

Committee date	Tuesday, 5 December 2023
Application reference	23/00848/FULH
Site address	64 The Avenue, Watford, WD17 4NX
Proposal	Erection of a ground floor rear extension, first floor side extension, loft conversion and interior alterations. Works also to include the side boundary wall and driveway wall at the front of the property.
Applicant	Jenita Gami
Agent	ES Architecture Ltd (Mr Edward Seaman)
Type of Application	Full Planning Permission
Reason for committee Item	More than 5 objections were received
Target decision date	7 December 2023
Statutory publicity	Neighbour letters
Case officer	Estelle Pengelly, estelle.pengelly@watford.gov.uk
Ward	Nascot

1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The subject site includes a detached dwelling on the north eastern side of The Avenue. The site has a generous rear garden. The property is not located in a designated conservation area or other Article 2(3) land and is not a listed building.
- 2.2 The area is mostly characterised by large detached properties varying in styles and designs with various extensions and generous rear gardens.

Summary of the proposal

3. Proposal

Planning permission is sought for the construction of part first floor, part single storey, part two storey wrap around extension with a rear balcony at first floor level, together with a loft conversion which would include a rear roof extension, raising the ridge height of the existing roof by 1.5m and 11 rooflights. The proposal includes the construction of a new front boundary treatment and amendments to the side boundary wall.

The proposed ground floor extension would extend up to the shared boundary with No. 62 The Avenue and extend a maximum of 5.8m beyond the existing two storey dwelling. The first floor, two storey element would be set back from the front building line by 1m, set in from the shared boundary by 1m and extend 14.4m to the rear. The existing roof would almost entirely be replaced by a new roof. The main front gable would remain. The ridge would be brought forward and increased in height by 1.5m. An additional gabled outrigger would mimic the existing gabled outrigger to the rear and a balcony would be inserted between the two outriggers. A rear dormer (5.1m wide and 1.7m high) would be constructed on the new rear roof slope.

The proposed front boundary treatment involves four 1.4m high brick posts, supporting a 1.2m high brick wall with railings and 2 sets of 1.4m high railings on either side of the wall. A section of the existing shared boundary wall with the neighbour at No. 66 The Avenue would be increased to 2.1m to match the height of the existing wall further to the rear. The side wall would remain 1.3m high in the front garden.

The proposal also includes converting the existing outbuilding along the shared boundary with No. 66 The Avenue from storage to a gym and office at ground floor level and storage in the loft space. A door and windows would be inserted together with rooflights on the roof.

Proposed materials: red brick and render, brown roof tiles and uPVC windows.

It is noted that officers requested existing and proposed streetscene and proposed demolitions drawings for further assessment. Officers also requested a reduction of the proposed front boundary treatment. The proposed wrap around extension was not amended and therefore the neighbours were not re-notified following the receipt of the additional and amended drawings.

3.2 Conclusion

The extensions are considered to be of a scale and design appropriate to the building and context, and the character and appearance of the dwelling and surrounding area would not be harmed. Although the proposals would create some further loss of outlook to a side window of a neighbour, it is not considered that this would amount to an unreasonable adverse effect on the amenity of the neighbouring dwelling. There are considered to be no adverse effects that outweigh the benefits of the proposal, therefore it is recommended that the application be approved subject to conditions.

4. Relevant policies

- 4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application 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 There is no relevant history.

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 the residential amenities of neighbouring properties

- 6.2 (a) Scale and design

Policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan seek high quality design in all new development. Paragraph 8.2 of the Residential Design Guide (RDG) states that extensions must respect the character and scale of the host building. Among other things, it states that an extension should complement the size, shape and character of the existing property and should normally be subordinate to it. An extension should have a roof form, pitch and angle that respects that of the host property.

- 6.3 Officers acknowledge that the proposals are not entirely compliant with the advice in the RDG however, there are site specific circumstances which mean that the variations to RDG guidance would not cause harm in this instance. In terms of the proposed roof alterations and increased height, due to the separation distance between the large detached properties, the varying roof styles and heights combined with the existing trees in the streetscene, officers consider that the new roof would not be overly prominent in the streetscene or cause harm to the character and appearance of the area.
- 6.4 In terms of the proposed wrap around extension, due to the first floor element being set back from the front and set in from the side, the large rear gardens of the properties and the set back from the highway, officers consider that the extensions wouldn't be unduly prominent in the streetscene.

Furthermore, the fact that decent separation distances between the dwellings would be maintained, combined with the variety of house styles and heights within the streetscene, lead officers to consider the proposed extension appropriate in this case. Officers are satisfied that the proposal would not be an incongruous form of development in the front or rear streetscenes. Due to the design of the rear gables and the materials matching the host dwelling, the proposal is considered to be a harmonious addition.

- 6.5 The proposed dormer would accord with the RDG's guidance for dormer windows and be a subservient addition on the proposed roof. The proposed dormer and rooflights are considered acceptable.
- 6.6 The proposed amendments to the existing outbuilding and its use are considered acceptable.
- 6.7 The proposed front boundary treatment is considered acceptable due to its moderate design and the variety of boundary treatments present in the streetscene. The height has been reduced from 1.8m to 1.4m at the request of the case officer. The minor amendment to the side boundary wall is considered acceptable.
- 6.8 Overall, the proposals are not considered to cause any significant harm to the character and appearance of the building or the surrounding area and is therefore acceptable in scale and design.
- 6.9 (b) Impact on the residential amenities of neighbouring properties

The adjoining properties potentially affected by the proposals would in this case be Nos. 62 and 66 The Avenue.

