

<b>Committee date</b>	Tuesday 31 October 2023
<b>Application reference</b>	23/00745/AAPA – Block of flats at 1-9 and block of flats at
<b>Site address</b>	10-18 Biskra, Langley Road, Watford, WD17 4PF
<b>Proposal</b>	Construction of an additional storey above each of the existing blocks to provide a total of 6no. residential flats (Class C3), and associated storage
<b>Applicant</b>	Biskra Developments
<b>Agent</b>	Planning Insight
<b>Type of application</b>	Prior Approval – Part 20 Class A of the GPDO.
<b>Reason for committee item</b>	5 or more objections submitted
<b>Target decision date</b>	1 November 2023
<b>Statutory publicity</b>	Site Notice and Neighbour Letters
<b>Case officer</b>	Chris Osgathorp <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
<b>Ward</b>	Nascot

## 1. Recommendation

1.1 That Prior Approval be granted subject to conditions as set out in section 9 of this report.

## 2. Site and surroundings

2.1 The application site comprises the two blocks of 3-storey flats (containing a total of 18 flats) at Biskra. A block of 18 garages is sited between the buildings and there is informal parking on the private road, which is accessed from Grandfield Avenue. The area is residential in character and includes buildings of varied size and architectural design.

2.2 The subject buildings are not listed or located in a designated conservation area.

## 3. Summary of the proposal

### 3.1 Proposal

3.2 The application for Prior Approval is submitted under the provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This national legislation permits the construction of up to two additional storeys of new dwellinghouses immediately above a purpose-built 3+ storey block of flats, subject to restrictions and consideration of Prior Approval matters.

3.3 The current application proposes the construction of one additional storey above each of the existing block of flats to provide a total of 6no. residential

flats (Class C3) and associated storage. During the course of the application, a revised site plan and ground floor plan were submitted to change the bins in the proposed bin stores from 660L and 1100L Euro bins to smaller wheeled bins. In comparison to the drawings originally submitted, this has not changed the size of the proposed bin stores or the layout of the proposed development.

- 3.4 In accordance with Part 20 Class A Condition A.2, the Local Planning Authority's planning assessment is limited to the following Prior Approval matters:
- (a) Transport and highways impacts of the development;
  - (b) Air traffic and defence asset impacts of the development;
  - (c) Contamination risks in relation to the building;
  - (d) Flooding risks in relation to the building;
  - (e) The external appearance of the building;
  - (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses;
  - (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
  - (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State;
  - (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
  - (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

3.5 **Conclusion**

3.6 As discussed in the report, matters (b), (c), (d), (f), (h), (i) and (j) are not key considerations due to the nature and location of the proposed development. As such, the main issues are: (a) transport and highway impacts; (e) external appearance of the buildings; and (g) impact on the amenity of the existing building and neighbouring premises.

3.7 In respect of transport impacts, the application site is in an accessible location close to bus stops (around 200m) and about 1.1km from Watford Junction and 1.5km from Watford town centre. There are also a range of nearby amenities,

including a convenience store at Tesco Express, public houses and a school. As such, the site is well-positioned for sustainable transport modes including walking, cycling and passenger transport.

- 3.8 Having regard to the accessible location of the site, no additional on-site parking is proposed. This supports the objectives in the Local Plan to encourage the use of sustainable transport modes rather than the private car. The Transport Statement includes a parking survey, which has been carried out using the widely recognised Lambeth Methodology. This shows that the parking demand from 6 additional flats would be small and streets within 200m of the site have sufficient capacity, including an average of 29 unrestricted parking spaces, to accommodate any overspill parking from the development. As such, there is no substantive evidence that parking demand would cause a detrimental impact to highway safety. The Highway Authority has raised no objection in respect of trip generation or parking impacts.
- 3.9 Regarding the external appearance of the buildings, the proposed increase in height by one floor to create 4 storey flat-roofed buildings would sit comfortably in the surrounding context, which includes an adjacent 4 storey building at Outlook Place and several 3 storey plus pitched roof buildings in the vicinity. Furthermore, the buildings are well set back from Grandfield Avenue and Langley Road respectively, and the mature trees and hedges around the boundaries filter views of the buildings. These factors lessen the visual impact of the development in the street scene.
- 3.10 The existing buildings are designed with a flat-roof and have brick external walls with little architectural detailing. A contrasting material comprising zinc standing seam cladding would be used for the proposed additional floor of the buildings, which would help to break up the massing of the blocks and provide some visual interest. This is considered to provide a high quality and durable material, and full details could be secured through the imposition of a planning condition. Furthermore, the design of the additional floor would follow the window arrangement of the existing building, which would provide a coherent appearance. As such, the external appearance of the development is acceptable and would respect the character of the area, which comprises buildings of varied size and architectural styles – including the adjacent contemporary design at Outlook Place.
- 3.11 In relation to neighbour impacts, the existing building maintains sizeable distances to neighbouring properties and the mature trees adjacent to the boundaries provide filtered screening. The provision of an additional storey to

