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| Committee date | Tuesday, 9 January 2023 |
| Application reference Site address | 23/00928/FULH - 2 Rother Close, Watford, WD25 0DW |
| Proposal | Retrospective demolition of garage and retention of the existing outbuilding as built for incidental use in connection with the main dwellinghouse. |
| Applicant | Mr Amit Shah |
| Agent | Shah Designs Limited (Mrs Darshika Shah) |
| Type of Application | Full Planning Permission |
| Reason for committee Item | 5 objections received |
| Target decision date | 11 January 2023 |
| Statutory publicity | Neighbour letters |
| Case officer | Estelle Pengelly, estelle.pengelly@watford.gov.uk |
| Ward | Stanborough |

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 comprises a semi-detached bungalow on the corner of Severn Way and Rother Close.
- 2.2 The property is not located in a designated conservation area or other Article 2(3) land and is not a listed building.

Summary of the proposal

3. Proposal

- 3.1 Retrospective demolition of garage and retention of the existing outbuilding as built for incidental use in connection with the main dwellinghouse. The outbuilding is shown to be used for storage, a home gym and office. It is 5.9m wide and 5.5m deep with a dual pitched roof with a ridge height of 4.0m and two rooflights. The building is finished in brick with white upvc windows and doors.

3.2 Conclusion

The proposed uses of the outbuilding are considered to be for purposes incidental to the enjoyment of the main dwellinghouse. The character and appearance of the host dwelling and surrounding area would not be harmed, and the amenity of neighbouring dwellings would not be impacted.

There are considered to be no adverse effects that outweigh the benefits of the proposal, therefore it is recommended that the application should 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 11/01139/FULH: Erection of a single storey side and rear extension including loft conversion. Granted 11.01.2012.

22/01400/FULH: Proposed extension of existing garage and conversion to habitable space for use as a gym. Granted 13.01.2023.

67/04220/FUL: Erection of garage. Granted 23.05.1967.

It is noted that the current application was submitted as the outbuilding was not constructed in accordance with the previously approved drawings under application 22/01400/FULH. The previously approved outbuilding was 6.4m deep and 5.8m wide with a lower ridge height and only one door. A garage door was supposed to be installed in the new outbuilding and a pre-existing garage wall was supposed to be incorporated into the new outbuilding. The garage was entirely demolished.

- 5.2 The current application was therefore submitted on 12th October 2023 to regularise the outbuilding.

6. Main considerations

- 6.1 The main issues to be considered in the determination of this application are:
- (a) Use of the outbuilding
 - (b) Scale and design

(c) Impact on the residential amenities of neighbouring properties

6.2 (a) Use of the outbuilding

Paragraph 8.16 of the Residential Design Guide (RDG) states that outbuildings are generally appropriate in residential areas when their uses are incidental to the use of the dwellinghouse. Non-incidental uses would include, but are not limited to, independent business premises or independent dwellings. These non-incidental uses can create unacceptable habitable accommodation, harm to the built form of an area and harm the amenities of the neighbouring occupiers. Determining the nature of the non-incidental use is a case by case matter considering factors such as the size and location of the building, its relationship to the main dwelling, its facilities, its amenities and the intended use by the current occupier.

6.3 In this case, based on the information submitted and the case officer's site visit, the outbuilding is to be used for storage, a home gym and office. There isn't a kitchen and therefore officers are satisfied that the outbuilding would be used for purposes incidental to the enjoyment of the main dwellinghouse. The LPA requested a s.106 unilateral undertaking to prevent the landowner of the property, and any future landowners from using the outbuilding for uses that are not incidental to the main dwelling, thus restricting the building being used as an independent dwelling. An acceptable undertaking has been received.

6.4 (b) 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 8.16 of the Residential Design Guide (RDG) states that stand-alone detached buildings within the curtilage of existing properties are only likely to be acceptable in the gardens of properties where such buildings form part of the existing character of the area. Their acceptability will be subject to their size and the size of the garden.

6.5 An outbuilding was already assessed and considered acceptable under application 22/01400/FULH. The current outbuilding has a slightly smaller footprint (33m²) compared to the previously approved outbuilding (38m²) and the ridge height is 1m higher than previously approved. It is considered that the reduced footprint and increased height would not result in a development which is unduly out of character in the streetscene. On this basis, it is acceptable in terms of scale and design.

