



DEVELOPMENT CONTROL COMMITTEE

Thursday, 19th September, 2013

7.30 pm

Town Hall, Watford

Publication date: 11 September 2013

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Rosy Wassell in Democracy and Governance on 01923 278375 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors N Bell, I Brandon, S Johnson, A Joynes, I Sharpe, M Watkin and T Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 29 August 2013 to be submitted and signed.
(All minutes are available on the Council's website.)

CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
 2. Any remaining items that the Committee agree can be determined without further debate.
 3. Those applications where Members wish to discuss matters in detail.
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4. **OUTSTANDING PLANNING APPLICATIONS** (Pages 1 - 2)
A list of outstanding planning applications as at 10 September 2013.
 5. **52A TO 56 HIGH STREET** (Pages 3 - 22)
Application for a variation of Condition 13 of planning permission ref. 10/00121/EXT for the redevelopment of the site to provide 4, 5 and 7-storey buildings comprising ground floor retail use and 56 flats without the provision of basement car parking and with the projecting balconies replaced by Juliette balconies

6. SCEPTRE SERVICE STATION, ST ALBANS ROAD (Pages 23 - 32)

Application to determine whether prior approval is required for the siting and appearance of a 15m high monopole telecommunications mast

7. LAND AT NEWHOUSE CRESCENT (Pages 33 - 44)

An application to determine whether prior approval is required for the siting and appearance of a 12m high monopole telecommunications mast (with the appearance of a telegraph pole) containing 3 no. antennas and supporting 1 no. 300mm diameter transmission dish

8. 11 THE PIPPINS (Pages 45 - 58)

An application for the erection of a single storey rear conservatory

LIST OF OUTSTANDING PLANNING APPLICATIONS AS AT 10 September 2013

A total of 4 application reports are included on this agenda for decision, of which 4 will be within the Government's target

dates for determination of applications

On 10.09.13 there were 1 applications over 8 weeks not yet determined but under consideration by the Development Management Section Head as follows:

<u>NUMBER</u>	<u>ADDRESS</u>	<u>DESCRIPTION</u>	<u>DATE VALID</u>	<u>REASON FOR NON-DETERMINATION</u>
<u>Over 13 Weeks</u>				
13/00343/OUTM	8 -12 Chalk Hill Watford WD19 4BH	Outline application for change of use from commercial to residential, including demolition of existing buildings and the construction of 164 residential units comprising 63x1 bed flats, 96x2 bed flats and 5x3 bedroom houses with a public car park comprising 64 car spaces and 50 cycle spaces and a residential car park comprising 278 car spaces and 112 cycle spaces.	10/06/2013	Awaiting further information from applicant.

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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	19th September 2013
Site address:	52A-56 High Street
Reference Number :	13/00828/VAR
Description of Development:	Variation of Condition 13 of planning permission ref. 10/00121/EXT for the redevelopment of the site to provide 4, 5 and 7-storey buildings comprising ground floor retail use and 56 flats without the provision of basement car parking and with the projecting balconies replaced by juliette balconies
Applicant:	J M Rowe (Investments) Ltd
Date received:	9th August 2013
8 week date(minor):	4th October 2013
Ward:	CENTRAL

SUMMARY

On 22nd April 2010, planning permission was granted for the redevelopment of the site to provide retail use at ground floor and 56 flats with undercroft and basement car parking (ref. 10/00121/EXT). This is an application for a minor material amendment to this permission to vary Condition 13, which lists the approved drawings, by substituting amended drawings to delete the basement car park and replace the projecting balconies with juliette balconies.

The reason for the changes proposed in the application is to improve the viability of the scheme which was first granted permission in May 2007 but has not been commenced.

The approved scheme originally proposed 42 car parking spaces with 19 at ground level in an undercroft and 23 spaces in a basement car park. As the site is within the town centre where car free development is acceptable in principle, the loss of the 23 basement parking spaces is acceptable. The revised ground floor layout still provides 21 parking spaces. The replacement of the previously approved projecting balconies with juliette balconies will not have a significant adverse impact on the appearance of the proposal or on the amenities of the future occupiers.

The Development Management Section Head therefore recommends that the application be approved, subject to appropriate conditions and the completion of a new planning obligation, as set out in the report.

BACKGROUND

Background to proposals for minor material amendments

The submitted application is for a minor material amendment to the extant planning permission ref. 10/00121/EXT to vary Condition 13 which lists the approved drawings. The application is made under s.73 of the Town and Country Planning Act 1990, as amended. This will allow a new planning permission, incorporating the proposed amendments, to be granted.

A streamlined procedure for making minor material amendments to extant planning permissions was introduced on 1st October 2009 as part of a package of measures to introduce greater flexibility into the procedures for amending planning permissions.

Guidance from Communities and Local Government in the determination of such applications requires local planning authorities to take a 'positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly'. The development would have been judged to be acceptable at an earlier date, and this therefore acts as a material consideration to be taken into account in the determination of this application under Section 38(6) of the Planning and

Compulsory Purchase Act 2004. However, local planning authorities are also required to take into account any changes in national, regional and local planning policy made since the determination of the original planning permission. In the case of this application, since June 2010, when the current planning permission was granted, there have been significant changes in policy at national, regional and local level. These include the publication of the National Planning Policy Framework (NPPF) in April 2012, the revocation of the East of England Plan and the remaining “saved” policies of the Hertfordshire Structure Plan in January 2013, and the adoption of the Council’s Core Strategy on 30th January 2013. However, there have been no changes to the physical context of the site or to any other material planning considerations.

If an application for a minor material amendment is granted, the result will be a new planning permission but subject to the same time limit for commencement as the original permission. The original permission will continue to exist, until it expires, regardless of the decision taken on the new application.

Site and surroundings

The application site is located on the western side of the High Street between the junctions with Clarendon Road to the north and Market Street to the south. To the rear (west) of the site is Wellstones. The total land area is approximately 1500m²; the site is irregular in shape with a frontage to the High Street of 15m and a rear boundary to Wellstones of 25m. It includes land to the rear of Nos. 50-52 and 58, High Street, which is currently used for car parking, storage and refuse areas.

The application site currently comprises a three-storey neo-classical building with a symmetrical brick front and is a Locally Listed Building, originally known as the ‘Clock House’. The upper storeys have slightly curved segmental central and outer bays, and there is raised detail in brick columns between the bays and tall, small pane windows. There is a store building to the rear and car parking beyond this. Rear access is provided from Wellstones.

The site adjoins 58, High Street to its south-east which is a Grade II Listed Building. The adjoining property to the north-west, 50-52, High Street, is a Locally Listed Building.

Proposed development

The application is for a minor material amendment to the extant planning permission ref. 10/00121/EXT to vary Condition 13, which lists the approved drawings, to substitute amended drawings. The two changes incorporated into these drawings are:-

1. Deletion of the basement car park (23 spaces) and a revised provision of 21 spaces at ground level within the undercroft.
2. Deletion of the projecting balconies on the north and west elevations facing Wellstones and the south and east elevations facing the internal courtyard and their replacement with juliette balconies.