each building would not cause a significant loss of light, outlook or privacy compared to the existing situation.

- 3.12 Officers note the concerns from existing residents relating to how the additional storey would be built, including whether the structure is strong enough to support an additional floor and potential for damage. However, this is covered under the Building Regulations regime and the provisions of the Party Wall Act 1996 and therefore is not a matter within the remit of this application. It will be a civil matter between the developer and adjoining owners as to how the scheme will be built – which will have to be agreed through the procedures of the Party Wall Act 1996.
- 3.13 Regarding noise and disturbance during construction, whilst this is not a Prior Approval matter, Part 20 Class A paragraph A.2(3) stipulates that any development under Class A is permitted subject to a condition that the developer must submit a report for the management of the construction of the development, including hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- 3.14 Mindful of the above Prior Approval matters, it is concluded that the proposed development is acceptable and so it is recommended that Prior Approval under Schedule 2 Class 20 Part A of the GPDO should be granted.

#### **4. Relevant policies**

- 4.1 Members should refer to the background papers attached to the agenda. Specific policy considerations with regard to this particular application are detailed in section 6 below. It should be noted that only those Local Plan policies that are directly relevant to the Prior Approval matters should be considered.

#### **5. Relevant site history/background information**

- 5.1 22/01161/PREAP3 - Pre-application enquiry for 10 - 24 residential units; Description: Part 20 upwards extension to 2 blocks to provide 12 dwellings. Pre-application advice given November 2022. The advice is summarised as follows:
- The addition of 2 storeys to each building would significantly change the proportions of the buildings and result in very bulky massing. In context of the site's surroundings, the provision of 5 storey buildings would appear out of scale and dominant in the street scene.

- Advice provided to reduce to one additional storey in contrasting material such as zinc. It should have a design and fenestration pattern to match the existing building.
- The accessible location of the site was noted. Some clarifications were sought over the submitted parking survey. It was noted that cycle and bin storage would need to be provided in accordance with relevant standards. Advised to carry out pre-application engagement with Hertfordshire County Council as the highway authority.
- The submission proposed alterations to the parking layout in Biskra, however advice was given that such works are not permitted under Part 20 Class A.
- Regarding neighbour impacts, it was not considered that the proposal would cause significant overlooking. A daylight and sunlight assessment will need to accompany any application for prior approval to demonstrate the impacts of the proposal.
- Some amendments would be required to the internal layout to meet the provisions of the Technical Housing Standards – Nationally Described Space Standard.

The current application accords with the previous pre-application advice.

## **6. Permitted development legislation**

### **6.1 Schedule 2, Part 20, Class A – new dwellinghouses on detached blocks of flats**

#### Permitted development:

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

## Development not permitted

A.1. Development is not permitted by Class A if –

	<b>Officer's assessment</b>
(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;	Complies.
(b) above ground level, the building is less than 3 storeys in height;	Complies. The application buildings are 3 storeys in height.
(c) the building was constructed before 1st July 1948, or after 5th March 2018;	Complies.
(d) the additional storeys are constructed other than on the principal part of the building;	Complies. The additional storey would be constructed on the flat roof of the buildings.
(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;	Complies. The cross-section drawing shows that the floor to ceiling height of the additional storey would be 2.3m, which matches the existing floor heights.
(f) the new dwellinghouses are not flats;	Complies. All dwellings are flats.
(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);	Complies. The additional storey would have a height of 2.9m above the existing flat roof.
(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;	Complies. The extended buildings would be around 10.8m above ground level.