- 6.10 Many of the objectors raised concern about the impact the development would have on the neighbour at No. 62 The Avenue's ground floor side window. This window serves a kitchen that leads into the connected dining room. The window is north westerly facing and receives little sunlight, and due to the separation distance between the window and the proposed extension, would likely still receive a similar amount of sunlight and adequate daylight. The main concern is therefore the loss of outlook that the occupiers currently enjoy from this window.
- 6.11 There is no doubt that the outlook from this window would be impacted by the development. Officers need to determine whether this impact would be so detrimental on the living conditions of the neighbouring occupiers to warrant a reason for refusal on neighbouring amenity grounds.

- 6.12 It is considered that the current outlook from this window is already limited due to the close proximity of the existing flank boundary wall and dwelling, especially views towards the west. Due to the size and layout of the neighbour's kitchen, officers consider that it is unlikely that the neighbour would dwell in this area for extended periods of time. The neighbour is more likely to spend time in their dining and living rooms enjoying the sunlight, daylight and outlook from these rear facing windows onto the large rear garden. Therefore, on balance, the proposed extension, whilst impacting the already limited outlook from the kitchen window, wouldn't undermine the neighbouring property as a whole enough to warrant a reason for refusal in terms of outlook for this application.
- 6.13 In terms of the neighbour at No. 66 The Avenue, the proposal might have a slight increased shadowing effect as a result of the increase in ridge height, however, due to the neighbour's existing extension and the separation distance between the dwellings, officers consider it unlikely that the proposal would have a detrimental impact on this neighbour in terms of overshadowing and loss of daylight and sunlight.
- 6.14 In terms of the neighbour at No. 62 The Avenue, concerns were raised about the impact on this neighbour's side alley and entrance. This space already receives little sunlight and daylight due to its siting in relation to the existing dwellings. The neighbour would still have a substantially sized garden to enjoy and therefore the additional impact on this space would be limited and not so detrimental to warrant a reason for refusal.
- 6.15 In terms of privacy, all the proposed first floor side facing windows will be conditioned to be permanently fitted with obscure glass and the part of the window less than 1.7m above internal floor level shall be permanently fixed closed. Officers acknowledge that the new rear facing windows would have some impact on the neighbours' privacy in their rear gardens, however, the views from the new openings would have a similar impact compared to the existing rear facing windows. On this basis officers are satisfied that the proposal would not result in an unacceptable level of loss of privacy. The balcony is not considered to have a detrimental impact on the neighbours' privacy as it would be set between the two outriggers and be positioned at first floor level.
- 6.16 On this basis, the proposed development is deemed acceptable in terms of residential amenity.

7. Consultation responses received

7.1 **Statutory consultees and other organisations** – None

7.2 **Internal Consultees** – None

7.3 Interested parties

Letters were sent to 9 properties in the surrounding area. Twelve objections were received from 9 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer's response
Boundary wall impact and maintenance issues.	The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.
Loss of outlook.	Some impact to a side window of the neighbour is noted however this is not considered to be an adverse impact that would be unreasonably harmful as discussed in paragraph 6.10.
Development will set a precedent - changing the character of the road.	Each application is determined on its own merits and within the constraints and context of the site.
Roof design and height is out of keeping with neighbouring dwellings.	There are site specific circumstances which mean that the proposals would not cause harm in this instance as discussed in paragraph 6.3 and 6.4.
Scale and massing.	The fact that decent separation distances between the dwellings would be maintained, combined with the variety of house styles and heights within the streetscene means that the proposal would not be an incongruous form of development in the front or rear streetscenes as discussed in

	paragraphs 6.3-6.5.
Boundary wall not in the applicant's ownership.	Planning permission does not override any property rights that may exist.
Impact on foundations and sewer.	Planning permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.
Impact from construction - scaffolding, noise, pollution and traffic.	This is not a material planning consideration. The owner would need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.
Impact on No. 62's garden and side entrance - will become a cold, dark alleyway.	This space already receives little sunlight and daylight due to its siting in relation to the existing dwellings and therefore the additional impact on this space would be limited and not so detrimental to warrant a reason for refusal. No adverse impact is identified as discussed in paragraph 6.14.
Carbon impact of energy use during construction and after must be questioned.	Whilst this is an important matter, it is not a material planning consideration for householder extension applications.
Impact on drainage along the boundary wall (No. 62).	This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.
Roof height's impact on No.	No adverse impact is identified as

66.	discussed in paragraph 6.13.
Breach of 45 degree line.	For adequate levels of daylight to be maintained, a 45-degree line projected from the centre point of any rear ground floor habitable room window should not be crossed by an adjoining dwelling in both plan and elevation. In this case, none of the 45-degree lines will be breached.

8. Recommendation

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

Conditions

1. Time limit

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. Approved drawings and documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

23/040_P2.1, 23/040_P3, 23/040_P4, 23/040_P5, 23/040_P7, 23/040_S2, 23/040_S3, 23/040_S4, 23/040_P2.D, 23/040_P9 (street elevations), 23/040_P8, 23/040_P9 (proposed section), 23/040_P0, 23/040_P1, 23/040_P1.1, 23/040_P2, 23/040_P8, 23/040_S00, 23/040_S1, 23/040_S0, 23/040_P3.1, 23/040_P1.D.

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

3. Materials

All the external surfaces of the development shall be finished in the materials specified in the application unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the character and appearance of the surrounding area, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

4. Obscure glass

The proposed first floor side windows in the north-western and south-eastern side elevations of the dwelling shall be permanently fitted with obscure glass and the part of the window less than 1.7m above internal floor level shall be permanently fixed closed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent a loss of privacy to the neighbouring property.

Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN912 – Hours of Construction
5. IN300 – Property Rights
6. Demolition