All other aspects of the scheme remain unchanged.

Planning history

06/01335/FULM – Full planning permission granted on 18th May 2007 for the redevelopment of the existing buildings to provide 4, 5 and 7 storey buildings comprising ground floor retail use, 56 flats and 42 parking spaces in an undercroft and basement.

10/00121/EXT – Full planning permission granted on 4th June 2010 for the renewal of planning permission ref. 06/01335/FULM for a further period of 5 years.

13/00712/NONMAT – A non-material amendment was granted to planning permission ref. 10/00121/EXT to add a new condition (13) to list the approved drawings.

Relevant policies

National Planning Policy Framework

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

**Hertfordshire Waste Core Strategy and Development Management Policies
Document 2011-2026**

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SS1 Spatial Strategy

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

HS1 Housing Supply

HS2 Housing Mix

HS3 Affordable Housing

T2 Location of New Development

T3 Improving Accessibility

T5 Providing New Infrastructure

INF1 Infrastructure Delivery and Planning Obligations

UD1 Delivering High Quality Design

Watford District Plan 2000

SE7 Waste Storage and Recycling in New Development

SE39 Tree and Hedgerow Provision in New Development

T10 Cycle Parking Standards

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

- T26 Car Free Residential Development
- H10 Educational and Community Facilities
- L8 Public Open Space
- L9 Children's Play Space

Supplementary Planning Guidance Notes and Supplementary Planning Documents

- SPG6 Internal Space Standards
- SPG10 Open Space Provision
- Residential Design Guide Volume 1: Building New Homes

CONSULTATIONS

Neighbour consultations

One hundred properties in High Street, Market Street and Wellstones were notified of the application. No responses have been received.

Advertisements in local paper/ site notices

None.

Consultations

No further consultations were undertaken in respect of this application.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) the *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing "saved" policies of the *Watford District Plan 2000*;

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Comments on new policy context

The changes in the national, regional and local policy context do not have any significant implications for the consideration of the changes proposed. The proposed amendments do not make any fundamental change to the nature of the approved development with the deletion of the basement car park and the reduction in the number of parking spaces provided being the most significant change. The access arrangements to the site, the layout of the site, the scale of the proposed buildings, the proposed uses and floorspace, the number of flats and the relationship of the proposed buildings to adjoining properties all remain unchanged.

The application accords with the policy objectives of the NPPF for a presumption in favour of sustainable development by utilising a previously developed site to provide new, improved quality retail floorspace and 56 new flats in this highly sustainable town centre location. It also accords with the new policies of the Core Strategy which reflect these policy objectives.

Proposed minor material changes

The proposed changes have several possible implications that need to be considered.

i) Provision of car parking

The approved scheme incorporated 42 parking spaces with 23 of these provided at basement level. The proposed deletion of the basement level results in 21 spaces being provided at ground level within the undercroft. As the site is located within the town centre it is highly accessible by public transport with good access to bus services, Watford

Junction Station, High Street Station and the wide range of facilities within the town centre. As such, car free development is acceptable in principle. The proposed reduction in the level of car parking to 21 spaces is therefore acceptable. The previously approved level of parking was proposed by the applicant and was within the Council's maximum parking standards for this location but was not a requirement of the Council.

ii) Impact on the appearance of the buildings

The only external change to the elevations of the buildings is the replacement of the approved projecting balconies with flush Juliette balconies. This change is not considered to have any significant adverse impact on the appearance of the building. The projecting balconies were proposed by the applicant and were not a requirement of the Council. The deletion of the basement car park will have no impact on the appearance of the building.

iii) Impact on the character and appearance of the area

The main east elevation fronting High Street, incorporating the locally listed retained façade, will remain unchanged. The change in the type of balcony on the north and west facing elevations will only be visible from Wellstones to the rear. Wellstones is dominated by the large BT building and associated car parking and the change in the balconies will have no impact on the character and appearance of this area.

iv) Impact on adjoining properties.

The proposed changes will have no impact on the adjoining commercial properties.

Planning obligation and conditions

The current planning permission was accompanied by a Section 106 planning obligation to secure financial contributions towards open space, children's play space, healthcare, primary education, youth and childcare facilities, libraries and sustainable transport; a payment of £2,000 to exclude the development from the controlled parking zone; the provision of fire hydrants where required; and 17 units of affordable housing. Any new permission granted will need to be accompanied by a new obligation. With the recent abolition of the Primary Care Trusts, the healthcare contribution is no longer required.

The various details required to be submitted pursuant to the conditions of the extant planning permission have subsequently been approved. Conditions can be imposed on any new permission to include these details.

Conclusion

The minor material changes proposed are the deletion of the basement car park and the replacement the projecting balconies with juliette balconies. The reason for these changes is to improve the viability of the scheme which was first granted permission in May 2007 but has not been commenced. The approved scheme originally proposed 42 car parking spaces with 19 at ground level in an undercroft and 23 spaces in a basement car park. As the site is within the town centre where car free development is acceptable in principle, the loss of the 23 basement parking spaces is acceptable. The revised ground floor layout still provides 21 parking spaces. The replacement of the previously approved projecting balconies with juliette balconies will not have a significant adverse impact on the appearance of the proposal, the character and appearance of the area or on the amenities of the future occupiers.

HUMAN RIGHTS IMPLICATIONS

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with the policies of the local plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.

RECOMMENDATIONS

- (A) That conditional planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
 - a) £138,432 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
 - b) £37,430 (index linked) towards the provision and improvement of children's play space in the Borough in accordance with Policy L9 of the Watford District Plan 2000;
 - c) £2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

- ii) To secure financial payments to the County Council of:
 - a) £25,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;
 - b) £16,905 (index linked) towards the provision of secondary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - c) £33,343 (index linked) towards the provision of primary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;

- d) £7,865 (index linked) towards the provision of nursery education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - e) £2,302 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - f) £511 (index linked) towards the provision of youth facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - g) £5,835 (index linked) towards the provision of library facilities in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
- iii) To secure the provision of fire hydrants as required by the County Council.
 - iv) To secure the provision of 17 affordable housing units of which 11 shall be general needs rented (8 x 1 bed and 3 x 2 bed) and 6 shall be for intermediate tenures (5 x 1 bed and 1 x 2 bed).

Conditions

1. The development to which this permission relates shall be commenced before 4th June 2015.

Reason: To accord with the time period for commencement of planning permission ref. 10/00121/EXT dated 4th June 2010.

2. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

3. Demolition of the existing buildings shall only take place in accordance with the Demolition Method Statement, Demolition Plan and Façade Retention Statement dated 19th September 2012, unless otherwise agreed in writing by the Local Planning Authority. No construction shall commence until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of phasing of construction, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining Highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

4. No construction shall commence until the programme of archaeological work set out in the Archaeological Project Design by The Heritage Network dated November 2012 has been undertaken. No part of the development shall be occupied or brought into use until the approved scheme of investigation for archaeological works has been implemented in full. Any evidence, reports or archive generated as a result of the programme of archaeological work shall

be deposited within six months of the completion of the work with the historic environment record maintained by the Hertfordshire County Council (with copies provided to the Watford Museum) or such other public depository as shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that any archaeological remains are properly recorded in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

5. The development shall only be carried out in accordance with the detailed works for the retention, renovation and refurbishment of the façade of the existing building on the High Street frontage, as contained in the Façade Retention Statement dated 19th December 2012 and the Schedule of Works dated 15th May 2013, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building makes a positive contribution to the character and appearance of the area in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. The development shall only be carried out using the following external materials, as shown on drawing nos. 1416-7-2A, 1416-7-3A, 1416-7-4A, 1416-7-5A and 1416-7-6A (W. Griffiths & Glass), unless otherwise agreed in writing by the Local Planning Authority:-

PermaRock Metallocryl Render in colours Silver and Copper

Metsa Thermowood timber cladding

Trespa Meteor laminated panels in colour Spring Green (A3723)

Euroclad Vieo metal cladding system

Windows and external doors - powder coated aluminium

External stair - galvanised metal with perforated infill panels

Balconies - translucent structural glass balcony panels in clear glass and orange tinted glass with brushed stainless steel handrails and patch fittings

Reason: To ensure that the development utilises high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

7. The development shall only be constructed in accordance with the threshold levels shown on drawing no.988_1-10 (W Griffiths), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development maintains a satisfactory relationship between the development and existing properties in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. The development shall only be carried out in accordance with the hard and soft landscaping scheme shown on drawing nos. 988_1-9 and 988_7-4 Rev.C (W Griffiths) and detailed in the email dated 27th June 2013 from Chris Griffiths, unless otherwise approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented and the works carried out shall thereafter be retained as approved at all times.

Reason: In the interests of the visual appearance of the site in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

9. The development shall not be occupied until the cycle store on the fifth floor has been constructed and Code Streetpods have been installed to accommodate 18 cycles, unless otherwise approved in writing by the Local Authority. The cycle store shall be retained at all times..

Reason: To ensure adequate cycle provision is made for the occupiers of the development, in accordance with Policy T10 of the Watford District Plan 2000.

10. No part of the development hereby permitted shall be occupied until the refuse, recycling and cycle storage areas shall have been provided as approved, and all these areas shall thereafter be retained solely for these purposes.

Reason: To ensure adequate facilities are provided for future occupiers of the development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

11. No affordable housing units shall be located on the first or second floors of the rear building in any of the units numbered 1.1 to 1.6 inclusive or 2.1 to 2.6 inclusive which face north-east or south-west, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that this part of the development is adaptable and does not prejudice the redevelopment of Key Development Site RA1 (known as 'Exchange Square' in the Town Centre Study 2005).

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

988-1-1B, 2E, 3E, 4E, 5E, 6E, 7E, and 8F;
988-2-1D, 2D, 3F, 4F and 5F.

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

Informative

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions

towards the provision or improvement of public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of 17 affordable housing units.

2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

988-1-2E, 988-1-3E, 988-1-4E, 988-1-5E, 988-1-6E, 988-1-7E, 988-1-8F, 988-2-1D, 988-2-3F, 988-2-4F, 988-2-5F

(B) In the event that no section 106 planning obligation is completed by 2nd October 2013 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for public open space or children's play space, either in the form of on-site works or commuted payments, and as such is contrary to Policies L8 and L9 of the Watford District Plan 2000.

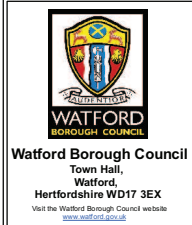
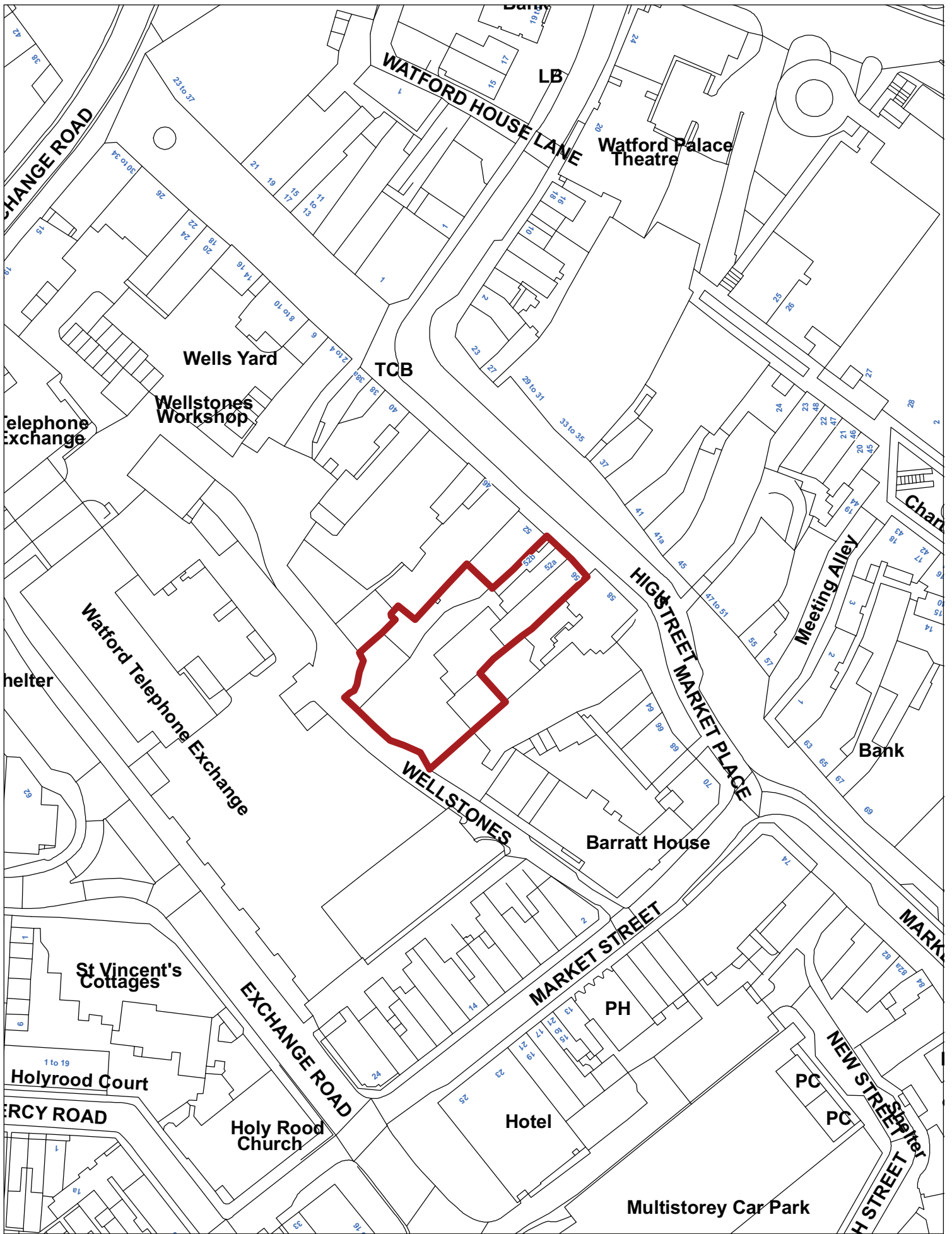
2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare, libraries and healthcare) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.
4. The proposed development fails to make the required affordable housing contribution pursuant to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to Policy T24 of the Watford District Plan 2000.
6. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.

