

Committee date	7 th November 2018
Application reference	18/01094/FULH
Site address	39A Market Street
Proposal	Erection of a new single storey outbuilding at ground level with a green roof in the rear garden of the property and the relocation of the gates.
Applicant	Ms Amanda Conlon
Agent	KCMCD Architects
Type of application	Minor household application
Reason for committee item	Number of residents raising concern with regards to the proposed development
Target decision date	8 th November 2018 – extension of time by mutual agreement
Statutory publicity	23 August 2018
Case officer	Habib Neshat habib.neshat@watford.gov.uk
Ward	Central

1. Recommendation

Approve subject to conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application property is part of a Victorian mid-terrace building which is located within a designated secondary shopping frontage. The ground floor of the building consists of a commercial unit (a nail bar). The upper floors, the subject of this application, are occupied as a single family accommodation over the first and second floors.
- 2.2 The main building has a pitched roof and also benefits from a part one and part two storey rear extension. To the rear, there is an open yard which is used for amenity / car parking purposes in connection with the application premises.
- 2.3 The maisonette flat, is accessed from the flank elevation of the building which is sited within the under-croft between the application site and number 41 Market Street which stretches over the passageway. The passageway provides vehicular and pedestrian access to a court yard which accommodates a number of commercial buildings and associated parking spaces to the rear of the site, as well as the garden space of the application premises.
- 2.4 The application site is located in a sustainable location due to its close proximity to

the town centre and the surrounding roads are subject to parking restrictions.

2.5 The building is not listed, nor is it located in a designated conservation area.

2.6 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

The application seeks planning permission for the erection of a single storey outbuilding at the far end of the rear open space. The building will be 5.5m deep, 4m wide and 4m high, with a total floor space of 22m², incorporating a Sedum roof.

3.2 The proposal also includes the rearrangement of the existing gates closer to the building, so that the remainder of the open space could be used for accommodating the applicant's car.

3.3 Conclusion

There is no objection in principle to the provision of an outbuilding in this location. The scale and design of the proposed single storey outbuilding is considered to be acceptable and appropriate for this site. The proposed development will be used as incidental accommodation only and should comply with the Residential Design Guide. Given its location, scale and bulk and subject to conditions, the proposal will not have a significant impact on the amenities of the adjoining neighbouring buildings.

4. Relevant policies

4.1 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 There is no relevant planning history with respect to this application. However, there is a concurrent planning application (18/01092/FULH) by the applicant seeking permission to use the flat roof over the rear extension as an amenity space. This application is currently being considered and has yet to be determined.

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 residential amenity of adjoining dwellings.
- (d) Access, parking and servicing.

6.2 (a) Principle of development

There is no in principle objection to the erection of an outbuilding in this location. The outbuilding which is intended to be used as incidental accommodation serving the main dwelling above the shop is considered acceptable.

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 on the creation of high quality environments through good design.

6.3.1 The character of the area is derived from generally two to three storey Victorian terrace buildings with commercial uses on the ground floors and upper floors mainly in residential use.

6.3.2 To the front the buildings are generally arranged on consistent building lines. These Victorian brick buildings display interesting features such as recessed windows, decorative arches, brick bands and gabled bay windows. The ground floor elevations generally display shopfront windows with a variety of goods and services on display.

6.3.3 To the rear however, there is no consistency in built environment. There is a variety of the extensions to the original buildings and in a number of cases the gardens and open spaces have largely been covered by extension. There are also odd, outbuildings erected in a haphazard arrangement, differing in scale, height and materials.

6.3.4. The proposal is to erect a single storey flat-roof outbuilding incorporating a green Sedum roof. The proposed building will measure 5.5m wide, 4m deep with the height of 4m. The outbuilding will not have a street frontage. Given the nature of

the built environment to the rear of the main buildings, the proposed single storey outbuilding will not form an incongruous feature and will blend with all other buildings. Therefore, the proposed outbuilding will have an acceptable visual impact within this rather disorderly court yard and the proposed green roof will provide a respite onto this environment.

