

Committee date	5th December 2018
Application reference	18/01286/FUL
Site address	Ellwood Court, Ellwood Gardens
Proposal	Erection of 2 three-storey infill extensions to provide 9 additional self-contained units. Provision of additional car parking spaces to the rear, together with associated cycle storage, refuse and recycling facilities and hard and soft landscaping
Applicant	Fodbury Properties Limited
Agent	Urban Planning Practice
Type of Application	Full planning application
Reason for Committee Item	Number of objections
Target decision date	4th December 2018
Statutory publicity	None required
Case officer	Paul Baxter paul.baxter@watford.gov.uk
Ward	Stanborough

1. Recommendation

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

2. Site and surroundings

- 2.1 The application site is situated at the end of the Ellwood Gardens cul-de-sac and comprises a large, rectangular site of 0.65 hectare. It comprises 18 flats arranged as 3 no. 3 storey blocks (each with 6 flats) arranged in a U-shape facing Ellwood Gardens. Vehicular access either side of the central block gives access to rear garages and parking spaces along the rear boundary of the site. The site is not within a conservation area and contains no listed or locally listed buildings. A belt of trees running across the site to the rear of the central block, a group of trees on the northern boundary and various individual trees within the site are protected by Tree Preservation Order No.66.
- 2.2 Ellwood Gardens is characterised by 2 storey, semi-detached houses. The surrounding area is characterised by detached and semi-detached housing.
- 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 2 no. three-storey blocks in-between the existing blocks, effectively 'infilling' the corners of the U-shaped arrangement of the existing blocks. Each will include an archway at ground level to allow car access to the rear. The northern of the 2 blocks will also include a ground level services unit including a cycle store and a bin store to serve the existing flats and the proposed flats (27 in total). The proposal will provide 9 additional flats (4 no. 1 bed and 5 no. 2 bed). To the rear, a grassed area will be utilised to provide 36 new car parking spaces for the existing and proposed flats.

3.3 Conclusion

The proposed infill extensions are acceptable in their scale and design and will blend comfortably with the 3 existing blocks. The proposed 9 additional flats will all provide a good level of accommodation for future occupiers. The level of car parking provision for the existing and proposed flats is also acceptable. Although some works to protected trees will be required, principally cutting back of branches, all trees will be retained and appropriate tree protection measures are proposed. The proposal is therefore 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 is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

5.1 The existing blocks of flats and garages were granted planning permission in 1959 (59/21615/FUL).

79/00539/OUT - Erection of 16 flats, garages and additional facilities. (Outline Application). Refused 19.12.1979.

86/00270/OUT - Erection of 18 flats and additional car parking provision. Outline Application. Refused 30.07.1986.

89/00624/FUL - Demolition of existing garages and bin stores and erection of 8 semi-detached houses and 2 bin stores with additional and re-arranged parking. Refused 27.07.1990. Dismissed on appeal 30.07.1991.

90/00574/OUT - Outline application for the erection of 2 No. 3-storey extensions between the existing blocks of flats to provide 10 No. 2-bedroom flats. Refused 04.04.1991. Dismissed on appeal 30.07.1991.

The application under ref. 90/00574/OUT was similar to the current application in that it proposed 2 no. infill extensions between the existing blocks, albeit they comprised 10 no. 2 bed flats and projected 3m from the existing rear facades. This proposal was dismissed at appeal for several reasons by the Inspector:

- i) The proposed extensions would transform the existing blocks of flats into one monolithic structure enclosing the courtyard and creating a somewhat oppressive ambience.
- ii) The inward facing windows of the south-westerly extension would often be overshadowed by the southern block of existing flats.
- iii) The diagonal proximity between the inward facing windows of the proposed and existing flats would seriously impinge upon the privacy of all concerned. Bedroom and living room windows in the proposed flats would be close to diner and kitchen windows at existing dwellings. The angle of vision across the corner of adjoining facades would allow an unacceptable level of mutual surveillance.
- iv) It would be necessary to lop or prune trees to accommodate the proposed extensions; in at least one case the removal of a substantial limb of a protected tree would be required. I consider that it would inevitably cause some damage, particularly to the shape and appearance of the tree.

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) Quality of residential accommodation.
- (d) Impact on existing flats in Ellwood Court.
- (e) Impact on surrounding properties.
- (f) Access, parking and servicing.
- (g) Trees.

