Addison Court and is in the ownership of the applicant.

14/00928/FUL – Planning permission granted on 22nd August 2014 for the alteration to existing wall to the rear of 114C and 114D High Street to provide a new gated rear entrance to residential accommodation as well as the erection of 2no. enclosures for refuse and plant equipment (and relocation of plant equipment) associated with 114D High Street and the installation of a glass canopy to the entrance of the residential accommodation.

116A, High Street

14/01625/FUL – Planning permission refused in April 2015 for the erection of a part one, part two storey rear extension (at first and second floors) and alterations to existing roof to provide 6 residential units and erection of new bin store. The application was refused for 6 reasons.

16/01722/FUL - The erection of a part 2 storey, part single storey rear extension on the roof of the existing single storey rear extension at the property, to provide 2 self-contained flats, and to convert the existing first and second floors of the existing building into 2 self-contained flats, to provide a total of 4 flats. This application was refused on 3rd February 2017 for 5 reasons:

- 1. The proposed development, by reason of the scale and design of the proposed 2 storey extension, would result in harm to the character and appearance of the subject building, which is locally listed, and to the character and appearance of the St Mary's Conservation Area in which it is located, contrary to saved Policies U15, U18 and U19 of the Watford District Plan 2000 and Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31. It is considered that the proposed works would fail to make a positive contribution to the local character and distinctiveness of the area, contrary to the advice contained within Section 12 of the National Planning Policy Framework (NPPF).*
- 2. The proposed development will fail to provide acceptable levels of accommodation for the proposed occupiers of Flats 1 and 3 by reason of poor levels of outlook and privacy, contrary to the guidelines in the Council's Residential Design Guide and the objectives of paragraph 17 of the National Planning Policy Framework (NPPF) which seek to ensure*

that a good standard of amenity for all existing and future occupants of land and buildings is achieved.

3. *The proposed development will result in a significant, harmful impact on the amenities of the occupiers of 2, 5 and 6 Addison Court by reason of loss of outlook, natural light and privacy, contrary to the guidelines in the Council's Residential Design Guide and the objectives of paragraph 17 of the National Planning Policy Framework (NPPF) which seek to ensure that a good standard of amenity for all existing and future occupants of land and buildings is achieved.*
4. *A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has not been completed by the owners of the site to secure a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site. Without such an agreement in place, the proposal has the potential to result in additional on-street parking in an already congested area contrary to saved Policies T24 and T26 of the Watford District Plan 2000.*
5. *The proposed development fails to provide secure and weatherproof cycle storage or adequate bin storage to serve the proposed flats, contrary to saved Policies T10 and SE7 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.*

6. Main considerations

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

- (a) Principle of development.
- (b) Scale and design.
- (c) Impact on heritage assets.
- (d) Quality of residential amenity for new dwellings.
- (e) Impact on residential amenity of adjoining dwellings.
- (f) Access, parking and servicing.

6.2 (a) Principle of development

The site is located in the town centre (Special Policy Area 1) and falls within the Primary Shopping Area, as defined in the Core Strategy. Policy SPA1 states that within the Primary Shopping Area, the main use will be retail with associated and complementary uses such as cafes and restaurants, mainly at

ground floor level. On upper floors, uses which encourage a lively and vibrant town centre will be encouraged including residential, office and leisure use. The upper floors are ancillary to the ground floor as they can only be accessed from within the ground floor unit, although are currently vacant. The site is in a highly sustainable and accessible location and is suitable as a windfall site for residential use, in accordance with Policy HS1. The conversion of the upper floors to residential use and the provision of additional residential accommodation on the site is therefore acceptable in principle.

6.3 (b) Scale and design

Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 seek to ensure that all new development is based on an understanding of the local characteristics of the surrounding area. Particular regard should be paid to the height, size, roof pitch, use of materials, textures, finishes, size and scale of window and door openings and the impact on the streetscene. This is supported further by Section 3.1 of the Residential Design Guide. At a national level, the government's planning guidance places a strong emphasis towards the creation of high quality environments through good design.

6.4 The proposed scheme involves the erection of extensions at the rear of the building, on the existing single storey flat roof. The building is locally listed and lies within the St Mary's Conservation Area. Both the building itself and the conservation area are considered as heritage assets under Policy UD2 and the NPPF. The impact on these heritage assets is considered in paragraphs 6.11-6.17 below.

6.5 The proposed extension is to the rear of the main frontage building and comprises a part 2 storey, part single storey extension on the roof of the existing single storey extension. The 2 storey element is sited along the southern boundary and has a depth of 14.5m, extending to the rear boundary, and a width of 5.2m. It is set in 4.0-4.9m from the flank elevation of the adjoining Addison Court to the north. The single storey element is located between the 2 storey element and the upper floors of the existing frontage building. In order to overcome the concerns with the previous application, the new extension has been pulled away from the existing upper floors so that the two are only linked by the single storey element that gives internal access to both. The existing rear roofslope and large bay window remain as existing.

