

Committee date	Tuesday, 9 January 2023
Application reference	23/01007/FUL
Site address	350 Cassiobury Drive, Watford, WD17 3AW
Proposal	Part retrospective application for the demolition of existing dwelling house and erection of a replacement dwelling house.
Applicant	Mohamed Rajabali and Tahera Nasser
Agent	Mr Lapas Chowdhury
Type of Application	Full Planning Permission
Reason for committee Item	More than 5 objections were received
Target decision date	11 January 2023
Statutory publicity	Neighbour letters
Case officer	Estelle Pengelly, estelle.pengelly@watford.gov.uk
Ward	Park

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 application site comprises a substantially demolished property located at the end of Cassiobury Drive in the Park Ward. The site is not located in a designated Conservation Area or other Article 2(3) land and is not subject to an Article 4 direction.
- 2.2 The area is characterised by large detached properties varying in styles and designs with various extensions and generous rear gardens.

3. Summary of the proposal

3.1 Proposal

Planning permission is sought for the construction of a two storey dwelling house following the demolition of the pre-existing two storey dwelling. The dwelling would have 2 two storey front gables, a front porch and a dual pitched dormer to the front elevation. The roof would be hipped and increased in height by 1.8m compared to the pre-existing dwelling's height. Two storey hipped roof side additions, slightly set back from the main front elevation and set down from the main roof ridge would be constructed on

each side of the dwelling. A single storey element would wrap around the northern side and rear of the dwelling. To the south side elevation, a small single storey element would be 0.75m from the shared boundary with No. 348 Cassiobury Drive. The rear elevation would have two dual pitched dormers. The dwelling would have 6 bedrooms and a play room in the loft.

- 3.2 It is noted that the site has an extensive history and several applications have been granted for large extensions to the pre-existing dwelling. The current application was submitted following the demolition of the pre-existing dwelling as the extensions under the recent planning permission 23/00094/FULH are not capable of being implemented because the dwelling no longer exists.
- 3.3 Compared to the recently granted scheme for extensions (23/00094/FULH), the new dwelling would be 5.6m from the front boundary line compared to the previously approved 7.7m distance from the front boundary line. The new dwelling introduces a separation distance of 0.75m between the new dwelling and the neighbour's dwelling at No. 352 Cassiobury Drive. The previously approved scheme for extensions did not propose dormer windows or two storey front gables.
- 3.4 It is noted that the applicant increased the single storey element at the rear of the dwelling after the application was submitted and therefore the neighbours were re-notified following the receipt of the amended drawings.

3.5 **Conclusion**

The proposed dwelling is considered to be of a scale and design appropriate to the surrounding context, and the character and appearance of the surrounding area would not be harmed. The proposed dwelling would not have an adverse effect on the amenity of the neighbouring dwellings and 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 23/00072/FULH: Erection of two storey side and rear wrap around extensions with hipped roof detail and part single storey side extension. Granted 12.04.2023.

23/00094/FULH: Erection of double storey wrap around side and rear extension with part single storey extension with all new hipped main roof. 28.03.2023.

23/00840/PREAP2: Pre-application enquiry for - Part retrospective application for the demolition of existing dwelling house and erection of a new dwelling house. Responded 11.10.2023.

22/00554/FULH: Double storey side and rear extensions with hipped roof detail. Refused 20.06.2022.

22/00935/FULH: Erection of double storey side and rear extensions with hipped roof detail. Granted 29.09.2022.

22/00940/FULH: Proposed double storey side and rear extensions with associated roof works. Single storey rear extension. Granted 16.09.2022.

22/00961/FULH: Erection of double storey side and rear extensions with associated roof works. Granted 16.09.2022.

22/01189/FULH: Double storey side and rear extensions with hipped roof detail and part single storey. Granted 09.11.2022.

22/01416/FULH: Erection of double storey side and rear extensions with hipped roof detail and part single storey. Granted 25.01.2023.