Case Officer: **Paul Baxter**

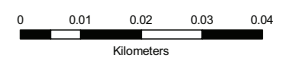
Email: **paul.baxter@watford.gov.uk**

Tel: **01923 278284**

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52A - 56 High Street, Watford



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	19th September 2013
Site address:	Sceptre Service Station, St Albans Road
Reference Number:	13/00843/GPDO
Description of Development:	To determine whether prior approval is required for the siting and appearance of a 15m high monopole telecommunications mast
Applicant:	Everything Everywhere Limited
Date received:	5th August 2013
8 week date (other):	30th September 2013
Ward:	Leggatts

SUMMARY

This application is to determine whether prior approval is required for the siting and appearance of a new 15m high telecommunications mast at the Shell petrol station adjoining the Dome roundabout. The mast is to be sited adjacent to the southern entrance to the site from St Albans Road within a small grassed verge. It will comprise a 12m pole with a 3m spine headframe supporting 3 antennas. It will replace an existing 2G antenna system contained within the Shell totem sign and will provide improved 2G and new 3G network coverage. The mast is to be supported by 3 small cabinets at ground level which do not require prior approval. An existing cabinet associated with the existing antenna system will be removed.

Having regard to the context of the site, it is not considered that the mast will appear unduly prominent within the locality or will have any adverse impacts on the character and appearance of the wider area. The mast will have no adverse impact on residential properties in Pomeroy Crescent to the west of the site.

With regard to health effects and any perceived harm to health, having regard to the advice in the NPPF and the fact that the mast complies with the General Population Exposure levels of the ICNIRP guidelines, the proposal has no health implications.

The Development Management Section Head therefore recommends that the applicant be advised that prior approval is required in this case and is granted subject to the conditions set out in the report.

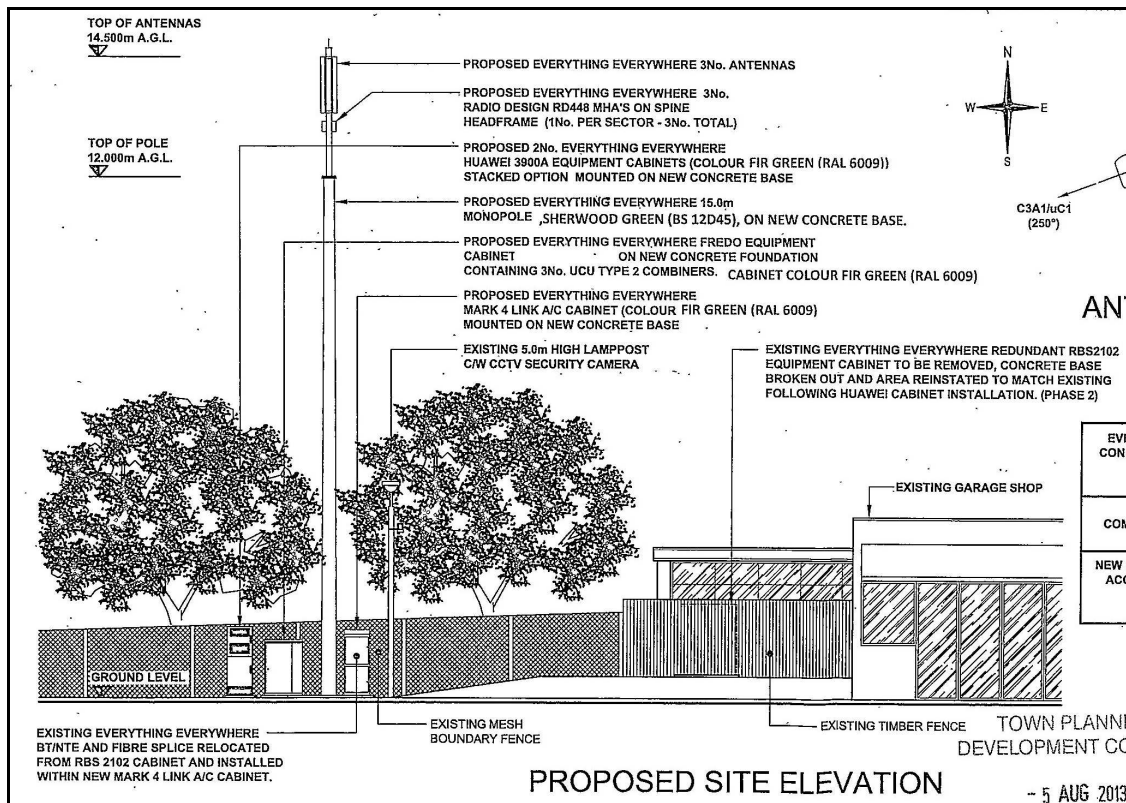
BACKGROUND

Site and surroundings

The Shell petrol station occupies the south-western quadrant of the Dome roundabout, bordered by St Albans Road to the south-east and North Western Avenue to the north. It has access/aggress junctions onto both roads and comprises a single storey shop, an extensive canopy above the pumps and a car wash. The site currently has a 7m high totem sign on the St Albans road frontage which contains a 2G antenna system. Street lights on St Albans Road and around the Dome Roundabout are 10m high. The immediate locality is very mixed in nature with a health centre and Beechwood Family Centre to the south and Garston Fire Station, the Lemarie Centre and North Watford Library opposite. Inter-war semi-detached housing lies further to the west and south with Asda further to the east.

Proposed development

This application is to determine whether prior approval is required for the siting and appearance of a new 15m high telecommunications mast at the site. The mast is to be sited adjacent to the southern entrance to the site from St Albans Road within a small grassed verge. It will comprise a 12m pole with a 3m spine headframe supporting 3 antennas. It will replace an existing 2G antenna system contained within the Shell totem sign and will provide improved 2G and new 3G network coverage. The mast is to be supported by 3 small cabinets at ground level which do not require prior approval. An existing cabinet associated with the existing antenna system will be removed.



Elevation from within the site

The mast is to be coloured Sherwood Green (BS 12 D 45) to match the colour of existing street lampposts and telecommunications masts in the locality. The

equipment cabinets at ground level sited adjacent to the mast are to be painted dark green (Fir Green, RAL 6009).

Planning history

None. The existing antenna system within the totem sign did not require prior approval.

Relevant policies

National Planning Policy Framework

Section 5 – Supporting high quality communications infrastructure

CONSULTATIONS

Neighbour consultations

All properties within a 100m radius of the site were notified of the application. No replies have been received.