<p>(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;</p>	<p>Complies. There would be no visible support structures attached to the exterior of the building.</p>
<p>(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to</p> <ul style="list-style-type: none"> <li>(i)strengthen existing walls;</li> <li>(ii)strengthen existing foundations;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(iii)install or replace water, drainage, electricity, gas or other services;</li> </ul>	<p>Complies. No additional engineering operations are proposed.</p>
<p>(k) in the case of Class A.(b) development there is no existing plant on the building;</p>	<p>Complies.</p>
<p>(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;</p>	<p>Complies.</p>
<p>(m)development under Class A.(c) would extend beyond the curtilage of the existing building;</p>	<p>Complies.</p>
<p>(n)development under Class A.(d) <i>[works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses]</i> would—</p> <ul style="list-style-type: none"> <li>(i)extend beyond the curtilage of the existing building;</li> <li>(ii)be situated on land forward of a wall forming the principal elevation of the existing building; or</li> </ul>	<p>Complies. Bin and cycle storage would be within the footprint of the existing buildings.</p>

(iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	
(o)the land or site on which the building is located, is or forms part of— (i)article 2(3) land; (ii)a site of special scientific interest; (iii)a listed building or land within its curtilage; (iv)a scheduled monument or land within its curtilage; (v)a safety hazard area; (vi)a military explosives storage area; or (vii)land within 3 kilometres of the perimeter of an aerodrome.	Complies. The site does not fall within any of these designations.

## 7. Prior Approval matters

7.1 A.2. – Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) Transport and highways impacts of the development;
- (b) Air traffic and defence asset impacts of the development;
- (c) Contamination risks in relation to the building;
- (d) Flooding risks in relation to the building;
- (e) The external appearance of the building;
- (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State;



- (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
- (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

## 7.2 (a) Transport and highways impacts of the development

The application site is in an accessible location close to bus stops (around 200m) and about 1.1km from Watford Junction and 1.5km from Watford town centre. There are also a range of nearby amenities, including a convenience store at Tesco Express, public houses and a school. As such, the site is well-positioned for sustainable transport modes including walking, cycling and passenger transport.

- 7.3 Having regard to the accessible location of the site, no additional on-site parking is proposed. This supports the objectives in the Local Plan to encourage the use of sustainable transport modes rather than the private car. The submitted Transport Statement<sup>1</sup> includes a parking survey, which has been carried out using the widely recognised Lambeth Methodology. This shows that the parking demand from 6 additional flats would be small and streets within 200m of the site have sufficient capacity, including an average of 29 un-restricted parking spaces (not counting spaces with yellow lines or restricted hours), to accommodate any overspill parking from the development. As such, there is no substantive evidence that parking demand would cause a detrimental impact to highway safety. The Highway Authority has raised no objection in respect of trip generation or parking impacts.
- 7.4 The plans show that the existing rear store of each block would be modified to provide secure storage for 6 cycles for the additional flats (a total of 12 cycle spaces). This would include lockable stands and a roller shutter door operated with a fob key. The cycle storage provision exceeds the standard in Appendix D of the Local Plan of 1.75 spaces per 2-bed unit.
- 7.5 Bins for the existing flats are stored on the southern side of the private road in Biskra. The modified rear store for each block would provide bin storage for the new dwellings comprising 3 x 140 litre bins for refuse; 3 x 240 litre bins for recycling; and 1 x 140 litre wheeled bin for food waste. This would provide sufficient capacity for the new dwellings in accordance with the Watford

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<sup>1</sup> Prepared by Paul Basham Associates dated August 2023

waste guidance<sup>2</sup>. Bins would be collected from Biskra in accordance with the existing arrangement and the Waste & Recycling team have raised no objection to the proposal.

7.6 (b) Air traffic and defence asset impacts of the development

Not relevant. The site is not near to any airports or defence assets.

7.7 (c) Contamination risks in relation to the buildings

There is unlikely to be contamination at the site given that the land is already in residential use. Given that the proposal is for an additional storey to existing residential buildings and includes no ground works, the risks associated with contamination are low.

7.8 (d) Flooding risks in relation to the building

The site is in Zone 1 (low risk) of the Environment Agency's Flood Map for Planning and so there is low probability of flooding from rivers and the sea. Furthermore, the site is not identified as being at risk from other forms of flooding, including groundwater and surface water. Therefore, the flood risks in relation to the buildings are low.

7.9 (e) The external appearance of the building

The High Court issued a judgement<sup>3</sup> (dated 3 February 2022) regarding the interpretation of the GPDO and the principles that apply for authorities when deciding applications for the prior approval of upward extensions to buildings. It was held that the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes the effect on the locality (paragraph 102 of the judgment). As such, when considering the external appearance of the development, consideration of appearance should include the visual impact of a proposal on the surrounding area, including the street scene.