6. Main considerations

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

- (a) Scale and design and the effect of the proposal on the character and appearance of the area.
- (b) The effect of the proposal on the living conditions of the occupiers of neighbouring properties.
- (c) Living conditions for future occupiers of the proposed development
- (d) Highway impact and parking
- (e) Landscaping and bin storage

6.2 (a) Scale and design and character of the area

Policies QD6.1, QD6.2 and QD6.4 of the Watford Local Plan seek high quality design in all new development.

- 6.3 Officers acknowledge that the proposals are not entirely compliant with the advice in the Residential Design Guide (RDG), however, there are site specific circumstances which mean that the variations to RDG guidance would not cause harm in this instance.
- 6.4 Most of the properties within the immediate vicinity of the application site have been significantly extended and vary in appearance. The new dwelling, when viewed within the context of the streetscene would be comparable to the neighbouring dwellings due to its position at the end of the cul-de-sac and set back from the highway. It is also considered that the introduction of two front gables break up the massing would overall be an improvement compared to the previously granted permission for extensions.
- 6.5 In terms of the proposed increased height, only a portion of the roof would be increased in height. The two side hipped elements would be set down from the increased roof and would be comparable to the roof heights of neighbouring dwellings. The dwelling is also further set back from the highway compared to the neighbouring dwellings. Officers therefore consider the increased ridge height acceptable as the roof would not be overly prominent in the streetscene or cause harm to the character and appearance of the area.
- 6.6 The proposed dormers would accord with the RDG's guidance for dormer windows and be subservient additions on the proposed roof. The proposed dormers are therefore considered acceptable.
- 6.7 Overall, due to the location of the property in the streetscene and the size and variety of the neighbouring dwellings, the proposed dwelling is not considered to cause any harm to the character and appearance of the area and is therefore acceptable in scale and design.

6.8 (b) Impact on the residential amenities of neighbouring properties

The adjoining properties potentially affected by the proposals would in this case be Nos. 348 and 352 Cassiobury Drive and Nos. 81, 83 and 85 Harford Drive.

- 6.9 Having regard for the splayed outward relationship between the properties on Cassiobury Drive, the neighbours' existing extensions, the properties' large rear gardens and the separation distances of the two storey elements of the

proposal from the neighbours, officers consider it unlikely that the proposal would have a significant harmful impact on the neighbours in terms of loss of sunlight/daylight, outlook, privacy or create a sense of enclosure. The new first floor side windows will be conditioned to be obscure glazed and non-opening below 1.7m above internal floor level.

- 6.10 In terms of the neighbours at the rear on Harford Drive, the residential amenity aspects of the proposal remain unchanged from the previous application 23/00094/FULH as the two storey element would be the same distance from the rear boundary as previously approved.
- 6.11 The RDG suggests a minimum direct distance between upper level habitable rooms on a rear elevation and property boundaries of 11m should be achieved in order to minimise overlooking of private gardens. Officers acknowledged in previous reports that the proposal does not conform to this guidance as the distance of the closest rear upper level habitable room window and the rear boundary would be 7m. The proposed two storey dwelling and rear dormers would be more than 43m from the nearest habitable windows on the neighbouring properties at the rear with the average garden depths varying from 36m-40m. Therefore, officers consider the impact on the neighbours at the rear (Nos. 81, 83 and 85 Harford Drive) would be limited and not so detrimental such as to warrant a reason for refusal on loss of privacy and overlooking grounds.
- 6.12 On this basis, the proposed development is deemed acceptable in terms of residential amenity.

- 6.13 (c) Living conditions for future occupiers of the proposed development

Policy HO3.10 of the Local Plan requires new dwellings to meet or exceed the Nationally Described Space Standard (NDSS). The new dwelling would comply with the NDSS. Policy HO3.11 sets out the requirements for private amenity space for new dwellings. The proposal complies with the minimum 25sqm of garden area required by Policy HO3.11 and is therefore acceptable.

- 6.14 (d) Highway impact and parking

Policy ST11.5 of the Local Plan sets maximum parking provisions. The maximum provision is one space per dwelling. In this case, no parking is indicated but officers are satisfied that the front garden would provide sufficient space for one car.

- 6.15 (e) Landscaping and bin storage

No landscaping or bin storage details were provided. Two separate conditions will be imposed requiring details of the bin storage and soft landscaping.

