

Committee date	Tuesday, 5 December 2023
Application reference	23/00936/VAR - Land At Lych Gate
Site address	
Proposal	Variation of Condition 2 (approved drawings) of planning permission 21/00304/FUL for demolition of existing garage block and construction of a two storey block of four flats, with associated parking, cycle and refuse storage, and landscaping. Increase in ridge height of the building and provision of bedroom accommodation in the roofspace with rooflights. Minor internal and external changes.
Applicant	Mr Shah, Lych Gate Limited
Agent	Dusek Design Associates Ltd
Type of Application	S73 Minor Material Amendment
Reason for committee Item	Number of objections
Target decision date	12 December 2023
Statutory publicity	Neighbour letters
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Woodside

1. Recommendation

The application is recommended for approval subject to the conditions in Section 8 of this report.

2. Site and surroundings

- 2.1 The application site is broadly rectangular in shape, measuring approximately 488sqm in area, and comprises of a row of 11no. single-storey garages orientated in a north-west to south-east alignment and an area of soft landscaping fronting Lych Gate. Vehicular access to this row of garages, as well as a further 27no. garages adjacent to the south of the site, is via a private driveway.
- 2.2 The application site is located on the southern side of Lych Gate, a residential cul-de-sac comprising of approximately 39no. flats (Cedar Court and Glebe Court). The area is residential in character and there is a consistent architectural topology across the cul-de-sac, with buildings exhibiting similar materials and scale of between two and three storeys.
- 2.3 The application site is not located within a conservation area and there are no statutory or locally listed buildings either on the site or within close proximity.

The site is not subject to any specific planning designations. The site falls within the Environment Agency's flood zone 1, the zone with the lowest probability of flooding.

3. Summary of the proposal

3.1 Proposal

3.2 An application under section 73 of the Town and Country Planning Act 1990 (as amended) for a minor material amendment to the development approved under ref. 21/00304/FUL for the erection of 4 flats. The application seeks to amend the approved drawings under Condition 2 as follows:

- Increase the ridge height of the approved blocks by 1m.
- Amend the two approved first floor flats to duplex flats by the addition of an extra bedroom to each flat in the roofspace.
- Amending the first floor flats from 2 bed and 1 bed flats to 3 bed and 2 bed duplex flats respectively.
- Minor fenestration changes on the rear elevation including new rooflights to serve the bedrooms in the roofspace.
- Amending the provision of the bin and cycle stores serving the flats.

The site layout, building footprint, overall design and appearance of the building and the provision of 5 parking spaces all remain unchanged.

3.3 Conclusion

The site is allocated for housing (Site HS01) Watford Local Plan and already has planning permission for the erection of 4 flats. The proposed amendments to the approved development provide four good quality residential dwellings, in a building which is considered to respect the character and appearance of the area, without having any unacceptable impact on the living conditions of neighbouring properties, in accordance with the Development Plan. On-site parking for five cars to serve the development is retained as approved although exceeds the maximum parking standard of 1 space per dwelling set out in the Watford Local Plan. However, as this element of the approved scheme is not changing, this is acceptable.

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.

- 4.2 Paragraph 11 d) of the NPPF 2019 establishes the ‘presumption in favour of sustainable development’ and the principles of the ‘tilted balance’ that apply where a local planning authority cannot demonstrate a 5 year housing supply or have failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. Where the tilted balance applies, decision makers should grant permission unless NPPF policies on protected areas or assets of particular importance provide a clear reason for refusing development or, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against NPPF policies taken as a whole. The tilted balance has the effect of shifting the weight in the planning balance away from local policies and towards the NPPF.
- 4.3 The Council scored below 75% in the most recent Housing Delivery Test results and therefore the ‘tilted balance’ applies to the determination of this planning application.

5. Relevant site history/background information

- 5.1 21/00304/FUL - Demolition of existing garage block. Construction of a two storey block of four flats, with associated parking, cycle and refuse storage, and landscaping. Planning permission granted 20 May 2021.

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 upon neighbouring residential amenity;
- (e) Highways, refuse and cycling provision; and
- (f) Trees and landscaping
- (g) Other matters

As the application is for minor material amendments under section 73, only those aspects of the approved scheme that are to be amended can be considered in determining this application.

- 6.2 (a) Principle of development
The site is allocated for housing (Site HS01) in the Local Plan with an indicative yield of 5 units. Planning permission has also previously been granted for a development of 4 flats under planning permission 21/00304/FUL which

remains extant. The principle of residential development is therefore acceptable. The amended proposal will incorporate one 3 bed flat which accords with Policy HO3.2.

