

| | |
|----------------------------------|--|
| Committee date | Wednesday, 5 June 2019 |
| Application reference | 19/00215/FUL - Land at Hollingsworth Mews Watford |
| Site address | |
| Proposal | Construction of a two storey block containing 6 flats with associated parking |
| Applicant | W E Black Ltd |
| Agent | W J Macleod Ltd |
| Type of application | Full planning application |
| Reason for committee item | 5 or more objections submitted |
| Target decision date | 7 th June 2019 |
| Statutory publicity | Neighbouring properties consulted 26 th February 2019 |
| Case officer | Chris Osgathorp chris.osgathorp@watford.gov.uk |
| Ward | Stanborough |

1. Recommendation

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

2. Site and surroundings

- 2.1 The application site is within a primarily residential area and includes part of the large rear garden of No. 7 Bramble Close. Bramble Close consists of a cul-de-sac of semi-detached houses. Outline planning permission (ref. 06/00881/OUTM) was allowed on appeal in March 2007 at Nos. 5 and 6 Bramble Close for the demolition of existing properties and erection of 10no. 1-bed flats and 2no. 1-bed houses in two buildings with associated parking and amenity space. The buildings are designed with hipped roofs to reflect the form of the neighbouring semi-detached houses. They are served by an access road (Hollingsworth Mews) at the end of the cul-de-sac.
- 2.2 Kingsway Junior School is located to the north-west of the application site.
- 2.3 The application site is not located within a designated conservation area and there are no nearby nationally listed buildings. The site includes a protected tree – T1 of TPO No. 239.
- 2.4 There are bus stops on the A405 and there is a designated Local Shopping Frontage in North Approach.

3. Summary of the proposal

3.1 Proposal

The application proposes the construction of a two storey building to provide 6no. 1-bed flats. The proposed building would sit adjacent to the existing block of flats at Nos. 9 -12 Hollingsworth Mews to the rear of No. 7 Bramble Close.

- 3.2 The proposed development includes 8no. on-site parking spaces and external bin and cycle storage facilities. The vehicular access to the development would be served from Hollingsworth Mews.

3.3 Conclusion

The proposed development would make efficient use of the land and would maintain the area's prevailing character. It would respect the existing pattern of development in Hollingsworth Mews and the scale, design and form of the proposed building would be compatible with the surrounding area. Although the proposal would only provide smaller dwelling units, taking into account 2 appeal decisions relating to the interpretation of Policy HS2 of the Watford Local Plan Core Strategy 2006-31 (CS) and that the development would provide smaller housing units in a locality that predominantly consists of family houses, it is considered that the proposed housing mix is acceptable in this case.

- 3.4 A good standard of amenity would be provided for future occupiers and there would be no adverse effect on the residential amenities of neighbouring properties. The proposal would not cause a significant increase in traffic generation and the amount of on-site parking spaces is acceptable. There are considered to be no material planning considerations that outweigh the benefits of the proposal and therefore it is recommended that the application should be granted subject to conditions.

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

The following planning history is of relevance to the current application:

Nos. 5 & 6 Bramble Close:

03/00504/OUT - Demolition of existing properties and erection of 8 no. 1 bed flats and 2 no. 2 bed flats (with access and siting to be determined). Refused outline permission June 2004. Allowed on appeal July 2005.

06/00881/OUTM - Outline application for the demolition of existing properties and erection of 10 no.1 bed flats and 2 no. one bed houses in two buildings with associated parking and amenity space (siting and means of access only to be determined). Refused outline permission September 2006. Allowed on appeal March 2007.

07/00665/REM - Reserved matters relating to design and external appearance of the buildings pursuant to outline planning permission ref 06/00881/OUTM. Reserved matters approved. August 2007.

08/01347/REM - Reserved matters relating to external materials of the buildings (appearance) and the surfacing materials of the proposed access road pursuant to outline planning permission ref 06/00881/OUTM. Reserved matters approved. December 2008.

6. Main considerations

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

- (a) Principle of development.
- (b) Impact on the character and appearance of the area
- (c) Housing mix
- (d) Quality of accommodation.
- (e) Impact on surrounding properties
- (f) Access and parking
- (g) Environmental considerations

6.2 (a) Principle of development

The application site is located in a primarily residential area, as shown on the Proposals Map of the Watford District Plan 2000, and therefore residential development is acceptable in principle. The glossary in the NPPF does not include residential gardens in the definition of 'previously developed land', however for the purposes of decision-making the NPPF does not specifically prevent development within residential gardens. Planning applications for new development in residential gardens must be determined in accordance with the policies in the Development Plan, unless material considerations indicate otherwise.