Public/site notices

One site notice was put up at the site on 20th August 2013. A public notice also appeared in the Watford Observer on 23rd August 2013.

Consultations

None.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) the *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Land allocation

The site has no specific land use allocation but falls within a primarily residential area on the Proposals Map of the Watford District Plan 2000. There is no land allocation for this type of development in the local plan but there is no objection in principle to telecommunications development within primarily residential areas.

Need for the development and alternative sites

The National Planning Policy Framework (NPPF) states at paragraph 46 that:

“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”

The advice given in paragraph 43 of the NPPF is:

“Existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.”

The need for the upgrade of this site cannot be questioned. As the site is an existing base station currently forming part of the applicant’s network, it is appropriate that the site should be upgraded rather than a new site being sought. The proposed new mast will be painted to match the existing street furniture in the locality. This accords with the advice given in paragraph 43 of the NPPF.

Siting and appearance

Although the wider area is primarily residential, the immediate locality of the site is very mixed comprising various single storey and two storey non-residential buildings to the south and east (health centre, fire station and library) as well as the petrol station itself. Prominent street furniture includes 10m high metal lampposts along St Albans Road, a 15m high telecommunications mast sited 15m to the south, the 7m high Shell totem sign and a 5m high Asda totem sign on the opposite side of St Albans Road. The south-western boundary of the site adjoining the site of the proposed mast, also contains a number of trees approximately 6-8m high.

Telecommunications masts up to 15m high are now common across Watford as all 5 mobile phone operators have sought to improve coverage and capacity for 2G and 3G networks across the Borough and, more recently, provide new 4G services. They are commonly found along major roads and on commercial sites as well as within residential areas. In the current application, the proposed mast will be seen in the context of the mixed, non-residential nature of the buildings, the busy Dome roundabout and the existing established street furniture. In this context, and having regard to its slender design and proposed colour, it is not considered that the mast will appear unduly prominent within the street scene.

The nearest residential properties are 75m to the west in Pomeroy Crescent, sited to the rear of the health centre. The proposed mast will have no adverse impact on the outlook from these properties or on the amenities of the occupiers.

Health impacts

The application is supported by a declaration that the maximum emissions from all the antennas at the site is in compliance with the radio frequency public exposure guidelines of the International Commission (ICNIRP). This is in accordance with paragraph 45 of the NPPF. The application should therefore be

supported. It is not the role of the Council to determine health standards where a proposal meets the International Commission guidelines.

Conclusion

The proposal complies with the ICNIRP public exposure guidelines and is in accordance with the NPPF. Having regard to the context of the site, it is not considered that the mast will appear unduly prominent within the locality nor will it have any adverse impacts on the character and appearance of the wider area. The mast will have no adverse impact on residential properties in Pomeroy Crescent to the west of the site.

HUMAN RIGHTS IMPLICATIONS

The siting and appearance of the proposal is considered acceptable and complies with national policy. The planning merits of the proposal have been considered in reaching the conclusion above. Having regard to the advice in the NPPF, it is not considered that the proposal as detailed will infringe the human rights of third parties to such a degree as to merit a refusal of planning permission.

RECOMMENDATION

That the applicant be advised that prior approval is required in this case and is granted subject to the following condition:

1. The mast shall be coloured Sherwood Green (BS 12 D 45) (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained as such at all times.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

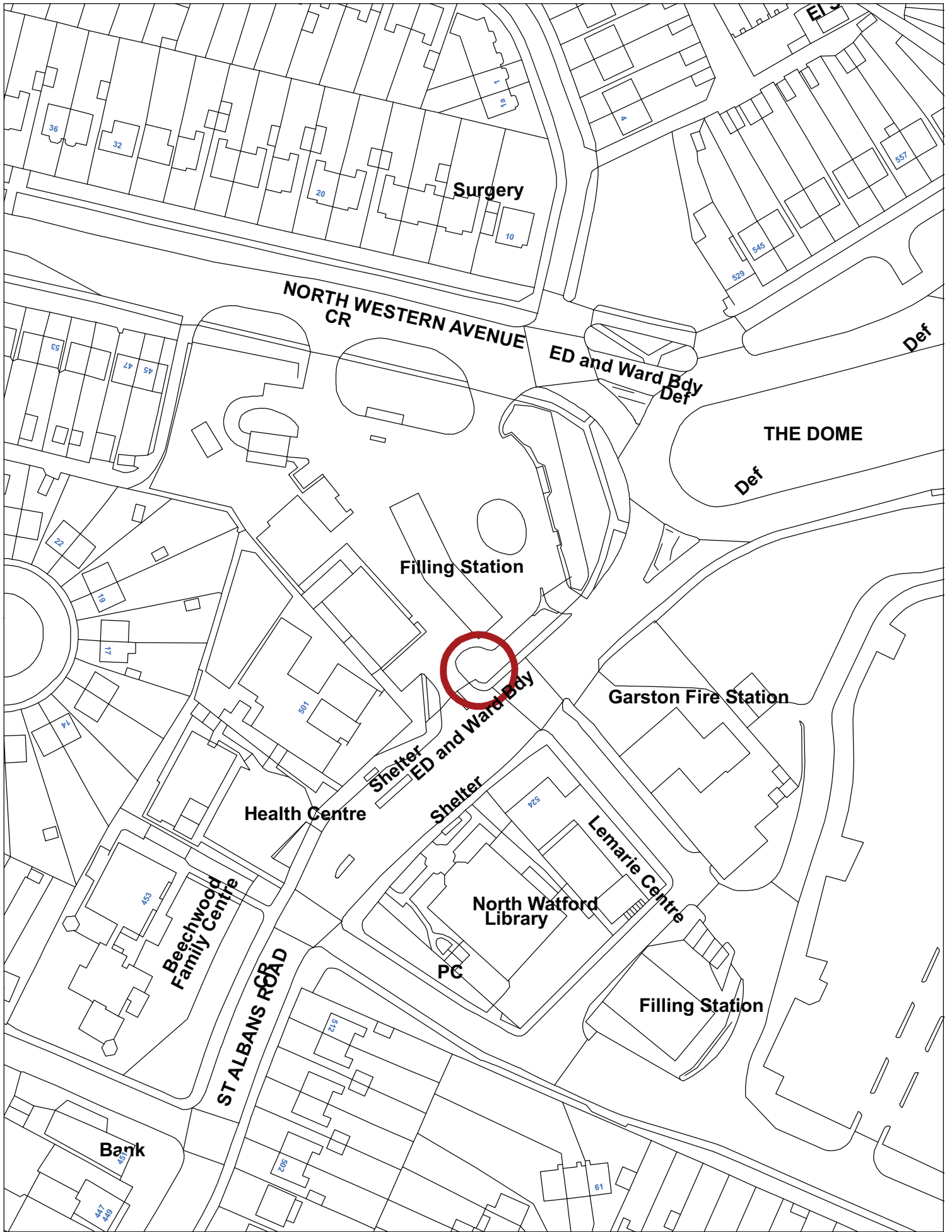
Informative

1. The equipment cabinets should be coloured Fir Green (RAL 6009) and should be coated with a treatment to deter graffiti and fly-posting, in the interests of the visual appearance of the site.

