

Committee date	7th November 2018
Application reference	18/01182/FUL
Site address	Mulberry Lodge, Eastbury Road
Proposal	Enlargement and conversion of roof space to provide 5 self contained flats, with associated bins storage and cycle storage.
Applicant	Thomas Wrenn Homes Ltd
Agent	The Gillett Macleod Partnership
Type of Application	Full planning application
Reason for committee item	10 objections have been received.
Target decision date	07.11.2018 - Extended by agreement to 12.11.2018
Statutory publicity	None required
Case officer	Alice Reade alice.reade@watford.gov.uk
Ward	Oxhey

1. Recommendation

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

2. Site and surroundings

- 2.1 The application site consists of a 3 storey building containing 15 flats. The building has a pitched, crown roof with eave level set level with the 2nd floor windows on three elevations. The building elevations include projecting features with gable and hipped gable roof detailing. The building of 15 flats was constructed following the grant of planning permission in 1997.
- 2.2 The building fronts Eastbury Road and is on a raised ground level relative to the road. Due to the ground level changes, the access, surface car park and access to basement level of Mulberry Lodge approximately level with the road level. The Basement level car park contains 17 car parking spaces and bin storage accessed from the east elevation and access. The surface level car parking outside the east of the building includes 4 parking spaces for Mulberry Court and 3 for residents at the adjacent flats at Cherry Court set to the rear of Mulberry Lodge.
- 2.3 The site is adjacent to Bushey Station to the east, Cherry Court to the rear (south) and St Matthews Church to the west. Eastbury Road predominantly contains 2 storey semi detached dwellings however Mulberry Lodge is located within a cluster of 3 and 4 storey flatted buildings on the south side of Eastbury Road. Oxhey park is opposite on the north side of Eastbury Road.

- 2.4 Mulberry Lodge is not Listed and not within a Conservation Area. The immediately adjacent building, St Matthew's church, is a Grade II Listed Building. There are no TPO trees in the site.
- 2.5 The site is not within a Controlled Parking Zone.

Further information is available in the appendices to the report and on our [website](#).

3. Summary of the proposal

3.1 Proposal

Enlargement and conversion of roof space to provide 5 self contained flats consisting of 4 x 1bed flats and 1 x studio flat.

- 3.2 The development includes the following extensions and external changes:
- Increase of recessed eaves of the building to be level with the highest eave levels
 - Increase of the ridge height by 0.4m (from 10.5m to 10.9m as seen centrally on the north elevation)
 - Retention of crown roof design with an increased roof pitch
 - Insertion of dormer windows in all elevations

- 3.3 The car parking for the development includes the retention of 17 basement car spaces and the retention of 3 on surface level spaces. Following amendments to the bin storage and to remove parking from the banked area of the site, no new parking spaces are proposed and one existing space is to be lost. The 20 units at Mulberry Lodge (15 existing and 5 proposed) will be served by 20 car parking spaces.

3.4 Conclusion

The proposed increases to the roof height, scale and pitch are modest and the overall shape and form of the roof would remain consistent with the existing building. The dormers are subordinate to the roof and appropriately positioned on the building. The extended roof would therefore be of a form, scale and bulk that would be well proportioned in relation to the building.

- 3.5 The 3 storey height with dormers at 4 storeys would be inkeeping with the height and design of the adjacent building at Cherry Court and would be consistent with the scale of 2, 3 and 4 storey buildings in the cluster of buildings at this Eastern end of Eastbury Road. The scale and bulk of the roof additions would be modest and would not be dominant or harmful to the

streetscene or within the setting of the adjacent Listed Building of St Matthews church.

- 3.6 The development provides sufficient floor space to all new dwellings, amenity areas, parking, bin and bicycle storage is provided. The development has therefore fully overcome all design and amenity concerns of the previous application and is fully policy compliant as set out in the report.

4 Main 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

97/00145/FUL Conditional Planning Permission for Construction of 15 no. flats with associated parking and amenity space.