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 10 properties in the surrounding area. Seven objections were received from 7 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer's response
<p>The applicant is making a mockery of the planning process by submitting plans that are a vast footprint compared to the very first application that was rejected by the council.</p>	<p>The Council cannot prohibit applicants from submitting multiple applications and has a statutory duty to assess and determine all submitted applications. Each application is assessed on its own merits.</p>
<p>The submission of multiple nearly identical applications, as outlined in the Design & Access Statement, coupled with the demolition of the existing dwelling to gain additional planning advantages, suggests a calculated effort to circumvent and frustrate the planning process. This approach raises questions about the transparency and fairness of the application process.</p>	<p>The first application was refused due to poor design. The current application is considered an improved design compared to the initial refused scheme and the other subsequent granted schemes.</p>
<p>The new footprint is double the original plot size meaning it is significantly out of proportion to the adjoining properties. The applicant compares the new dwelling against the significantly larger previously approved scheme.</p>	<p>Officers acknowledge that the size of the dwelling is larger than the original dwelling, however, this is comparable to most of the properties in the street. The applicant compared the footprint of the new dwelling to the previously approved scheme as this planning permission carries weight in the current application. In relation to</p>

<p>An additional 1/2 storey raises the street scene ridge height by more than 1500mm which is out of line with the other properties.</p>	<p>the other dwellings, and due to the siting of the dwelling within the plot and at the end of a cul-de-sac, it is considered that the new dwelling would not cause any significant harm to the character and appearance of the area. Refer to paragraphs 6.3 – 6.7.</p>
<p>The property has no garaging facility (this has been removed as it was present on the extension plan) and has rather limited space at the front for vehicles, given the size of the proposed property I believe the space for parking is totally inadequate.</p> <p>Concern that neighbours will be inconvenienced or even blocked from accessing their properties due to lack of parking and on-street parking if the development goes ahead.</p>	<p>Policy ST11.5 of the Local Plan sets maximum parking provisions. The maximum provision is one space per dwelling. In this case, no parking is indicated but the front drive could accommodate one vehicle. Refer to paragraph 6.14.</p> <p>Blocking of properties' access is a matter to be reported to the police and is not a matter that can be enforced via the planning process.</p>
<p>If this latest application is permitted, the applicant is effectively being rewarded for an open disregard for the planning process which surely sets a concerning precedent for the borough.</p>	<p>The planning application process does not allow for punitive measures where an application is submitted retrospectively. Each planning application must be determined on its individual planning merits taking account of the Local Plan policies and other material planning considerations.</p>
<p>An additional 1/2 storey raises overlooking questions.</p>	<p>The proposed rear dormers would be more than 43m from the nearest habitable windows on the neighbouring properties at the rear. The impact on the neighbours is considered limited and not so detrimental to warrant a reason for refusal on these grounds. Refer to paragraphs 6.10 and 6.11.</p>
<p>Natural light levels to No. 352's back garden (especially in the</p>	<p>The new dwelling might slightly reduce sunlight to the garden of No.</p>

<p>morning) will be reduced when compared to the existing house.</p>	<p>352, however, due to this property's large rear garden the new proposed dwelling wouldn't undermine the neighbouring property to an extent that would warrant a reason for refusal in terms of loss of light for this application. Refer to paragraph 6.9.</p>
<p>Concerned about the amount of builders traffic that will be required to enable any dwelling to be erected especially given the high foot fall of school bound pedestrian traffic coming through the pathway between 354 and 243 Cassiobury Drive, I therefore request that a restriction concerning builders traffic be put in place to prevent such traffic from accessing the site from 8.15- 9am and again from 3.10- 3.45 for the duration of any construction so as to avoid accidents with the children.</p>	<p>Noted. This matter is not a material planning consideration.</p> <p>The applicant 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.</p>
<p>Impact on the privacy of our garden and property due to the proposed sizing, third storey and proximity of the proposed dwelling to the rear boundary line.</p>	<p>Due to the properties on Harford Drive having large gardens, it is considered that the overlooking impact on these neighbours wouldn't be so detrimental to warrant a reason for refusal on these grounds. Refer to paragraphs 6.10 and 6.11.</p>
<p>The Design & Access Statement states that the increase in roof ridge height and alterations to the footprint may have adverse effects on the natural light, outlook, and privacy of these neighbouring properties, contravening the principles of harmonious coexistence.</p>	<p>There are a few errors in the Statement. The proposed block plan in section 4.9 is incorrect. The last paragraph in section 4.4 states the proposal should not be supported. This was likely copied by mistake from one of the pre-application advice letters. The roof height increase in section 4.3 is incorrect (should be 1.8m, not 1.4m). Officers acknowledge that there are errors in the Statement, however, the full details of the application are clear</p>