7.10 The proposed increase in height by one floor to create 4 storey flat-roofed buildings would sit comfortably in the surrounding context, which includes an adjacent 4 storey building at Outlook Place and several 3 storey plus pitched roof buildings in the vicinity. Furthermore, the buildings at Biskra are well set back from Grandfield Avenue and Langley Road respectively, and the mature trees and hedges around the boundaries filter views of the buildings. These factors lessen the visual impact of the development in the street scene.

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<sup>2</sup> Waste and Recycling Bin Allocation, Storage and Collection Guidance. New Developments and Conversions. February 2020.

<sup>3</sup> CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

7.11 The existing buildings are designed with a flat-roof and have brick external walls with little architectural detailing. A contrasting material comprising zinc standing seam cladding would be used for the proposed additional floor of the buildings, which would help to break up the massing of the blocks and provide some visual interest. This is considered to provide a high quality and durable material, and full details could be secured through the imposition of a planning condition. Furthermore, the design of the additional floor would follow the window arrangement of the existing building, which would provide a coherent appearance. As such, the external appearance of the development is acceptable and would respect the character of the area, which comprises buildings of varied size and architectural styles – including the adjacent contemporary design at Outlook Place.

7.12 (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses

The habitable rooms of the new dwellinghouses would be served by large windows, which would provide adequate natural light. This is confirmed by the submitted Daylight & Sunlight Assessment.

7.13 (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

Privacy/overlooking:

The application site is located in a settlement where a degree of mutual overlooking is to be expected. Whilst the buildings would be taller, the fenestration pattern of the additional storey would be the same as the floors below and the existing distances to the site boundaries would be maintained. Furthermore, views into neighbouring properties would be filtered by the mature trees on the site boundaries. For these reasons, it is not considered that the proposal would cause a significant loss of privacy to neighbouring occupiers.

7.14 Daylight/sunlight:

The Building Research Establishment Guidance<sup>4</sup> says that diffuse daylighting of an existing building may be adversely affected if i) the Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value [the VSC test]; or ii) the area of the working plane in a room which will have a direct view of the sky is reduced to

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<sup>4</sup> Building Research Establishment guidelines – Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022).

less than 0.8 times its former value [the Daylight Distribution test]. The 0.8 figure effectively means a reduction in daylight of 20% or more.

7.15 In respect of sunlight, the BRE Guidance sets out that if a main living room window faces within 90 degrees of due south, sunlighting may be adversely affected if the centre of the window: i) receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of APSH between 21 September and 21 March, and ii) receives less than 0.8 times its former sunlight hours during either period, and iii) has a reduction in sunlight received over the whole year greater than 4% of annual probably sunlight hours.

7.16 Outlook Place:

This neighbouring development is located to the north of the application site and there are mature trees adjacent to the boundary. The trees are likely to affect the daylight and sunlight of the windows at Outlook Place, however the Daylight and Sunlight Assessment has disregarded the impact of the existing trees, as recommended by the BRE Guidance.

7.17 The VSC results show that of the 88 windows tested, 82 comply with the BRE Guidance as they would either maintain a VSC of 27%+ or be at least 0.8 times its former value. In respect of the 6 windows that fall below the BRE target, 3 serve the living/kitchen/dining area of 3 flats at ground, first and second floors<sup>5</sup>. The extent of the shortfall is quite modest as the VSC would be at least 0.71, 0.72 and 0.77 times the former values respectively, and these habitable rooms are also each served by two other windows that would experience negligible loss of daylight as a result of the development.

7.18 The VSC test only assesses daylight reaching the external plane of a window and therefore it does not include other factors that would indicate the actual lighting of a room. As such, a further test using the Daylight Distribution method has been carried out. This is a more detailed assessment because it has regard to the size of the neighbouring window, its relationship to the room, the size of the room, and whether there are other windows lighting the same room. The results are shown in Appendix 3 of the Daylight and Sunlight Assessment and demonstrate that the skylit area of the above living rooms would be at least 0.95 times their former value. As such, it is not considered that the proposal would cause a significant loss of daylight to the neighbouring dwellings.

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<sup>5</sup> Ground floor Room R1, First floor room R1 and Second floor Room R1 as shown in Appendix 2 of the Daylight and Sunlight Assessment.