18/00263/FUL

Enlargement and conversion of roof space to provide 5 self contained flats, with associated bins storage and cycle storage. Refused planning permission, reasons:

- 1. The proposed development would be of unacceptably poor design. The proposed introduction of a mansard roof would be inappropriate in shape, pitch and bulk for the host building and would result in a poorly proportioned and unattractive building. The increased eave and ridge height of the building, the additional massing to the roof of the mansard shape and projection of the windows (not shown in elevation drawings) would add undue bulk to the building. This increased building height and bulk would fail to relate to the context and would be unduly prominent in the streetscene and within the setting of the adjacent Grade II Listed Building. This dominance would be particularly evident due to the elevated position of the building in the context. The development would result in harm to the appearance of the building, the streetscene, the character of the area and the setting of the adjacent Listed Building, contrary to the advice contained within Sections 7 and 12 of the National Planning Policy Framework (NPPF), the provisions of the Residential Design Guide 2016 and policies UD1, UD2 and SS1 of the Watford Local Plan Core Strategy 2006-31.*

2. *The application has failed to demonstrate that the proposed flats would have useable Gross Internal Areas (GIA) compliant with the minimum standards of the Residential Design Guide 2016. The floor layouts indicated would have areas with restricted internal height resulting in the useable GIAs of each flat likely to be below the minimum standards. The application has therefore failed to demonstrate that it would provide satisfactory residential accommodation for future occupiers of the development pursuant to Policy UD1 of the Watford Local Plan Part 1 - Core Strategy 2006-31 and the Residential Design Guide (2016).*

18/00745/PREAPP

Pre-application enquiry for enlargement and conversion of roof space to provide 5 no. flats, with associated bins storage and cycle storage.

Officer advice summary:

The revised scheme has fully overcome the previous reasons for refusal. The pitch and style would be sympathetic to the age and style of the main building. The dormers would be of a more sympathetic proportion and position. The ridge height increase is modest and the overall bulk is also modest. This would allow for the extended roof to not be unduly dominant or harmful to the building or within the setting of the Listed Building. The sections and amended floor areas show all flats would have internal space compliant with the RDG. The development is considered to be compliant with policy and guidance and application is invited for formal assessment and consultation.

6 Main considerations

- 6.1 The main issues to be considered in the determination of this application are:
- (a) Scale and design
 - (b) Impact on streetscene and setting of heritage assets
 - (c) Impact on surrounding properties.
 - (d) Residential Amenity
 - (e) Access, Transport and Parking
 - (f) Bin and bicycle storage
- 6.2 (a) Scale and design and impact on heritage assets
- Mulberry Lodge has a simple design relevant to its time of construction. The existing roof is a crown roof form. The projecting features of the building have gable and hipped gable roof projections. There are varying eave heights on different elements of the building with some eaves set-down below or mid way to the second floor windows.
- 6.3 The development proposes to increase the eave height, ridge height and pitch of the existing roof. In respect of the eaves of the building, where these are

set down to be level or below the existing second floor windows, these will be increased to be above the windows and create a consistent eave level around the building. This new eave level would be no higher than the highest existing eave of the building and, at just above the second floor windows, is entirely appropriate and well proportioned for the building.