	from the plans from which an assessment can be made.
The Design & Access Statement references various planning policies and development guides, including the National Planning Policy Framework, Watford Local Plan, and Residential Design Guide. However, it does not convincingly demonstrate how the proposed scheme aligns with these policies, especially considering the retrospective nature of the application and deviations from previous planning permissions. This lack of alignment raises concerns about the project's compliance with established planning regulations.	The case officer's report highlights how the proposal accords with local and national policies.
The application fails to address potential detriments to the community, including the impact on the character and street scene of Cassiobury Drive. The precedent set by allowing retrospective applications for demolition without adequate community benefit is a cause for significant concern.	Officers have assessed the application and concluded that the proposal is acceptable in scale and design. Refer to paragraphs 6.3 – 6.7. The applicant is liable for CIL charges due to the unlawful demolition of an existing dwelling.
If the 3rd floor is to be genuinely designed as a games room then why the need for dormer windows, the style of which would allow potentially multiple occupants to overlook our property? This would constitute an invasion of privacy particularly in the warmer months of the year when we would be spending more time in the garden.	Officers consider it appropriate and reasonable that the windows are needed for light and fresh air, whatever the use of the room. In this case, due to the splayed outward relationship between the properties, the neighbours' existing extensions, the properties' large rear gardens and the separation distances of the two storey elements of the proposal from the neighbours, officers consider it unlikely that the proposal would have a significant

	harmful impact on the neighbours in terms of loss of sunlight/daylight, outlook, privacy or create a sense of enclosure.
Given the serious nature of these concerns and the evidence presented in both the Design & Access Statement and previous objections, I urge the Watford Council Planning Department to conduct a thorough and immediate investigation into this matter. It is imperative to uphold the integrity of the planning application process and ensure that the community's concerns are appropriately addressed.	The Council has investigated the unlawful demolition and a planning application has been sought in order to attempt to resolve the situation. This application is assessed in accordance with local and national policies which do not include punitive measures. In this case, the proposed new dwelling was assessed and considered acceptable in terms of local and national policies.

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:

PL-08, PL-10, PL.12, PL.15, PL.16, PL-04A, PL-05A, PL.02, PL-11, PL.13, PL.14, PL.15, PL-07A, PL-09A, PL-06A, PL.08B, PL.01_RevA.

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

3. Materials

No construction works shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, doors and windows 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 Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. Obscure glass

The proposed first floor side windows in the northern and southern 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.

5. The development hereby approved shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority to confirm that the dwellings have been completed 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 impact of the development on the environment, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

6. No part of the development shall be occupied until the details of the design and materials of the bin storage have been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be installed in

accordance with the approved details and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate bin storage that meets the needs of future occupiers and in the interests of the appearance of the site, in accordance with Policy QD6.4 of the Watford Local Plan 2021-2038.

7. No part of the development shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme 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, in accordance with Policy NE9.1 of the Watford Local Plan 2021-2038.

8. 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.

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no enlargements of the dwellinghouse permitted under Classes A, AA or B shall be carried out or constructed without the prior written permission of the Local Planning Authority.

Reason: The removal of permitted development rights under Classes A, AA and B is necessary to ensure that any developments are carried out in a manner which will not be harmful to the character and appearance of the property and the wider area, and will not prove detrimental to the amenities of neighbouring occupiers.

Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN912 – Hours of Construction
5. IN913 – Community Infrastructure Levy (CIL) liability