6.2 (a) Principle of development

The site comprises existing residential development in a predominantly residential area. There is no objection in principle to the provision of additional residential dwellings on this site.

6.3 (b) Scale and design

The proposed infill extensions have been designed to match the scale, design and materials of the 3 existing blocks. They incorporate pitched roofs that match the pitch and ridge height of the roofs on the existing blocks. Although the existing blocks are finished in a dark red brick, each incorporates a central projecting feature element, incorporating the main entrances, in a buff brick. The proposed infill extensions are to be finished in a similar buff brick. This will allow the 3 original blocks to still be read as such, complemented by the infill extensions. Subject to the approval of final materials, this is an acceptable approach.

6.4 In the 1991 appeal decision, the Inspector considered that the proposed infill extensions would create a “monolithic structure...creating a somewhat oppressive ambience”. It is felt this is a rather harsh assessment as perimeter block courtyard developments are a very common building typology. In this case, the extended building will still be fully open facing Ellwood Gardens and, given the 3 storey scale, is not considered to be unduly oppressive.

6.5 (c) Quality of residential accommodation

All of the proposed flats meet the nationally described space standards for 1 bedroom and 2 bedroom dwellings respectively. All of the flats are dual aspect and all habitable room windows will have good levels of outlook, natural light and privacy. In the 1991 appeal decision, the Inspector was concerned that the inward facing windows of the south-westerly extension would be overshadowed by the existing block. Whilst this is true to an extent, these windows would still receive direct sunlight for part of the day as they face south-east and will receive sunlight in the morning.

6.6 The site is well served with large communal amenity areas. Although the area to the rear of the site is to be lost to provide the new car parking area, the 2 areas to the rear of the northern and southern blocks will remain. These have a combined area in excess of 1600m², well in excess of the 425m minimum requirement for 27 flats in the Residential Design Guide.

6.7 (d) Impact on existing flats in Ellwood Court

The map below shows the location of the existing flats at the site.



All flats are dual aspect. The proposed infill extensions will adjoin nos. 30/32/34 and nos. 31/33/35 respectively to the side only and will have no impact on outlook, light or privacy to these flats.

- 6.8 The proposed infill extensions will also adjoin the side elevations of nos. 25/27/29 and nos. 36/38/40 respectively but will also project beyond the front elevations of these flats by 8.1m, where they adjoin the central block. In the case of these flats, the windows in the rear elevations will be unaffected. In respect of the windows in the front elevations, each flat contains 3 windows. The nearest windows to the proposed extensions in respect of each flat are sited 2.3m (to the edge) and 3.16m (to the centre point) from the extensions. The second windows are sited 5.18m (edge) and 6.0m (centre) from the proposed extensions and the third windows are sited 8.0m (edge) and 8.6m (centre) away.
- 6.9 The proposed extensions will be visible from all of these front windows to a greater or lesser degree, at increasingly oblique angles. Given the distances of the windows from the proposed extensions, only the windows nearest to the proposed extensions are likely to be affected. In respect of outlook and daylight, a 45° line taken from the mid-point of these windows will be clearly breached by the proposed extensions. As such, the outlook from these windows and the daylight received will be significantly different to the existing situation. This impact will be greatest for the ground and first floor windows but less so for the second floor windows as they will be at the same level as the highest storey of the extensions. As such, 4 windows (1 each for the 2 ground floor flats and 1 each for the 2 first floor flats respectively) will be affected in respect of outlook and daylight.