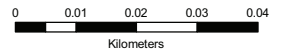
Drawing numbers

70420-01, 11, 13

Case Officer: **Paul Baxter**
Tel: **01923 – 278284**
Email: **paul.baxter@watford.gov.uk**



Scepre Service Station, St Albans Road



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	19th September 2013
Site address:	Land at Newhouse Crescent
Reference Number:	13/00850/GPDO
Description of Development:	To determine whether prior approval is required for the siting and appearance of a 12m high monopole telecommunications mast (with the appearance of a telegraph pole) containing 3 no. antennas and supporting 1 no. 300mm diameter transmission dish
Applicant:	Everything Everywhere and 3
Date received:	8th August 2013
8 week date (other):	3rd October 2013
Ward:	Woodside

SUMMARY

This application is to determine whether prior approval is required for the siting and appearance of a new 12m high telecommunications mast on Newhouse Crescent, opposite its junction with Cobb Green. The mast will have the appearance of a telegraph pole and will support 3 antennas within a shroud and a small transmission dish. The proposed mast is a replacement for the existing mast at Francis Combe Academy, which is to be removed, and will provide 2G and 3G network services for both applicants. The mast is to be supported by 4 small cabinets at ground level which do not require prior approval.

Having regard to the context of the site, it is not considered that the mast will appear unduly prominent within the locality or will have any significant adverse

impacts on the character and appearance of the area. Although the mast will be visible from a small number of residential properties, it is not considered that it will have any adverse impact on the outlook from these properties or on the amenities enjoyed by residential occupiers.

With regard to health effects and any perceived harm to health, having regard to the advice in the NPPF and the fact that the mast complies with the General Population Exposure levels of the ICNIRP guidelines, the proposal has no health implications.

The Development Management Section Head therefore recommends that the applicant be advised that prior approval is required in this case and is granted subject to the conditions set out in the report.

BACKGROUND

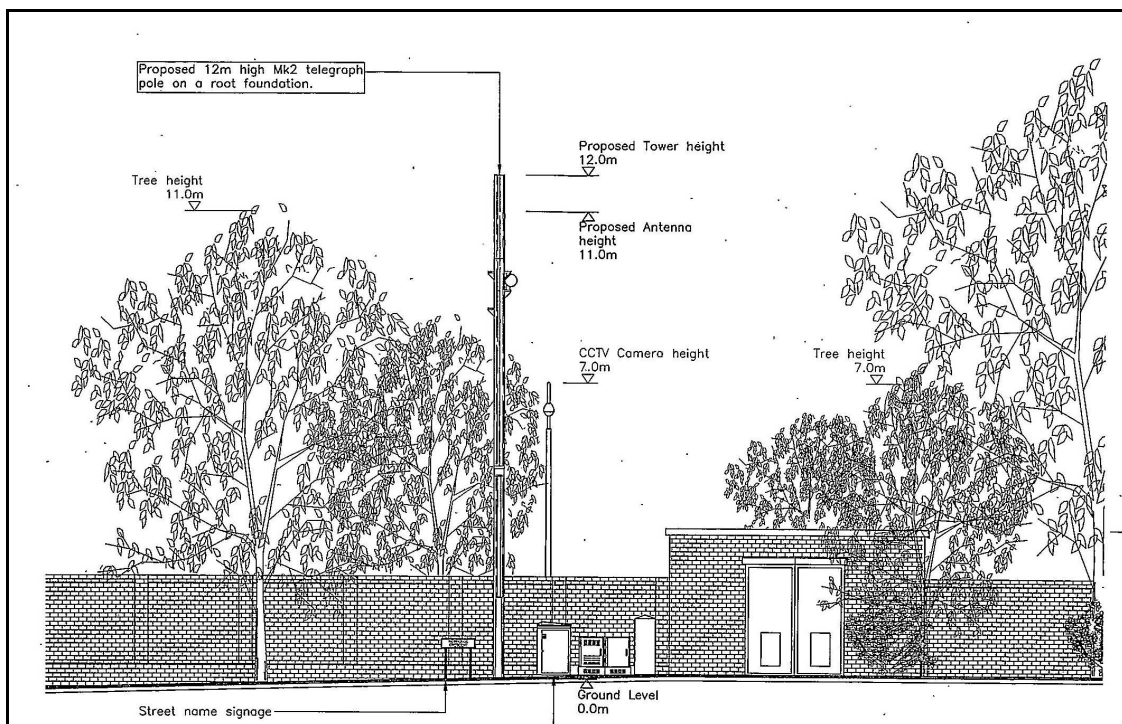
Site and surroundings

The site is located on the western side of Newhouse Crescent, opposite the junction with Cobb Green, and adjacent to the eastern end of the local shopping parade in The Brow. The location is primarily residential and is characterised by semi-detached and terraced, two storey, municipal housing built in the 1950s. Immediately to the east of the site, the local shopping parade is 3 storey, comprising ground floor commercial units with flats above. The existing street furniture in the locality comprises 5m high metal street lighting columns and 8m high telegraph poles, both of which are regularly spaced along the surrounding roads. Street trees are also a feature of the locality and the site of the mast immediately adjoins an 11m high tree.

Proposed development

This application is to determine whether prior approval is required for the siting and appearance of a new 12m high telecommunications mast at the site. The

mast will have the appearance of a telegraph pole and will support 3 antennas within a shroud and a small transmission dish. The proposed mast is a replacement for the existing mast at Francis Combe Academy, which is to be removed at the request of the site owner, and will provide 2G and 3G network services for both applicants. The mast is to be supported by 4 small cabinets at ground level which do not require prior approval.



Street elevation

The mast is to be constructed of steel with a glass-reinforced plastic (GRP) textured coating coloured brown to give a wood effect similar to a telegraph pole. The equipment cabinets at ground level sited adjacent to the mast are to be painted dark green (Fir Green, RAL 6009).



Typical replica telegraph pole

Planning history

None.

Relevant policies

National Planning Policy Framework

Section 5 – Supporting high quality communications infrastructure

CONSULTATIONS

Neighbour consultations

All properties within a 100m radius of the site were notified of the application. No replies have been received.

Public/site notices

One site notice was put up at the site on 20th August 2013. A public notice also appeared in the Watford Observer on 23rd August 2013.

Consultations

None.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) the *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Land allocation

The site has no specific land use allocation but falls within a primarily residential area on the Proposals Map of the Watford District Plan 2000. There is no land allocation for this type of development in the local plan but there is no objection in principle to telecommunications development within primarily residential areas.

Need for the development and alternative sites

The National Planning Policy Framework (NPPF) states at paragraph 46 that:

“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or

determine health safeguards if the proposal meets International Commission guidelines for public exposure.”

The need for the new base station in this locality cannot therefore be questioned.

Paragraph 43 of the NPPF advises that:

“Existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.”