6.4 (c) Impact on surrounding properties

The immediate neighbour, having a boundary with the application building is number 37 Market Street. However, this building is used as a restaurant on the ground floor and to the rear the entire yard is covered with structures. Therefore, the proposal will have no significant impact in terms of loss of light or privacy to this neighbouring property. The proposed outbuilding will be well away from the other buildings and therefore by reason of its scale, bulk and location it will have no significant impact upon the amenities of the adjoining occupiers.

6.4.1 There are some objections with respect to the potential noise and disturbance which may arise from the inappropriate use of the outbuilding, such as playing loud music. However, incidental outbuildings are a common feature of urban environments and do not generally give rise to such issues. In any event, such disturbances could generally be better dealt under other legislation.

6.5 (d) Transportation and parking

Given the sustainable location of the site and the incidental use of the proposed outbuilding the proposal would not result in any increase in demand for on-street parking. The property would remain as a single planning unit and therefore the number of parking permits currently assigned to the property would not be increased. Taking this into account, the proposal would not exacerbate demand for on-street parking in the area.

6.5.1 However, the proposal will also include the relocation of the double entry gate to the open yard closer to the building and the under-croft passageway. The opening of gates onto the public passage is not safe and would potentially hinder vehicular movement with the court yard. However, this matter could be addressed by way of a planning condition and therefore would not constitute grounds to refuse the application. An appropriate condition is recommended to prevent the gates swinging outwards.

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

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Representations received from interested parties

Letters were sent to 4 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
The applicant is only the lease holder and has no permission from the free-holder to erect a building or use the passageway and the garden	This is not a material planning consideration. The planning permission does not override other property laws and regulation.
There has not be sufficient publicity for the scheme	Given the scale of the development only the immediate neighbours on the boundary of the site have been notified. The level of notification has been in accordance with the council's pledge in its adopted "Statement of Community Involvement" strategy.
The occupier has no right of access by vehicles to use the passageway	This is not a material consideration. The planning permission does not override any other property right which may exists.
The applicant display a degree of unneighbourly behaviour by playing loud music, sing loudly in the garden, and has blocked fire escape to the neighbouring buildings. If the permission were to be granted potentially there will be additional disturbances.	The proposal is only to erect a small outbuilding for domestic use which normally do not raise any significant disturbance issues. In any event, such disturbances could generally be better dealt under other legislation.
The green roof will require attention and irrigation which	The Sedum roof are generally low maintenance, but they do require some

may result in splash of water onto adjoining properties and cars parked	attention occasionally. However, the likelihood of inconsiderate irrigation fashion would not form a justifiable reason to refuse the scheme.
Impacts of construction work on the car park and existing residents users of the court yard	This is not a material planning consideration. There are controls outside the planning system including the Environmental Protection Act, the Control of Pollution Act, the Health and Safety at Work Act, the Clean Air Act and the Highways Act.

8. Recommendation

That planning permission be granted, subject to the following conditions:

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:

161EX/101, 102, 103, 104, 105, 106, 107, 108
161PA/201, 202, 203, 204, 205, 206, 207, 208
And Site Location Plan

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

3. No development shall takes place above damp proof course until the details of the materials shall have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 39A Market Street. For the avoidance of doubt it shall not be utilised for any purposes which one would expect to be accommodated within the main dwelling such as sleeping and shall not be fitted out with kitchen, bathroom, toilet or shower facilities.

Reason: In the interests of the amenity of adjoining residential occupiers, in accordance with Policy UD1 of the Watford Local Plan Part 1 Core Strategy and principle 8.4 (Neighbourliness) of the Residential Design Guide supplementary planning document. Also to ensure that the outbuilding is not put to a residential use because it would not provide an adequate standard of accommodation.

5. Notwithstanding the drawings hereby approved no gate shall be installed which opens outwards from the site. No gate shall be installed, until details have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be installed and maintained in accordance with the approved details.

Reason: To avoid hazard and to ensure the safety of the pedestrians and vehicular user of the court yard is safeguarded and to ensure the vehicular movement within the yard is not inappropriately restricted.

6. No development above damp proof course level shall be carried out 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.

Informatives

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

IN910 Building Regulations.

IN911 Party Wall Act.

IN300 Property rights

IN912 Hours of Construction.

IN913 Community Infrastructure Levy Liability.