6.3 (b) Scale and design

The immediate area surrounding the application site consists predominantly of residential uses, with a consistency in terms of building design and scale. Link detached dwellinghouses feature along The Glebe to the west of the site, with flatted blocks of two and three storeys within the cul-de-sac of Lych Gate. The general materiality is uniform, comprising of red and yellow brickwork, uPVC windows and concrete roof tiles.

6.4 The approved building is two storeys with a rectangular footprint. It has a width of 23 metres and a depth of between 6.2 and 6.5 metres. The building would have a shallow pitched roof with gabled ends to either side. The ridge height of the roof is 8 metres and the eaves height is 5.6 metres. The scale and design of the building with pitched roofs and gable ends relates well to the surrounding built form of Lych Gate in terms of its character and appearance and the siting of the block maintains the building line established by the neighbouring blocks to the east and west of the site.

6.5 The current proposal maintains the approved siting and footprint of the approved building. The main change is to the roof with the eaves being raised by 75mm and the roof pitch being increased from 30° to 40°. This results in an increase in the height of the ridge by 1008mm. This change in the pitch of the roof and the ridge height would not be out of keeping with the character of the road as the two-storey semi-detached houses in the road have steeper roof pitches and higher relative ridgelines compared to the three storey blocks of flats. There are no other changes to the approved front elevation. On the rear elevation, one first floor window is removed (to accommodate the stairs to the roofspace) and a total of 12 rooflights are introduced in the rear roofspaces to serve the new accommodation in the roofspace.

6.6 Overall, the proposed changes will have no harmful impact on the character and appearance of the building, the streetscene in Lych Gate or the wider area.

6.7 (c) Quality of residential accommodation

As proposed amendments to the approved scheme will provide 4 flats as follows:

Ground floor Flat 1 – 1 bed, 2 person (as approved)

Ground floor Flat 2 – 2 bed, 3 person (as approved)

First floor Flat 3 duplex – 2 bed, 4 person

First floor Flat 4 duplex – 3 bed, 5 person

- 6.8 All of the flats will meet or exceed the Nationally Described Space Standard. All will remain as dual aspect with good levels of outlook, natural light and privacy. Each flat will have a private amenity area, as previously approved. These range in size from 24m² – 40m² and all exceed the minimum standard in Policy HO3.11.
- 6.9 (d) Impact upon neighbouring residential amenity
Due to the siting of the building in relation to surrounding properties, the proposed amendments will have no materially greater impact on surrounding properties. The additional rooflights in the rear roofslopes will overlook the adjacent garages. The additional height of the ridgeline will have no additional impacts on sunlight or daylight.
- 6.10 (e) Highways, refuse and cycling provision
The proposal retains 5 parking spaces as approved at the front of the site. Whilst this exceeds the maximum provision of 1 space per dwelling set out in the Local Plan, this element of the scheme remains unchanged. The siting of bin and cycle stores to serve the flats has been amended but remains acceptable.
- 6.11 The majority of the objections relate to inadequate parking provision and the existing parking problems experienced in Lych Gate and the adjoining roads. A parking stress survey was undertaken and submitted as part of the original planning application. The results of the parking stress survey revealed that the demand for on-street car parking did not exceed actual supply, with there being an average of 11no. spare spaces in the study area. The development proposals were not found to result in demand exceeding capacity on the local highway network and the 3no. displaced vehicles from the current on-street parking in front of the application site could be accommodated within existing capacity. The proposed amendments to the approved development do not result in the need for additional parking provision and, as referred to above, the approved provision of 5 spaces exceeds the current maximum standard in the Local Plan.
- 6.12 (f) Trees and landscaping
A Norway Maple tree is sited on land adjacent to the site at 10-26 Cedar Court, which is designated as a Category B tree, with significant visual amenity value. At the time of the original application, the Council's Tree Manager assessed the proposals, finding that the proposed construction of the development would have limited impact to the root protection area (RPA) and

canopy extent of the tree. A condition was recommended and imposed requiring an updated Arboricultural Method Statement and Tree Protection Plan. Landscaping was proposed around the building and this remains unchanged.

6.13 Other matters

The new Local Plan has been adopted since the original permission was granted. Policy HO3.10 requires all new housing to be built to comply with M4(2) of the Building Regulations and Policy CC8.3 requires a water efficiency target of 110 litres per person per day to be achieved. These can both be secured by condition. Policy ST11.5 requires electric vehicle charging points to be installed. This can also be secured by condition.

6.14 Pursuant to planning permission 21/00304/FUL, details have been submitted for the construction management plan (Condition 3), external materials (Condition 4), tree protection measures (Condition 5) and bin and cycle stores (Condition 8) under application ref. 23/00937/DISCON. Given the limited site area, the proposed construction management plan will minimise impacts during construction and is considered acceptable. The tree protection measures are also considered acceptable.