The applicants have submitted information regarding the alternative sites that have been considered for the replacement base station. The search area reflected the need to be as close as possible to the existing base station (Francis Combe Academy) in order to provide the same level of coverage to the local area. The alternatives and the reasons why they were discounted are summarised below:

- i) Existing street mast at Louvain Way – This already hosts 2 operators and a third would require a significantly larger mast.
- ii) Church of the Nazarene, The Brow – Low rise building with pitched roof would make a solution technically difficult and visually unacceptable.
- iii) Woodside Community Centre and The Brow local shopping parade – both have pitched roofs which would make a solution technically difficult and visually unacceptable.
- iv) Woodside Leisure Centre - Not available as the Council no longer allows new telecommunications equipment on its buildings, following a decision made in 2001.
- v) Street mast on Cobb Green, The Brow, Boundary Way – In each case, a location could not be found that did not result in the mast being sited directly outside residential properties.

- vi) Street mast on Horseshoe Lane - A location could not be found that did not result in the mast being sited directly outside residential properties or resulted in signal clipping/blocking from existing tall trees.

In this case, the applicants have proposed a new, shared ground-based mast in a location that is not directly outside a residential property and which is considered to result in the least visual impact on the locality. This is considered to be the only option open to them in this case. This approach fully accords with Government advice for operators to share sites, subject to an assessment of the visual impact of the proposal.

Siting and appearance

The surrounding area is primarily residential, characterised by two-storey, semi-detached houses and short terraces of houses. Also characteristic of the area are the 5m high metal lampposts and the 8m high telegraph poles, which are found regularly spaced along all of the roads in the area. Street trees are also regularly seen within the roads.

Immediately adjoining the site to the south is a street tree which is 11m high. Another tree, 7m high, is situated 10m to the north the site. There are also a number of other street trees in this section of Newhouse Crescent of similar heights. The proposed siting of the mast is at the rear edge of the footway which is 4m wide at this point. Directly in front of the proposed mast is a 5m high lamppost sited at the front edge of the footway. Behind the footway is a 6.5m wide grassed verge bounded by a 2.5m high brick wall. Sited just beyond the wall is a 7m high metal column supporting a CCTV camera. The wall adjoins an electricity sub-station sited 8m to the east of the mast.

Telecommunications masts up to 15m high are now common across Watford as all 5 mobile phone operators have sought to improve coverage and capacity for 2G and 3G networks across the Borough and, more recently, provide new 4G services. Although operators have sought to follow best practice and locate

masts and antenna systems in commercial areas wherever possible, these masts are also not uncommon in wholly residential areas. In the current application, the proposed mast will be seen in the context of the 5m high lampposts, 8m high telegraph poles and the adjoining 11m street tree, which are all established features of the locality. Although the mast will be significantly taller than the normal 8m telegraph poles, it will be only 1m higher than the adjacent street tree, and its slender nature will mean that it will not appear unduly prominent within the street scene alongside these existing structures.

Views from the north along Newhouse Crescent will be limited by the bend in the road and the presence of 10-12m high street trees, which will obscure views of the mast. Where the mast would become visible, at a distance of approximately 50m, it will be seen against the backdrop of the adjacent street tree and the 3 storey shopping parade beyond. From the south, views of the mast will be largely obscured by the existing street tree. The longest direct view of the mast will be along Cobb Green to the east as the mast is sited directly opposite this junction. Again, the mast will be seen in the context of the existing street tree, lamppost, CCTV column and electricity sub-station with the 3 storey shopping parade as a backdrop.

The siting of the mast on the western side of Newhouse Crescent adjacent to the parade of shops means the mast will not be directly outside any residential property. However, it will be directly visible from two houses at 90 and 92, Newhouse Crescent, at a distance of 40m, and at an oblique angle, from two houses at 86 and 88, Newhouse Crescent, at a distance of 25m. In each case, the mast will be visible from the windows in the front elevation of the properties. Having regard to the context in which the mast will be seen and its appearance (which is similar to that of a telegraph pole), it is not considered the mast will have any significant adverse impact on the outlook from these properties or the amenities of the occupiers in general.

The proposed equipment and meter cabinets are to be located at the rear of the footway, which is 4m wide at this point, close to the foot of the mast. The proposed cabinets will introduce new equipment in this location but this impact will be mitigated to a significant degree by the fact that they will be seen against the backdrop of the adjoining grassed verge and brick wall behind, their relatively small size and their proposed dark green colour. Having regard to this context, it is not considered that these cabinets will appear as unduly incongruous structures and that they can be satisfactorily assimilated into the locality without significant visual harm. In any event, the cabinets do not require prior approval.

Health impacts

The application is supported by a declaration that the cumulative effect of the maximum emissions from all the antennas at the site is in compliance with the radio frequency public exposure guidelines of the International Commission (ICNIRP). This is in accordance with paragraph 45 of the NPPF. The application should therefore be supported. It is not the role of the Council to determine health standards where a proposal meets the International Commission guidelines.

Conclusion

The proposal complies with the ICNIRP public exposure guidelines and is in accordance with the NPPF. Having regard to the context of the site, it is not considered that the mast will appear unduly prominent within the locality or will have any significant adverse impacts on the character and appearance of the area. Although the mast will be visible from a small number of residential properties, it is not considered that it will have any adverse impact on the outlook from these properties or on the amenities enjoyed by residential occupiers.

HUMAN RIGHTS IMPLICATIONS

The siting and appearance of the proposal is considered acceptable and complies with national policy. The planning merits of the proposal have been

considered in reaching the conclusion above. Having regard to the advice in the NPPF, it is not considered that the proposal as detailed will infringe the human rights of third parties to such a degree as to merit a refusal of planning permission.

RECOMMENDATION

That the applicant be advised that prior approval is required in this case and is granted subject to the following condition:

1. The mast shall have a textured GRP coating and be coloured brown to give the appearance of a telegraph pole (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained as such at all times.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informative

1. The equipment cabinets should be coloured Fir Green (RAL 6009) and should be coated with a treatment to deter graffiti and fly-posting, in the interests of the visual appearance of the site.

Drawing numbers

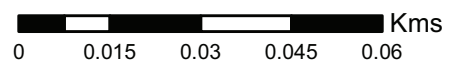
69289/101A, 102A, 103A, 104A

Case Officer: **Paul Baxter**
Tel: **01923 – 278284**
Email: **paul.baxter@watford.gov.uk**



Land at Newhouse Crescent

Date: 13/09/2013



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	19th September 2013
Site address:	11 The Pippins, Watford
Reference Number:	13/00861/FULH
Description of Development:	Erection of single storey rear conservatory
Applicant:	Mr Kosta Zinchenko
Date Received:	14th August 2013
8 week date (minor):	9th October 2013
Ward:	Stanborough

SUMMARY

The proposal relates to the erection of a single storey rear extension to a two storey house. The proposal is an acceptable form of development within the curtilage of a dwellinghouse. It is of an appropriate scale and design and, having regard to the relationship of the existing dwelling with neighbouring properties, the proposed development will not result in significant harm either to the character and appearance of the area or the living conditions of the occupiers of those properties.