- 6.4 The development also increases the pitch and ridge height of the building. Unlike the previous refused scheme, the pitch increase is modest. The proportions of the pitch remain appropriate for the building and would retain the existing roof form and shape.
- 6.5 The ridge height increase, of 40cm is again considered to be modest. This small increase along with the part increase of eave height will ensure that the total scale of the roof remains proportionate to the scale of the building and would not appear as excessive or 'top heavy' to the building. The vertical massing of the building will remain successfully proportioned by the brick, banding and render detailing on the building elevations. As such, the overall proportions of the extended roof would be entirely suitable, proportionate and well designed to the host building.
- 6.6 The position of front dormers in the roof of the building to create the 4th floor accommodation is acceptable in principle. This would be a design replicating that at the adjacent Cherry Court. The dormers would be suitable in scale and position in the roof and in relation to the building. The height and combined width of the dormers on each elevation would not exceed half the width and height of the roof and would be set up from the eaves and set down from the ridge. As such these are fully compliant with the RDG guidance for dormers. Not all of the proposed dormers are aligned to lower windows however they are positioned centrally within the projecting features of the building which is an appropriate arrangement.
- 6.7 The development design proposed under this application has overcome the design concerns of the original refused application. In particular, the mansard roof design, steeper pitch increase and 70cm ridge height increase of the refused scheme have not been included. The roof additions now proposed have a more modest roof pitch increase and modest 40cm ridge increase and importantly retain the form and shape of the existing roof. Despite the increase in height, the bulk increase of this roof design is modest and well proportioned in relation to the building and would not be harmful to its character or appearance.
- 6.8 (b) Impact on streetscene and setting of heritage assets

The height and bulk increase to the roof are now considered to be modest and proportional to the building. As such, the roof form will have a shape, mass and bulk that is appropriate for the streetscene. As Mulberry Lodge is situated away from neighbouring buildings, the 40cm height increase would not be unduly evident or harmful to the context. The overall scaling of the building would remain consistent with the height and scaling of the adjacent Cherry Court and the character of this cluster on Eastbury Road which includes 3 and 4 storey buildings.

- 6.9 It is noted that Mulberry Lodge sits on an elevated position and its North and East elevations have a strong visual presence in the streetscene. The design of the roof increases the height and pitch of the roof however this would not add undue bulk to the streetscene. In particular, the eave height of the building is being increased only where there are set down eaves and these increases will be level with the existing highest eaves on the north and east elevations. The roof pitch and ridge height increases are modest and would not be unduly evident in the context. On the north elevation, the existing front projecting gable features will have a reduced bulk in the hipped roofs on these front projections. As such, on balance, it is considered that the bulk and massing of the building, as seen in the streetscene, would not be unduly or notably increased by the development.
- 6.10 As the roof massing, design and scale is appropriate and proportional to the building, it is not considered that this would present as a dominant or incongruous addition in the setting of the adjacent Listed Building at St Matthews Church. The bulk, massing and character of Mulberry Lodge within this setting would not be substantially changed and no negative harm is foreseen. This is confirmed in the comments from the Conservation Officer.
- 6.11 The revised scheme has therefore fully overcome the design objections of the previous application and would not create harm to the character and appearance of the streetscene or setting of the adjacent listed building.
- 6.12 (c) Impact on surrounding properties
The development would not exceed the perimeter of the existing Mulberry Lodge building and the light, outlook and privacy of the existing flats would not be materially harmed. The building retains its minimum distance of over 27.5m to Cherry Lodge to the rear and this property would not experience increased overlooking.
- 6.13 The light, outlook and amenity of the existing flats within Mulberry Lodge would not be adversely harmed by the development. It is not unreasonable or harmful for flats to have flats above. Subject to suitable insulation between

dwellings, as required by building regulations, the flats would not result in harm to the existing dwellings.

6.14 (d) Residential Amenity

Due to the roof design, some of the proposed new floor space has restricted height. In accordance with the RDG, areas under 1.5m internal height are not included and space with a height of under 2.3m should not constitute more than 25% of the floor area. The floor plans and sections illustrate the areas of each flat which would have full height and the areas which would have a restricted height of between 1.5m and 2.4m. This demonstrates that the restricted height areas do not exceed 25% of the areas for any of the units. The floor area of the proposed flats is calculated as set out in the following table:

Flat	GIA (m2) of at least 2.4m	GIA (m2) of at least 1.5m	Total GIA (m2)	Minimum GIA standard of RDG (m2)	Compliant?
1 (1b2p)	45.6	5.4	51	50	Yes
Studio (1b1p)	41.7	2.0	43.7	38	Yes
2 (1b2p)	48.4	4.6	53	50	Yes
3 (1b2p)	42.7	7.3	50	50	Yes
4 (1b2p)	44.3	7.7	52	50	Yes

Table 1: Internal floor area of development

6.15 The submission has therefore demonstrated that all flats would be compliant with the minimum floor area requirements of the RDG and would create high quality residential dwellings. All but one dwelling would be dual aspect. Following amendments to the layout of flat 1, all flats would have good light and outlook to all habitable rooms.