6.3 The Development Plan for Watford (as referred to in Paragraph 4.1 of the

report) does not specifically prevent development within residential gardens. "Saved" Policy H9 (Back Garden Development) of the Watford District Plan 2000 details considerations for back garden development including means of access, design and layout, development density, integration with the character of the local area, security, traffic generation and general effects on nearby residential amenities, and an appraisal of these factors will be set out in the report.

- 6.4 Paragraph 122 (Achieving appropriate densities) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account, among other things, *"the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change..."*.
- 6.5 (b) Impact on the character and appearance of the area
Policy UD1 of the Watford Local Plan Core Strategy (CS) states, among other things, that new development should respect and enhance the local character of the area in which it is located. Section 12 of the NPPF seeks the creation of high quality buildings and places. Paragraph 127 states, among other things, that planning decisions should ensure that developments *"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"*.
- 6.6 The proposed building would be located in the large rear garden of No. 7 Bramble Close and would be positioned alongside the existing rear block of flats at Hollingsworth Mews (comprising Nos. 9 -12). It is considered that the siting and layout of the proposed development would be in keeping with the existing pattern of development at Hollingsworth Mews and would therefore have no adverse effect on the character and appearance of the area. The development would be accessed from the existing road in Hollingsworth Mews and so there would be minimal impact on the street scene as a result of the laying out of new hard surfacing.
- 6.7 There would be limited views of the proposed building from Bramble Close owing to its location to the rear of No. 7. Notwithstanding this, the height and scale of the proposed building would respect the context of the surrounding area and the hipped roof would be in keeping with the roof form of surrounding buildings. The design, articulation and massing of the elevations would achieve an acceptable standard of appearance. A condition should be attached to any grant of planning permission to require details of external materials to be submitted to the local planning authority for approval in order to ensure that a high standard of appearance is achieved. Furthermore, a

condition should be attached to require details of a hard and soft landscaping to be submitted for approval in order to ensure that the development integrates satisfactorily with the surrounding environment. Taking the above into account, it is considered that the density of the proposed development would make effective use of the site and it would maintain the character and appearance of the surrounding area.

6.8 (c) Housing mix

Policy HS2 of the CS seeks a mix of housing types and sizes including family sized units and smaller housing units to meet the needs of the community. Paragraph 8.2.7 of the CS states that the Strategic Housing Market Assessment (April 2010) shows a significant need for dwellings with 3 or more bedrooms. This is shown in the table in paragraph 8.2.9 of the CS, which shows the Size Mix of Housing Requirement 2007 – 2021, where the requirement for 3 bedroom dwellings is 48.2%. The Strategic Housing Market Assessment January 2016 provides a more up to date assessment of the housing need in the Borough and shows in Table 48 an estimated requirement of 41.8% for dwellings with 3 bedrooms and 11.7% for 1 bedroom dwellings.

6.9 The proposed development only consists of 1-bed (1 person) units and therefore does not provide a mix of housing types and sizes. However, consideration should be given to 2 appeal decisions where the local planning authority refused planning permission, among other reasons, due to an inappropriate housing mix but the inspectors considered that the housing mix accorded with Policy HS2 of the CS. In the appeal at 7 Elfrida Road (ref. 14/00170/FUL) for the replacement of a bungalow with 3no. 2-bed houses, the Inspector commented *“I have no reason to doubt the evidence set out in the recently adopted Core Strategy that there is a greater requirement for three bedroom dwellings in the Borough than for other types of dwellings. It is nonetheless apparent from the same evidence that there is also a requirement for two bedroom units”*. In regard to Policy HS2 he stated *“No reference is made to a requirement to provide three bedroom dwellings, either in general or in specific locations, nor does the policy require a mix of units within development schemes”*. The Inspector observed that the majority of dwellings in the locality are three bedroom units and there is no evidence to suggest that at the local level of the appeal site there is an overriding need for three bedroom dwellings over other types.

6.10 In the appeal at 206 Gammons Lane (ref. 17/00617/FUL) for the erection of extensions and conversion of the existing house into 4no. one bedroom flats, the Inspector stated *“Turning to Policy HS2 of the CS, this seeks a mix of housing types which includes both family sized units and smaller housing units. However, there are no restrictions within Policy HS2 on the numbers of such*

units. Taking into account the dominant type of housing stock in the area (which from what I observed on site and from the evidence before me) the proposed development would help provide a mix of housing types in the area which would be generally in accordance with Policy HS2". Taking into account the Inspectors' interpretation of Policy HS2 and that the housing stock in the locality of the application site predominantly consists of family-sized housing, it is not considered that a reason for refusal based on the lack of family-sized dwellings in the development could be substantiated.