- 6.10 In mitigation of these impacts, all of the flats are dual aspect and the affected windows comprise only 1 of the 6 windows serving each flat (3 on the front and 3 on the rear). Whilst the proposed extensions will result in a significant change in amenity to these 4 specific windows, it is not considered that the change would be so significant as to harm the overall quality of amenity and accommodation of these flats.
- 6.11 In respect of privacy, overlooking of the existing windows from the proposed windows would only be at oblique angles as the proposed windows are sited at right-angles to the existing windows. In the 1991 appeal decision, the Inspector considered “The diagonal proximity between the inward facing windows of the proposed and existing flats would seriously impinge upon the privacy of all concerned. Bedroom and living room windows in the proposed flats would be close to diner and kitchen windows at existing dwellings. The angle of vision across the corner of adjoining facades would allow an unacceptable level of mutual surveillance”. In the current proposal, the proposed flats have been designed to ensure the nearest windows to the existing flats are to bathrooms and the second windows to kitchens, with 600mm deep units in front of the windows. This will effectively prevent any direct overlooking of the windows of the existing flats. As such, any overlooking will be very limited and would not result in any significant loss of privacy.
- 6.12 (e) Impact on surrounding properties
The proposed infill extensions are sited 22-32m from the site boundaries and 39-45m from the nearest residential properties adjoining the site. As such, the proposal will have no impact on surrounding properties.
- 6.13 (f) Access, parking and servicing
Access and servicing from Ellwood Gardens will remain unchanged. The proposed archways leading through to the rear parking will be 2.17m high. This will prevent fire engines and ambulances accessing the rear of the site. However, all of the pedestrian entrances to the flats are sited on the front of the blocks and all of the flats are dual aspect. They will, therefore, all be accessible to the emergency services without the need to pass through the archways. In respect of commercial vehicles, the archways are sufficient in height to allow small and medium sized vans to enter (with standard vehicle heights of up to 2.02m).
- 6.14 At present the site contains 2 blocks of 9 lock-up garages, one in the northern corner and one in the western corner of the site, accessed either side of the central block respectively. These appear to be let out privately by the freeholder (notices are attached to the garages giving details on how to rent

them) and do not appear to belong to the existing flats. The residents appear to park informally around the site. The proposal involves the creation of 36 new parking spaces to the rear of the site, utilising a grassed amenity area between the garages. The loss of this area will not have a harmful impact on the existing (or future) residents (see paragraph 6.4 above). The provision of 36 spaces for 27 flats equates to 1.3 spaces per flat, which is within the adopted maximum standards in the Watford District Plan. This will also provide a significant increase in on-site parking for existing and future residents. Several objectors have commented on the lack of parking for existing residents and the need to park in Ellwood Gardens.

- 6.15 The existing flats have no cycle parking facilities. As part of the proposal, a secure, internal cycle store is to be provided at ground floor level in the northern extension. This is sufficient to provide cycle parking for the existing and proposed flats.
- 6.16 The existing blocks each have an external bin store, enclosed by timber fencing, at the side of each block. These will be lost to accommodate the proposed extensions. As part of the proposal, a secure, internal bin store is to be provided at ground floor level in the northern extension, adjoining the cycle store. This is sufficient to provide bin storage for the existing and proposed flats. This provision will provide a better solution to the existing, unsightly external bin stores.
- 6.17 (g) Trees
An arboricultural impact assessment has been submitted with the application. This demonstrates that no protected trees will need to be removed to facilitate the proposal. Some trees will need to have branches cut back to provide clearance to the extensions but this will not affect their long term retention. In the 1991 appeal decision, the Inspector considered the works required to one tree in particular would have an adverse impact on its shape and appearance. However, the belt of trees across the centre of the site is substantial and the works necessary to the protected trees would not impact significantly on the overall visual appearance of the belt of trees or on the sylvan character of the site.
- 6.18 No-dig foundations are also proposed for some of the new car parking spaces where these encroach into the root protection zones of the trees. These tree protection measures can be secured by condition.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

Waste and recycling

No objections to the proposed bin storage arrangement.

Arboricultural Officer

No objections subject to the tree protection measures being secured.

7.3 Representations received from interested parties

Letters were sent to 70 properties in Ellwood Court, Ellwood Gardens and the surrounding area. Responses have been received from 27 properties, all objecting to the proposal or raising concerns about aspects of the proposal. The main comments are summarised below, the full letters are available to view online:

Representations	Officer's response
From Ellwood Court residents	
Disruption from construction noise.	This is not a planning matter.
Lack of access to parking at rear during construction.	This is not a planning matter.
Proposed archways will restrict access for fire engines, commercial vans, etc.	All flats can be accessed from the front of the site in the event of a fire. All the pedestrian entrances are on the front of the blocks and all the flats are dual aspect. The archways have a height of 2.17m, suitable for small commercial vans.
Single communal bin store will inconvenience Flats 24-29 with a longer walk.	All existing occupiers have to walk outside to access the existing external bin stores to the sides of the existing blocks. This will not change.
Noise, disturbance and smells from bin store.	The bin store is enclosed within one of the extensions and will be less likely to give rise to noise or disturbance than the existing external, uncovered stores. Ventilation can be provided to disperse any potential smells.
12 flats will now have shared party walls.	This is a private matter and is covered by the Party Wall Act.