6.6 The area of roofspace between Addison Court and the proposed extension is open at its western end facing St Mary's View (in the previous scheme it was enclosed by a single storey element) and is proposed to be a 'green roof'. There will be no access to this space by existing or future residents.

- 6.7 The adjoining Addison Court incorporates several single storey and 2 storey rear extensions, with the second floor elements set back behind the first floor elements to give a stepped effect. Both elements have flat roofs with the first floor flat roof areas being used to provide roof terraces for the second floor flats above. The extensions are finished in a buff stock brick.
- 6.8 The proposed extension adopts a contemporary approach in contrast to the development at Addison Court. It incorporates steeply pitched roofs, angled windows and is clad in black stained timber panels. In contrast, the western end of the extension comprises a raised section of wall in traditional buff stock brick with a large feature window facing St Mary's View. This wall also conceals an open terrace to the second floor flat.
- 6.9 The scale of the proposal is considered to be acceptable, reflecting the scale of the adjoining Addison Court. It also respects the existing locally listed frontage building, comfortably sitting alongside both. The raised wall facing St Mary's View reflects the height of the adjoining building at nos. 118-130, High Street, but the inclusion of the large feature window helps to mitigate its scale and adds interest. It also adds intrigue to the proposal as a whole by 'concealing' the contemporary building behind and creating an element of surprise when this is revealed. The angled windows in the flank elevation 'peer' around the edge of the wall and give the impression of observing passers-by.
- 6.10 Although not visible from High Street, the rear of the property is fully visible from St Mary's View which contains 16 dwellings (The Cloisters) and also gives access to other properties. It also provides a pedestrian link between St Mary's Churchyard to the north and King Street to the south although is dominated by tarmaced car parking areas which lessen the quality of the space. In this context, the proposal is considered to provide a high quality addition to the urban form and to enhance the character and appearance of the immediate locality.
- 6.11 (c) Impact on heritage assets
The building is locally listed and lies within the St Mary's Conservation Area. Both the building itself and the conservation area are considered as heritage assets under Policy UD2 and the NPPF.
- 6.12 The NPPF advises (paragraph 192) that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development

making a positive contribution to local character and distinctiveness.

6.13 Paragraph 193 of the NPPF states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.”

6.14 i) St Mary’s Conservation Area.

The application site is within St Mary’s Conservation Area which also includes The Cloisters to the west. Although the open parking area is not within the conservation area, the conservation area is fully visible from St Mary’s View. As described in paragraphs 6.3-6.10 above, the proposal is considered to provide a high quality addition to the urban form and to enhance the character and appearance of the immediate locality. As such, the proposal is considered to enhance the character and appearance of the conservation area and would not give rise to harm to this heritage asset.

6.15 ii) Locally listed building at 116A, High Street.

The local listing description is as follows:

Brief description:

Purpose built shop unit from the 1910s, with other uses above on first floor and attic levels. Brick built structure with a gabled slate roof. Interesting detailing on upper storeys of front elevation. Located on the west side of the High Street, next to a row of Locally Listed Buildings.

Architectural interest:

The building was designed by the architect Albert Dunning, who had an office on Derby Road in Watford. Although the original shopfront has subsequently been replaced, the building retains the interesting detailing on the upper floors of the front elevation.

Streetscape quality:

The building forms an important component of this part of the High Street, the upper floor detailing and roof form lending it variety and adding to its character.

Historical interest:

Built on the footprint of an older building, the cellar may be considerably older than the rest of the 1915 building.

6.16 In the previous scheme (ref. 16/01722/FUL) the 2 storey extension adjoined the rear roof of the frontage building with the consequent loss of the rear dormer and much of the rear roofslope. In this scheme, the extension adjoins as a single storey element only, below eaves level, and replaces an existing

single storey extension. As such, the rear roofslope and rear dormer window are retained as existing. In respect of the front elevation facing High Street, the only alterations proposed are the insertion of 2 rooflights in the front roofslope. Providing these are low profile conservation style rooflights, these will not cause any significant harm to the appearance of the building. Although internal changes will be undertaken to create the proposed 2 flats, the significance of the building is only in its external elevations. In this respect, therefore, the proposal will cause no harm to the locally listed building.

6.17 The existing single storey extension on the flat roof of the building is of poor quality and detracts from the appearance of the locally listed building. The proposed 2 storey extension will be of high quality and, although larger in scale, will still allow views of the rear roofslope and rear dormer from St Mary's View. Overall, it is considered that the proposal will give rise to less than substantial harm to the building and its setting.