6.11 (d) Quality of accommodation

The proposed flats are 1-bed units with single bedrooms and are therefore categorised as 1 person units for the purposes of the minimum space standards set out in paragraphs 7.3.6 – 7.3.8 of the Watford Residential Design Guide (RDG). The single bedrooms comply with the minimum floor area of 7.5sqm shown in paragraph 7.3.7 and the floor areas of the flats exceed the minimum space standard of 39sqm for a 1-bed (1 person unit). Furthermore, the built-in storage space exceeds the minimum space standard of 1sqm. All flats would be dual-aspect and the habitable rooms would benefit from good levels of light and outlook.

6.12 Future occupants of the proposed development would have access to a communal rear garden area which would provide an acceptable standard of amenity. Bin and cycle storage facilities would be conveniently positioned adjacent to the parking area to the front of the building. The bin store would be large enough to accommodate 1no. 1100 litre bin for refuse and 1no. 1100 litre bin for dry recycling.

6.13 The main entrance to the development would be clearly seen from the existing access in Hollingsworth Mews and is therefore a legible layout. Furthermore, the parking area would be overlooked by habitable windows, which aids security. The proposal therefore accords with paragraph 91 of the NPPF which states that planning decisions should aim to achieve places that are safe and accessible through the use of clear and legible pedestrian routes. Taking the above into account, it is considered that the proposed development would provide an acceptable standard of amenity for future occupiers.

6.14 (e) Impact on surrounding properties

No. 9 Hollingsworth Mews has a small ground floor side window serving an open-plan lounge/kitchen, which faces the application site. The proposed development would cause a loss of light to the window, however most of the light and outlook to the open-plan lounge/kitchen is provided by the large window in the front elevation, which would be unaffected by the proposed

development. As such, the living space would not experience a significant loss of light. There are other small bathroom windows in the side elevation facing the application site, however there would not be a significant loss of amenity to the occupiers of the properties because the windows serve non-habitable rooms.

- 6.15 The proposed development would maintain sizeable distances to all other neighbouring properties and therefore would not cause a significant loss of light or outlook.
- 6.16 The proposed development would not cause a significant loss of privacy because the habitable windows of the proposed building would not infringe the 27.5m privacy arc (paragraph 7.3.19 of the RDG) measured from neighbouring habitable windows. Furthermore, the front windows of the proposed building would maintain a distance of over 11m (paragraph 7.3.16 of the RDG) to the boundaries with Nos. 7 and 8 Bramble Close and therefore would not create a significant level of overlooking into the rear gardens of the neighbouring properties.
- 6.17 The proposed development would not cause significant overshadowing of the school building or grounds at Kingsway School.
- 6.18 As such, the proposed development would not have any significant impacts on the amenities of neighbours.
- 6.19 (f) Access and parking
The proposed development would be accessed from the existing vehicular access in Hollingsworth Mews. The Highway Authority has raised no objection with respect to the proposed access arrangements to the development. The provision of 6no. 1-bed flats would not cause a significant increase in traffic generation and therefore the impact on the local road network is considered to be acceptable. Furthermore, there would be sufficient manoeuvring space within the development for cars and refuse vehicles.
- 6.20 “Saved” Policy T24 of the Watford District Plan 2000 states that planning permission will only be granted for residential use where the full parking needs generated can be met on site, and off the public highway unless the site is in a suitable town centre site or other location with good access to passenger transport. In this case, 8no. parking spaces are proposed for the 6no. flats, which is considered to be acceptable.
- 6.21 (g) Environmental considerations
i) Impact on trees

The submitted Arboricultural Survey dated 02/05/2019 prepared by Merewood Arboricultural Services includes tree protection measures to protect tree T1 of TPO No. 239 and other existing trees during construction works. The tree protection measures are acceptable and should be secured by condition. A number of trees have already been removed from the site, which is lawful because the removed trees are not protected.

6.22 ii) Ecology

The application site is considered to be of limited ecological value because it consists of a residential garden with a lawn. Furthermore, the application site is not within or close to a wildlife site or wildlife corridor. As such, the proposed development would have negligible impact on ecology.

6.23 iii) Flood risk

The application site is located within Zone 1 (low risk) of the Environment Agency's Flood Map for Planning and so there is low risk of flooding at the site. A sustainable urban drainage scheme is not required because the proposal is not categorised as a major development. Notwithstanding this, a condition should be attached to require surface water from the parking area to drain into the ground within the application site in order to prevent flood risk outside the site.