Overlooking of existing flats from proposed flats. Loss of privacy.	See paragraphs 6.7-6.11 above.
Loss of light to existing flats.	See paragraphs 6.7-6.11 above.
Inadequate parking provision.	The number of proposed spaces has been increased from 23 (as submitted) to 36.
Impact on wildlife within the site.	Whilst some of the trees closest to the proposed extensions will need to have their branches cut back, all the protected trees will be retained. The belt of protected trees will also be protected by tree protection hoardings to prevent access. The proposed works will not therefore give rise to any significant impacts on wildlife using the site.
Impact of lighting in the car parking area.	A lighting scheme can be secured by condition.
From surrounding residents	
Increase in noise pollution from residents and vehicles.	The additional traffic movements arising from the proposed 9 additional flats will not be significant in the context of the surrounding roads.
More traffic, congestion and parking.	The additional traffic movements arising from the proposed 9 additional flats will not be significant in the context of the surrounding roads. Increased parking provision is provided as part of the proposal which will help address existing parking problems on Ellwood Gardens.
Loss of privacy.	The proposed extensions will not give rise to a loss of privacy to surrounding properties (see paragraph 6.12 above).
Noise from additional parking along rear boundary.	The new parking area will abut the rear garden boundaries of houses in Briar Road, with gardens 11-12m deep. Given that the parking is only for the use of residents of Ellwood Court, the low number of vehicle movements would not give rise to any significant noise and disturbance to these occupiers.
Capacity of sewers in Ellwood Gardens.	This is not a planning matter.
Impact on local services and facilities.	It is not considered that 9 additional flats will have any adverse impact on local services and facilities.

Impact of construction traffic on Ellwood Gardens.	This is not a planning matter.
Impact of lighting in the car parking area.	A lighting scheme can be secured by condition.

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:-

U-PP-LP001, LP002, LP003, BP001, BP002
U-PP-PP001, PP002, PP003, PP004, PP005
U-PP-PE001, PE002, PE003, PE004
U-PP-PS001

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

3. No construction works shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, doors and windows 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 area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. No development on site shall commence until the tree protection measures (including ground protection) relating to the protected trees

located within the site, as detailed in the Arboricultural Impact Assessment and Method Statement by Trevor Heaps, Arboricultural Consultancy dated 18th October 2018 (Ref. TH 1669 B) have been implemented in full. The approved measures shall be maintained as such at all times whilst the construction works take place. The construction works shall only be carried out in accordance with the recommendations of this report.

Reason: To ensure the existing trees which make a positive contribution to the visual amenity of the area are retained and not harmed by the development in accordance with saved Policy SE37 of the Watford District Plan 2000. This is a pre-commencement condition as the tree protection measures must be in place before the development is constructed.

5. No dwelling hereby approved shall be occupied until the refuse, recycling and cycle storage facilities have been provided in full, in accordance with the approved drawings. These facilities shall be retained at all times thereafter and shall be used for no other purpose.

Reason: In the interests of the visual appearance of the site and to ensure adequate facilities are provided for the occupiers of the site.

6. No dwelling hereby approved shall be occupied until a minimum of 27 and a maximum of 36 car parking spaces have been provided in full, in accordance with the approved drawings. These parking spaces shall be retained at all times thereafter and shall only be used for the parking of cars of occupiers and visitors to the site.

Reason: In the interests of the visual appearance of the site and to ensure adequate parking facilities are provided for the occupiers of the site and their visitors.

7. No external lighting shall be installed within the parking areas until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to minimise light pollution and glare to the existing and proposed flats. The scheme shall only be installed in accordance with the approved details.

Reason: To prevent light pollution within the site and to existing and proposed occupiers of the flats.

Informatives

1. IN907 Consideration of the proposal in a positive and proactive manner.
2. IN910 Building Regulations.
3. IN911 Party Wall Act.
4. IN912 Hours of construction.
5. IN913 CIL Liability.
6. IN909 Street naming and numbering.