6.16 The large amenity area at the rear of the building would be of sufficient size to serve the existing and proposed flats, compliant with the amenity requirement of the RDG.

6.17 (e) Access, Transport and Parking

The proposed development would be served by the existing access arrangements and there are changes to the access to the site and no highway concerns.

6.18 Parking information in the application had been inconsistent. This has however been clarified and confirmed. The 15 flats on site are currently served by 17 basement car parking spaces and 4 surface level car parking

spaces with a total of 21 spaces for 15 flats. Another 3 spaces outside Mulberry Court are for use by Cherry Court. The scheme initially proposed the creation of 3 additional spaces on site to create 24 spaces for 20 flats. Two of these new spaces would have cut into the landscaped banked area in front of Cherry Lodge. These would have been detached from the development and the necessary retaining walls would have been unattractive. These have therefore been removed at the request of the case officer. Other parking has also been lost to allow for sufficient bin storage. The development would not therefore create new parking spaces and would see the loss of one space to allow for bin storage. Mulberry Lodge would therefore have 20 spaces to serve the 20 flats (15 existing flats and 5 new flats).

- 6.19 The Watford District Plan 2000 sets a maximum standard of 28 car parking spaces for 20 flats in this location. The proposed provision of 20 is within this maximum standard and is considered to be appropriate for the likely parking requirements of future occupiers.
- 6.20 The site is not within a controlled parking zone and on street parking cannot be restricted by resident permits. The site however includes sufficient parking for the development, it is located immediately adjacent to Bushey train station and is in walking distance of amenities. As such it is unlikely that the development would create a notable increase in on-road parking demand. Indeed due to the sustainable location of the development, a car-light scheme would be appropriate.
- 6.21 (f) Bin and bicycle storage
Following amendments to the external layout of the site, the bin storage for the existing and proposed flats is to be contained in a new enclosure adjacent to the front retaining wall of the site. This will provide bin storage for the new flats but also provide sufficient storage for the bins of the existing flats for which the current storage space is insufficient.
- 6.22 Bicycle storage was originally proposed within the banked landscaping and would have been detached from the main building and would have required large retaining walls. Following the relocation of the bin storage, the bicycle storage is now proposed in the area which is the current bin store and will provide convenient and secure storage.

7 Consultation responses received

7.1 Statutory and technical consultees

Name of Consultee	Comment	Officer Response
Hertfordshire Highways	The location is highly sustainable for amenities and public transport. No highways issues or concerns relating to capacity, safety and sustainability.	Noted.
WBC Waste and recycling	The 20 dwellings will require 6 x 1100 litre bins and 3 x 240 litre bins.	Noted. Amendments have been sought to find suitable space and location for the bin storage space however full details to be secured by condition.
WBC Conservation	Conservation involvement through preapplication and application stages. Advised that the development is appropriate in scale, bulk and design for the host building. The roof additions would not create a dominant or harmful impact in the setting of the Listed Building. Previous concerns have been overcome.	Noted and agreed.

7.2 Representations received from interested parties

10 letters of objection have been received

Comments	Officer response
The development is of poor design and top heavy to the building. The character and appearance of the building would be harmed and the setting of St Matthews Church and Bushey Station would be harmed.	This is not agreed. The crown roof form of the building is retained and the shape and bulk of the extended roof would remain proportionate to the building. The scale and bulk of the building would not be incongruous in the context.
Harmful to the views of the adjacent church.	This is not agreed. Unlike the previous refused application, the additional bulk to the