7. Consultation responses received

7.1 Statutory consultees and other organisations

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---------------|------------------|
| Hertfordshire County Council (Highway Authority) | No objection. | Noted. |
| Hertfordshire Constabulary Crime Prevention Design Service | No objection. | Noted. |

7.2 Statutory consultees and other organisations

Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|---------|------------------|
|----------------------------|---------|------------------|

| | | |
|------------------------|--|--------|
| Arboricultural Officer | No objection subject to tree protection condition. | Noted. |
| Environmental Services | No objection. | Noted. |

7.3 Representations received from interested parties

Letters were sent to 20 properties in the surrounding area. 9 letters of objection were received, which are summarised and considered in the table below.

| Representations | Officer comments |
|--|--|
| The proposed development would add to parking problems in the area. | The provision of 8no. parking spaces for the 6no. proposed flats is considered to be sufficient. It should be noted that there are nearby bus stops and a local shopping frontage in North Approach. |
| Speeding cars in and out of Hollingsworth Mews are extremely dangerous. | The Highway Authority has raised no objection on highway safety grounds. The proposed development would generate a low number of vehicular movements. |
| Increased traffic noise and pollution. | The proposed development would generate a low number of vehicular movements and therefore it would not cause a material increase in traffic noise or pollution. |
| The planned construction would add car parking and bins shed to my view and again take away from my privacy. | <p>It is a well established planning principle that there is no right to a view across land.</p> <p>The proposed development would not appear dominant or cause an unacceptable sense of enclosure to the rear gardens of Nos. 8 and 8A Bramble Close.</p> <p>The impact on privacy is considered in paragraph 6.16 of the report.</p> |

| | |
|--|--|
| <p>Changing the area directly next to Nos. 8 & 8A Bramble Close from a residential back garden to a parking and refuse area would cause nuisance with noise and disturbance. It would also compromise security. The new development is not gated and is open to all.</p> | <p>It is not considered that the parking and refuse area would cause a significant increase in noise and disturbance given the relatively low number of flats in the development.</p> <p>Hertfordshire Constabulary Crime Prevention Design Service has raised no concerns with respect to security in the parking area.</p> |
| <p>Many trees have already been cut which is detrimental to the environment.</p> | <p>The removed trees are not protected by a tree preservation order and so they were removed lawfully. The proposed development would not have a significant impact on ecology, as discussed in paragraph 6.22 of the report.</p> |
| <p>The development would overlook the garden of No. 8 Bramble Close and would cause a loss of sunlight.</p> | <p>This is considered in paragraph 6.16 of the report.</p> |
| <p>My front room at 9 Hollingsworth Mews will be totally overlooked by all those coming and going into the new plot.</p> <p>When this development is built the side wall will be approx. 2 metres from my kitchen and bathroom windows which will obviously totally block out all of my natural light.</p> | <p>The front ground floor window of No. 9 Hollingsworth Mews already faces the existing access road that serves the parking area of Hollingsworth Mews. The proposed development would be accessed from the existing road and it is not considered that the proposal would cause a material increase in overlooking or disturbance when compared to the existing situation.</p> <p>The impact on the light received by the kitchen and bathroom windows is considered in paragraph 6.14 of the report.</p> |
| <p>The proposal would result in a loss of light to a bathroom window of 12 Hollingsworth Mews and would reduce ventilation through the window.</p> | <p>The small first floor bathroom window serves a non-habitable room and so there would not be a significant loss of amenity to the occupiers of the property.</p> |

| | |
|---|--|
| | There is no evidence that the proposed development would affect ventilation of the bathroom. |
| Disturbance of construction works and impact on health. | 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. |
| The proposal includes no social housing. | Policy HS3 of the CS only requires affordable housing for major developments of 10 dwellings or sites of more than 0.5ha. |

8. Recommendation

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

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:-

Location plan; 19/3487/1; 19/3487/2; and 19/3487/3.

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

3. No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and fascias, 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.

4. The tree protection measures contained within the Arboricultural Survey dated 02/05/2019 prepared by Merewood Arboricultural Services shall be implemented for the duration of the construction works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees, including tree T1 of TPO No. 239, in the interest of the visual amenity of the area.

5. No part of the development shall be occupied until full details of a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and the approved hard landscaping has been laid out in accordance with the approved details. The hard landscaping scheme shall include drainage details for the parking area, materials for the hard surfaces, boundary treatments and any enclosures within the site. The approved soft landscaping shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing 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 and to minimise flood risk, in accordance with Policies UD1 and SD2 of the Watford Local Plan Core Strategy 2006-31.

6. No part of the development shall be occupied until refuse, recycling and cycle storage facilities have been installed in accordance with the approved plans. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure satisfactory provision for on-site storage facilities.

7. No part of the development shall be occupied until the new vehicular access onto Hollingsworth Mews and on-site parking spaces have been laid out in accordance with drawing No. 19/3487/1 (or any subsequent plans submitted to and approved in writing by the Local Planning

Authority). The vehicular access and on-site parking spaces shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate vehicular access and on-site parking is provided in the interest of highway safety and the amenities of the surrounding area.

8. No part of the development shall be occupied until details of all external lighting (including the design of the lighting and its location) within the site have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of residential amenity, the character and appearance of the area and security.

Informatives

IN907 Positive and Proactive Statement – Grant

IN909 Street Naming and Numbering.

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Section 106 Agreement

IN915 Highway Works – HCC agreement required