6.18 (d) Quality of residential amenity for new dwellings
The proposed flats will have the following floorareas:

	Beds/Persons	Floorarea (m ²)	Nationally Described Space Standard
Extension			
Unit 3	1 bed/2 person	56m ²	50m ²
Unit 4	1 bed/2 person (over 2 levels)	55m ²	58m ²
Conversion			
Unit 1	2 bed/3 person	61m ²	61m ²
Unit 2	2 bed/3 person	67m ²	61m ²

6.19 Three of the proposed flats will exceed the nationally described space standard with one flat, Unit 4, being slightly below. This is due to the fact that the bathroom is at the lower entrance level and the unit is therefore technically over 2 levels, requiring a larger floorspace than a unit on a single level. However, in this case, this shortfall is considered acceptable.

6.20 A report has been submitted with the application assessing all of the windows of the proposed flats for sunlight and daylight in accordance with the British Research Establishment's document 'Site layout planning for daylight and sunlight: a guide to good practice' (2011). This has concluded that all of the windows will meet or exceed the BRE guidelines.

6.21 Units 1 and 2 (on the upper floors of the existing front building) will have their

main windows facing High Street and all will have good levels of outlook and privacy. Unit 2 also has the retained large dormer window serving the main double bedroom. Although this window will face the proposed 2 storey extension, its position at roof level ensures that it will still benefit from good levels of outlook and privacy. Both are considered to provide a good level of accommodation.

- 6.22 Units 3 and 4 are within the rear extension. Both have their main living/dining/kitchen room facing west overlooking St Mary's View with Unit 4 also having an open terrace area. These rooms will both have good levels of outlook and privacy. Unit 3 has its bedroom window on the flank elevation facing Addison Court. In order to overcome previous concerns regarding outlook and privacy, this window is angled towards the rear, ensuring good levels of outlook and privacy. The bedroom to Unit 4 faces towards the existing front building. In order to prevent overlooking of the rear dormer window of Unit 2, this window is angled towards Addison Court. Given its position at second floor level, this window will still have an acceptable level of outlook. In respect of privacy, it will face towards an existing bedroom window in Addison Court at a distance of 8m and an oblique angle of 40°. Having regard to this context and the orientation and internal arrangement of the respective bedrooms, it is not considered that an unacceptable degree of overlooking would occur.
- 6.23 In the proposed scheme, only Unit 4 will benefit from a roof terrace, providing outdoor amenity space. Additional roof terraces included within the previous scheme were considered to give rise to overlooking so these have been removed. Although there is no communal amenity space (the roof area between Addison Court and the proposal will not be accessible for privacy reasons), this is considered acceptable in this town centre location.
- 6.24 Overall, the proposed flats will provide a good level of accommodation for future residents.
- 6.25 (e) Impact on residential amenity of adjoining dwellings
The submitted sunlight and daylight report also assessed the light to the windows of the adjoining flats in Addison Court. Using the measure of average daylight factor (ADF) which is the most appropriate measure given the location of the windows on the boundary of the site, all of the windows to these flats will retain levels of natural light that meet or exceed the BRE guidelines.
- 6.26 i) 2, Addison Court (first floor rear)
The bedroom, bathroom and kitchen windows of this flat face onto the flat

roof and towards the proposed extension. The kitchen and bathroom are not habitable rooms and so limited weight can be given to these windows. Although they will experience some loss of outlook from the 2 storey extension, there will be no loss of privacy due to the angled windows in the flank elevation of the extension.

- 6.27 The bedroom is a habitable room and its window is adjacent to the single storey link element between Addison Court and the extension and faces the single storey element that links the extension to the front building. This will not result in any significant loss of outlook. Where the proposed extension rises to 2 storeys, via a steeply pitched roof, some loss of outlook will occur to this window. However, it is not considered this would be so significant to merit a refusal of permission in this case. The window is sited on the boundary of the property and the proposal has been designed to respect this window as much as possible.
- 6.28 ii) 5, Addison Court (second floor front)
This flat has a kitchen and secondary living room window in the flank elevation and a small roof terrace adjoining the existing building. No additional windows are proposed in the flank elevation of the existing building and the relationship to this flat will remain unchanged.
- 6.29 iii) 6, Addison Court (second floor rear)
This flat has a bedroom window facing the flank elevation of the existing building and a small kitchen window facing the proposed 2 storey extension. As the flat is at second floor level, the 2 storey element of the proposed extension will have no significant impact on the outlook to these windows. In terms of privacy, the angled bedroom window of the second floor flat (Unit 4) will face towards an existing bedroom window in this flat at a distance of 8m and an oblique angle of 40°. Having regard to this context and the orientation and internal arrangement of the respective bedrooms, it is not considered that an unacceptable degree of overlooking would occur. The angle to the kitchen window is even more extreme at 18°, minimising any opportunity for overlooking, and the kitchen window itself is small.
- 6.30 Overall, it is not considered that the proposed extension will have any significant adverse impact on the existing flats at Addison Court by reason of loss of outlook, privacy or natural light.
- 6.31 (f) Access, parking and servicing
The site is within the town centre and is in a highly accessible and sustainable location, with good access to public transport and a wide range of services. Numerous bus stops are located within the High Street and High Street