- 7.19 The other 3 windows that do not meet the VSC test serve bedrooms of flats at ground, first and second floor<sup>6</sup>. These bedrooms already experience low VSC values ranging between 5 – 12% due to balconies that project over the windows. Because the existing VSC values are so low, this has a disproportionate effect on the percentage reduction arising from the proposal – resulting in VSC values that are between 0.58 – 0.7 times the former value. The BRE Guidance sets out that the tests need to be applied sensibly and flexibly, and the impact of existing balconies is reflected in paragraph 2.2.13 where it says *“existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VCS, and on the area receiving direct skylight”*.
- 7.20 The proposed development would only result in a modest VSC percentile point reduction of between 2-4 points and the scale of the buildings would be similar to Outlook Place. Consequently, it is considered that the presence of existing projecting balconies is the main contributor for the relative reduction in daylight rather than the proposed development.
- 7.21 In respect of the Daylight Distribution test, 56 of the 59 neighbouring rooms tested comply with the BRE Guidance as they maintain at least 0.8 times their former value. The 3 windows that fall below the recommend target are bedrooms that have their daylight affected by balconies, as discussed above. Moreover, paragraph 2.2.10 of the BRE Guidance acknowledges that although bedrooms should be analysed, they are less important than living rooms. In this regard, it is noted that all neighbouring living room windows comply with the Daylight Distribution test. The daylight results are therefore acceptable.
- 7.22 The Annual Probable Sunlight Hours (APSH) test results show that 58 of the 59 rooms tested comply with the BRE Guidance as they would have at least 25% APSH and 5% in the winter months. The room that falls below the recommended guidance is a bedroom, however the living room associated with this flat has sunlight levels in excess of the BRE Guidance and so the effect of the proposal is considered to be acceptable.
- 7.23 1-5 Langley Place, 6-9 Langley Place and 1-9 Curzon Gate Court:
- The submitted Daylight and Sunlight Assessment shows that all neighbouring windows that require testing meet the respective VSC, Daylight Distribution and APSH recommendations in the BRE Guidance.

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<sup>6</sup> Ground floor room R3, first floor room R3 and second floor Room R3 as shown in Appendix 2 of the Daylight and Sunlight Assessment.

7.24 Biskra Blocks 1 and 2:

The VSC results show that 49 of the 54 windows tested accord with the BRE Guidance as they would either maintain a VSC of 27%+ or be at least 0.8 times its former value. The 5 windows that do not comply all serve kitchens on the first and second floors, however they would only be slightly below the 0.8 target (0.65, 0.67, 0.77, 0.78 and 0.79 respectively). The more detailed Daylight Distribution test in Appendix 3 shows that all of the kitchens would have values in accordance with the BRE Guidance. Two bedrooms (one in each of Blocks 1 and 2) would have ratios of 0.75 and 0.76 times their former value, which is only slightly below the 0.8 target. Furthermore, the main living areas of the two affected flats would continue to receive good levels of daylight. As such, the daylight results are considered to be acceptable.

7.25 The APSH results show that 19 of the 21 assessed rooms accord with the BRE Guidance as they maintain at least 25% APSH and 5% in winter months. The 2 rooms that fall below the recommended levels are a bedroom and kitchen within Block 2, however the main living area would continue to receive good levels of sunlight and would be largely unaffected by the proposal. In these circumstances, the sunlight results are considered to be acceptable.

7.26 In conclusion, the proposed development would have an acceptable impact on the amenity of the existing building and neighbouring premises.

7.27 (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State.

The proposal would not affect a protected view.

7.28 (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

Not applicable. The existing buildings are not 18 metres or more in height.

7.29 (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Not applicable. The proposed development would not be 18 metres or more in height or contain 7 or more storeys.

7.30 Internal Space Standards

Part 2, Regulation 3.(9A) of the Town and Country (General Permitted Development) (England) (Amendment) Regulations 2020 requires any development of new dwellinghouses to comply with the nationally described

space standard (the NDSS) issued by the Department for Communities and Local Government on 27 March 2015.

The proposed flats would all be 2 bed (3 person) one storey dwellings and would meet the minimum gross internal floor area of 61sqm and the minimum floor to ceiling height of 2.3m, as set out in the NDSS. Furthermore, all flats would meet the minimum built-in storage provision of 2sqm. The layout of the proposed dwellings therefore accords with the NDSS.

## 8. Consultation responses received

### 8.1 Consultees

Consultee	Comment Summary	Officer response
Highway Authority	No objection.	Noted.
Hertfordshire Fire & Rescue	No objection.	Noted.
Waste & Recycling	No comments.	Noted.