6.15 With regard to external materials, the existing 2 storey blocks comprise brown roof tiles with red multi bricks and cream render. The 3 storey blocks comprise brown roof tiles and buff bricks. All blocks have white windows and doors. The proposed materials for the new building include dark red multi plain roof tiles (Redland), red multi bricks (Freshfield Lane) and dark grey aluminium windows and doors. Whilst not seeking to replicate the existing materials, they will provide a complementary palette of materials to the existing varied materials seen in the road and are considered acceptable.

6.16 The bin stores are in timber with opening lids designed for individual bins. Triple bin stores are shown for each flat (general waste, dry recycling and garden waste). The cycle stores are in close boarded timber, being secure and weatherproof, and can each accommodate 3 cycles. One store is provided for each flat. These details are shown on submitted drawing no. 1445/P/1A and are considered acceptable.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

None required.

7.3 Interested parties

Letters were sent to 16 properties in the surrounding area. Responses have been received from 13 properties, 12 in objection and 1 in support. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Impact on existing parking problems. Inadequate parking provision. Will generate more traffic. Loss of existing on-street parking and garages. Parking survey carried out was inadequate.	The existing parking provision remains as approved with the proposed 5 spaces exceeding the new standard in the Local Plan. The proposed amendments do not impact on parking provision. See paragraphs 6.9-6.11 of this report.
Inconsiderate parking causing difficulties for emergency vehicles.	This is not a matter that can be controlled through the planning system and is not a material consideration.
Roof pitch not in keeping with current properties. Proposed building not in keeping with the road.	The roof pitch and height reflects that of the surrounding properties, as shown in the streetscene elevations.
Overlooking of surrounding properties. Loss of sunlight.	See paragraph 6.9 of this report.

8. Recommendation

That planning permission be granted subject to the conditions below:

Conditions

1. The development to which this permission relates shall be begun before 20 May 2024.

Reason: To comply with the commencement time period of planning permission 21/00304/FUL.

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

1445/P/1A, 1445/P/2, 1445/P/3, 1445/P/4A, 1445/P/5A, 1445/P/6A

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

3. The development shall only be carried out in accordance with the approved construction management plan under ref. 23/00937/DISCON. The approved plan shall be implemented at all times during development works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway, and for the free and safe movement of vehicles.

4. The development shall be carried out only in accordance with the approved external materials under application ref. 23/00937/DISCON.

Reason: In the interests of the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

5. The development shall only be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan by DCCLA (dated March 2021). The tree protection measures approved under this condition shall be implemented prior to the commencement of any works and shall be maintained as such at all times whilst the construction works take place.

Reason: To ensure the existing tree which makes a positive contribution to the visual amenity of the area is retained and not harmed by the development in accordance with Policy NE9.1 of the Watford Local Plan 2021-2038.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors; and
 - Potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. No development shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures

8. Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed planting shall be completed not later than the first available planting and

seeding season after completion of the development. Any new trees or plants which within a period of five years, 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 in accordance with Policies NE9.1 of the Watford Local Plan 2021-2038.

9. No dwelling shall be occupied until the cycle stores and bin stores to each flat have been constructed in accordance with the proposed site layout and store details shown on drawing no. 1445/P/1A. The stores shall be retained as approved at all times thereafter.

Reason: To ensure adequate facilities are provided for the future occupiers.

10. Prior to the first occupation of the development hereby approved, electric vehicle charging points shall be installed to serve the 5 parking spaces and made available for use. The electric charging infrastructure shall be retained at all times thereafter.

Reason: To ensure that the proposed development achieves high levels of sustainability, in accordance with Policy ST11.5 of the Watford Local Plan 2021-2038.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

12. The two side-elevation windows at first floor level (facing east and west) shall be installed and retained with obscure-glazing and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the internal floor level of the rooms in which the windows

are installed prior to first occupation and retained for the lifetime of the development.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

13. The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

Reason: To minimise the environmental impact of the proposed development, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

14. The development hereby approved shall be constructed to The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To meet the needs of older people and those with mobility issues, in accordance with Policy HO3.10 of the Watford Local Plan 2021-2038.

Informatives

1. IN907 - Positive and proactive statement - GRANT
2. IN910 - Building Regulations
3. IN912 - Hours of Construction
4. IN909 - Street Name and Numbering
5. IN913 - Community Infrastructure Level Liability
6. IN808 – Vehicular Crossover
7. HIGH – Storage of Materials – Highway
8. OBSHIG – Obstruction of the Highway
9. MUD – Mud on highway