railway station is a short distance to the south of the site. No car parking provision is proposed for the new units and this is acceptable in this location, subject to the exclusion of the development from the local controlled parking zone. This would ensure future occupiers are not entitled to permits to park on-street. The applicant has completed a s.106 unilateral undertaking to secure this.

6.32 No cycle parking provision is shown on the drawings and none can be provided due to the lack of available space. The adjoining 7 flats in Addison Court also have no cycle parking facilities. Although this is regrettable, it is not considered that this would merit the refusal of permission for 4 additional flats in this town centre location.

6.33 A bin store is indicated on the submitted drawings adjacent to the entrance door to the adjoining Addison Court (which will also be used as the sole entrance to the proposed flats). The proposed 4 flats will require 140L of capacity for both waste and dry recycling each (4 x 240L bins or 2 x 660L bins) and provision for green recycling (1 x 240L). The proposed bin area is of sufficient size to meet this requirement.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

Waste and recycling

Expressed concern over the adequacy of the original proposal for the proposed flats to share the existing bin store of Addison Court. A separate bin store has now been provided for the proposed flats.

7.3 Representations received from interested parties

Letters were sent to 37 properties in the surrounding area. Responses have been received from 5 properties, all objecting to the proposal or raising concerns about aspects of the proposal. The comments are summarised below:

Representations	Officer's response
Loss of daylight to flat at 2, Addison Court, especially the	The submitted sunlight and daylight report concludes that the daylight levels will still

kitchen window.	exceed the BRE guidelines. Furthermore, the kitchen window is only a secondary window to the main living area.
Loss of outlook and increased sense of enclosure to flat at 2, Addison Court.	Some loss of outlook will occur, particularly to the kitchen window, however, this is only a secondary window to the main living area.
Proposed flats will encourage more car parking within the existing car park. Car park is already mis-used.	This is a private car park. Use of the spaces is a matter for the management company.
No additional bin provision has been made.	Additional bin provision has now been incorporated into the proposal.
Increase in use of the existing main entrance to Addison Court.	The additional use by the occupiers of the 4 proposed flats is not considered significant. Issues of wear and tear are matters for the management company.
Loss of daylight to flat at 6, Addison Court.	The submitted sunlight and daylight report concludes that the daylight levels will still exceed the BRE guidelines.
Loss of privacy to kitchen and bedroom windows of flat at 6, Addison Court.	This is discussed at paragraph 6.29 of the report.
What will the open roof area be used for?	The applicant has stated that this is to be a green roof with no access for residents.
Impacts of construction work on the car park and existing residents of Addison Court.	This is not a material planning consideration.
Existing plant in first floor extension to be re-housed in car park.	This has already been granted planning permission under ref. 14/00928/FUL which has been partially implemented.
Lighting should be increased in the car park and CCTV installed to discourage anti-social behaviour.	This is a matter for the management company.

8. Recommendation

That planning permission be granted, subject to the completion of a Section 106 unilateral undertaking to secure the heads of terms listed below and the following conditions:

Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site.

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.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

A1947-PL-001A, 010A

A1947-PL-100, 101, 102, 103, 121, 122, 123, 124, 125

A1947-PL-200B, 201, 202, 203, 301, 302, 303, 401, 402, 403, 404, 405

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

3. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, rooflights, fascias and balustrades, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

4. No part of the development shall be occupied until full details of the proposed green roof has been submitted to and approved in writing by the Local Planning Authority. The approved green roof shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants within the green roof 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 and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

5. No part of the development shall be occupied until the refuse and recycling store to serve the dwellings, as shown on the approved drawings, has been constructed and made available for use. This facility shall be retained as approved at all times and shall be used for no other purpose.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

6. For the avoidance of doubt, no communications development permitted by Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be undertaken on the building hereby approved.

Reason: In the interests of the character and appearance of the building, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner.

IN914 Section 106 undertaking.

IN910 Building Regulations.

IN911 Party Wall Act.

IN912 Hours of Construction.

IN913 Community Infrastructure Levy Liability.

IN909 Street Naming and Numbering.