### 8.2 Interested parties

A notice was posted outside the site on 1 September 2023.

Letters were sent to 72 properties in the surrounding area and 55 letters of objection have been received. The main concerns are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Significant impact of construction noise, disruption, dust and traffic on existing residents.	<p>The application cannot be refused on these grounds as this is not a matter that requires the Council's prior approval.</p> <p>Nevertheless, Part 20 Class A paragraph A.2(3) stipulates that any development under Class A is permitted subject to a condition that the developer must submit a report for the management of the construction of the development, including hours of operation and how any adverse impact of noise, dust,</p>

	vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
Damage to property.	This consideration is not within the remit of a Prior Approval application.  It will be a civil matter between the developer and adjoining owners as to how the scheme will be built – which will have to be agreed through the procedures of the Party Wall Act 1996.
The proposal would be out of keeping with the appearance of the existing buildings and the general character of the buildings in the area.	This is considered in paragraphs 7.9 – 7.11 of the report.
Increase in traffic. Insufficient parking.	This is considered in paragraphs 7.2 – 7.3 of the report.
Inadequate bin storage arrangements.	This is considered in paragraph 7.5 of the report.
Loss of privacy and light to neighbouring properties.	This is considered in paragraphs 7.13- 7.26 of the report.
Impact on local infrastructure, including schools and doctor surgeries.	This is not a Prior Approval matter that can be considered.
Inadequate access for fire appliances. Mis-leading information has been submitted.	Hertfordshire Fire and Rescue Service has raised no objection to the proposal.  The proposal would not change existing fire access arrangements, which would continue to be made from the private road in Biskra.  Furthermore, access for fire appliances is a matter for Building Regulations approval and this is not a Prior Approval matter for consideration in the current application.



	<p>The buildings would not be more than 18 metres in height or contain 7 or more stories [the fire risk condition] and so the proposed development is not subject of Prior Approval matter (j).</p>
<p>The application states that no engineering operations will be required to construct the proposed new dwellings, such as visible support structures, strengthening of foundations and replacement drainage.</p> <p>However, in our view engineering works will be required. For example, there is substantial settlement in one of the blocks that is adversely affecting a ground floor flat. Also, no survey has been undertaken to determine this question.</p>	<p>The legislation does not require an applicant to submit a structural survey to demonstrate whether engineering works would be required.</p> <p>If any works are carried out in breach of the permitted development limitations, this may result in an enforcement investigation.</p>
<p>The application states that no additional works are required to accommodate the storage of waste. However, the existing bin stores are already full and are unable to accommodate any further bins.</p>	<p>Servicing is considered in paragraph 7.5 of the report. The additional bin storage provision would meet the capacity requirements for the new dwellings.</p>
<p>Should two applications have been made – one for each block?</p>	<p>The applicant has referred to several appeal decisions from the Planning Inspectorate where the Inspector has considered Prior Approval applications relating to more than one building.</p> <p>The blocks are functionally related and so the inclusion of both buildings in one application is acceptable.</p>

## 9. Recommendation

The application complies with the conditions and limitations of the regulations under Schedule 2, Part 20, Class A of the General Permitted Development Order and Prior Approval is therefore granted subject to conditions.

## Conditions

In addition to the conditions set out in paragraph A.2 of Part 20 Class A of the GPDO, a condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.

Furthermore, a pre-commencement condition to require details of the external materials of the development to be submitted for approval is necessary to ensure that a high quality materials would be used, in the interests of the character and appearance of the area.

1. The development must be completed within a period of 3 years starting with the date prior approval is granted.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
22027S PL 01.01 Rev A; 22027S PL 01.02; 22027S PL 01.03 Rev B;  
22027S PL 02.01; 22027S PL 02.02; 22027S PL 02.03 Rev D;  
22027S PL 02.04 Rev D; 22027S PL 03.01; 22027S PL 04.01;  
22027S PL 04.02; 22027S PL 04.03 Rev B; 22027S PL 04.04 Rev B.
3. No development shall commence until full details of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.
4. Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
5. The developer must notify the local planning authority of the completion of the development as soon as practicable after completion and the notification must be made in writing and include the name of the developer, the address or location of the development and the date of completion.
6. Each new dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

## **Informatives**

1. IN909 – Street naming and numbering
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN913 – Community Infrastructure Levy Liability