	<p>roof is modest and would not be unduly prominent in the setting of the church.</p>
<p>Insufficient parking. Existing residents use the visitor spaces for their second cars.</p>	<p>Due to the location of the site with sustainable transport links and close to amenities, the flats are well suited for low car ownership and a lower car parking provision is appropriate. The 20 flats at Mulberry Lodge would be served by 20 car spaces. This is acceptable and appropriate for the site, location and units. The reallocation of visitor spaces currently used by existing occupiers is acceptable in planning terms.</p>
<p>Increased congestion on surrounding roads.</p>	<p>As confirmed by the highway authority, the development is highly unlikely to have a material impact on surrounding roads. The existing access serving multiple units is unchanged and the location is described as highly sustainable for transport options.</p>
<p>The existing basement parking is difficult to use and the new parking spaces are too narrow.</p>	<p>The basement parking layout is unchanged. The amended surface level spaces would have a minimum width of 2.4m and minimum depth of 4.8m and so would meet the minimum parking space standards.</p>
<p>The flat leases state that 4 visitor parking spaces should be provided.</p>	<p>The Watford parking standards are maximum standards and do not require the provision or retention of visitor spaces. In planning terms, the provision of 20 spaces for 20 flats is within maximum standards and is sufficient to support the likely car needs. The allocation of these spaces is a matter for the owner/applicant. The leases, rights of existing leasees and any other legal matter on the site are a civil matter. These are not overridden by the grant of planning permission and cannot be protected or enforced under the planning process.</p>
<p>The additional car parking and proposed bike store are positioned in the embankment/landscaped area and are unlikely to be deliverable.</p>	<p>The ground level changes on site are seen and noted. The 2 parking spaces and bike storage would have indeed required large retaining walls which would not have been attractive. Due to the sustainable location of the site, additional parking spaces were not required and the spaces were removed from the</p>

	scheme. The relocated bin storage allows for bicycle storage within the original bin store.
Development creates loss of landscaped areas and verges.	Some small areas of landscaping are lost however the site includes substantial landscaped areas and this loss would not be visually harmful.
There is insufficient bin storage for the existing flats and this will be exacerbated.	It is seen that the original bin store was too small for the original 15 flats. This has been relocated and expanded to ensure sufficient storage for the 15 existing and 5 new flats.
Noise, disturbance and inconvenience would occur from the construction.	This is not a material planning consideration.
Insufficient information has been provided about the construction process.	This is not required as part of the planning process and is not relevant to the assessment of the application.
Harmful impact to the privacy and enjoyment of existing top floor flats.	Subject to Building regulation compliance (sound insulation etc), it is not considered that there would be any unreasonable impact to other flats in the building.
The development could harm the structure of the building.	Not a material planning consideration.
The resale and rental value of the flats will go down.	Not a material planning consideration.

8 Recommendation

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

Conditions

1. The development to which this permission relates shall be begun within a period of 3 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:-

Site Location Plan 1:1250

18/3169/2 Existing site plan

18/3169/3 Rev B Proposed site plan

18/3169/4 Existing floor plans
18/3169/105 Rev B Proposed floor plans
18/3169/106 Existing elevations
18/3169/107 Proposed elevations
18/3169/8 Sections

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

3. None of the new dwellings shall be occupied until details of the size, type, siting and finish of refuse and recycling storage enclosures for the flats has been submitted to and approved in writing by the Local Planning Authority. The siting of the bin storage shall be in accordance with the approved plans. The stores approved under this condition shall be installed and made available for use prior to the occupation of any of the new dwellings and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site, to ensure that adequate waste storage facilities are provided and to ensure that a suitable living environment is provided, in accordance with 'saved' policies H13 and SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

4. None of the new dwellings shall be occupied until details of the size, type, siting and finish of a cycle storage enclosure for the proposed flats has been submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the occupation of any part of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure that secure and weatherproof cycle storage facilities are provided for future residents in accordance with Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

5. 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

IN907 Consideration of proposal in a positive and proactive manner

IN909 Street naming and Numbering

IN910 Building Control

IN911 Party Wall

IN912 Hours of Construction

IN913 Community Infrastructure Levy Liability