6.6 (c) Impact on the residential amenities of neighbouring properties

Paragraph 8.4 of the Residential Design Guide (RDG) states that proposals must not adversely affect the level of amenity enjoyed by the occupiers of neighbouring properties. The adjoining properties potentially affected by the outbuilding would in this case be No. 3 Avon Close.

- 6.7 The outbuilding is sited close to the shared boundary with No. 3 Avon Close. The outbuilding might have a modest impact on the neighbour at No. 3, however, due to the separation distance between the outbuilding and the neighbour's dwelling, and the neighbour's existing outbuilding close to the boundary, the impact of the outbuilding is considered limited and not so detrimental such as to warrant a reason for refusal on amenity grounds.
- 6.8 On this basis, the proposal would not result in any unacceptable effects on the neighbour's residential amenity and therefore the proposal is deemed acceptable.

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 8 properties in the surrounding area. Five objections were received from 5 properties. The main comments are summarised below, the full letters are available to view online:

| Comments | Officer response |
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| Demolition of a garage, according to planning information, the garage was built in 1967. Before demolition was it checked for asbestos and if it did contain any was it removed in a legal manner? | This matter is not a material planning consideration. The former garage has been demolished and the application is to retain the existing building. |
| The erection of the new structure is not the same as the original plan and now looks like an independent dwelling. | The applicant is trying to regularise the outbuilding retrospectively with this application. The outbuilding would not be used as an independent dwelling. |
| The plans now show a toilet/basin/shower and kitchen facilities | The pre-existing plans show a kitchen. The kitchen has now been removed. |

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| <p>Has the Council received Building Regulation certificates for this building?</p> | <p>This matter is not a material planning consideration. Building control documents are not public records, only solicitors can request and pay for copies of completion certificates.</p> |
| <p>New buildings should surely be built 'for life' with doors wide enough to take wheelchairs. This building also has steps up to both doors.</p> | <p>There is no planning policy requirement to provide wheelchair access to the outbuilding.</p> |
| <p>During the months this unit has been constructed the site has been untidy with open skips, mess on the public footpath and vehicles parked on the public footpath.</p> | <p>This matter is not a material planning consideration.</p> |
| <p>If the Council are mindful to pass this application it could set a precedent.</p> | <p>Each application is assessed on its own merits and site specific circumstances. A larger outbuilding, with a lower ridge height, has already been granted planning permission.</p> |
| <p>The building was meant to be a gym but clearly the intention is for habitation or business use.</p> <p>If the Council is mindful to pass this application, it should include an undertaking the building will not be used as a separate dwelling.</p> | <p>The application is for the outbuilding to be used for purposes incidental to the main dwellinghouse. The LPA requested a s.106 unilateral undertaking to prevent the landowner of the property, and any future landowners from using the outbuilding for uses that are not incidental to the dwelling, thus restricting the building being used as an independent dwelling. An acceptable undertaking has been received.</p> |
| <p>The additional entrance door to the side aspect that has been added which was not on the original plan now overlooks properties on Severn Way.</p> | <p>The door and window would not have a detrimental impact on neighbouring amenity due to the siting of the outbuilding and the distance of the door and window from the nearest dwelling on Severn Way (36m).</p> |
| <p>The installation of the dummy garage door has not happened, enhancing the fact that the</p> | <p>The scale and design of the outbuilding is considered acceptable as discussed in paragraph 6.5.</p> |

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| building looks like a separate house. | |
| I am objecting to the location plans as these are incorrect. The boundary line on the submission does not match what is clearly on the Title Deeds for this property. The boundary line is as per number 1 and number 3 Avon Close Title Deeds in that the two areas in orange and blue belong to these two owners and the other area is a shared access. Please review original comments provided by both parties for the previous application. Therefore no vehicles should be parking here. | <p>Planning permission does not overrule any existing legal covenants in title deeds in regard to shared access with neighbours.</p> <p>The proposal does not relate to parking.</p> <p>This is a civil matter to be resolved between neighbours.</p> |
| We object to the height and size of the new dwelling which is out of proportion to the existing buildings | The outbuilding is single storey and set back from the highway. As such it is not unduly prominent in the streetscene to warrant a reason for refusal on these grounds. |
| My understanding of this new application is that the owner/applicant intends to use it as a dwelling. | The planning permission would not allow the applicant to use the building as a dwelling. |

8. Recommendation

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

Conditions

1. Approved drawings

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

SD2341(P)03,

SD2341(P)01-B,

Site Location Plan.

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

Informatives

1. IN907 – Positive and proactive statement
2. UU – Outbuilding UU