The Development Management Section Head recommends the application be approved as set out in the report.

BACKGROUND

Site and surroundings

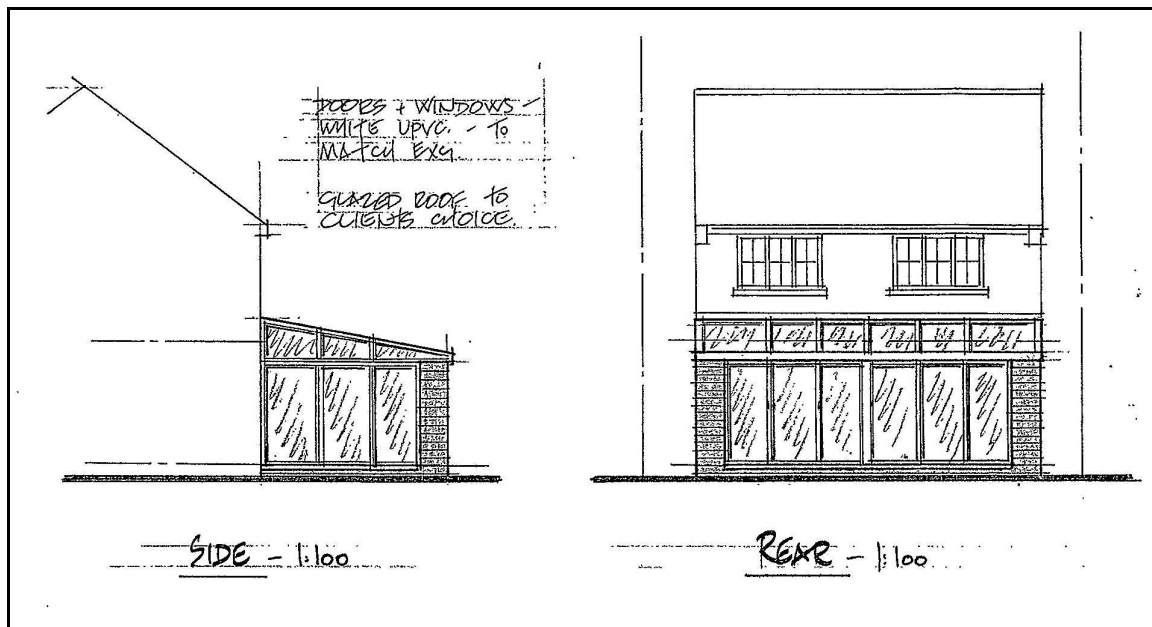
The application site comprises a detached two-storey single dwelling house located at the end of a cul-de-sac. Planning permission for this house and its four neighbours in The Pippins was granted on 3 July 2009. This recent development lies to the rear of 11 to 17

Garston Drive, although access is taken from The Pippins. Planning permission had previously been refused in respect of two earlier schemes, the later of which was also dismissed at appeal because of concerns, inter alia, about loss of privacy to the neighbouring dwellings in Rother Close.

The five dwellings in the extension to The Pippins are relatively uniform in terms of their design, with a consistent appearance to the properties. The application property has not been extended since it was built. There is a car parking space to the front of the property as opposed to the other houses which benefit from garages and front car parking spaces. The gardens of the five dwellings are generally of equal widths, but the depths of the middle three dwellings are 14m whereas the end two are 16m deep. This increased depth is because the two end houses are set forward from the three middle ones, giving them a slightly larger rear garden.

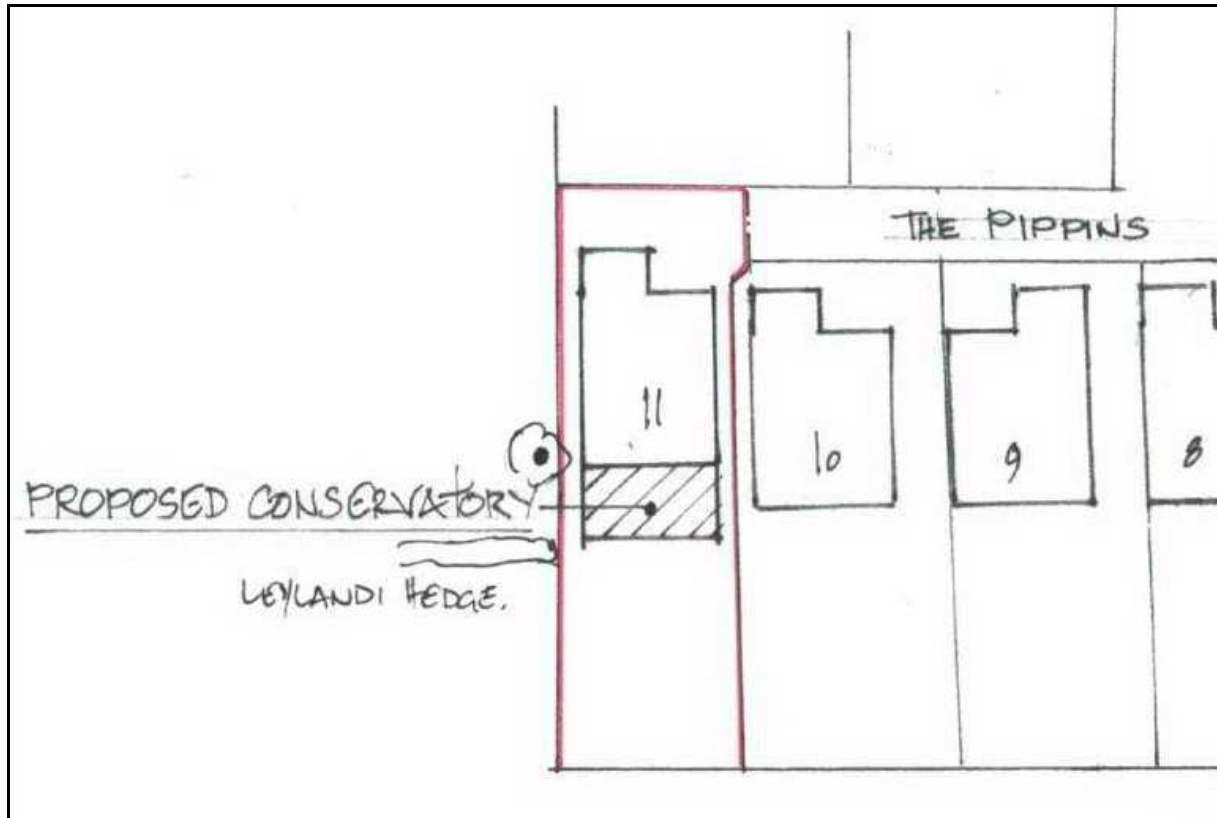
Proposed development

Full planning permission is sought for a single storey conservatory extension across the full width the rear of the property.



Rear and side elevations

It will have a depth of 4 m, and will be 7.3 m wide. It has a pitched lean-to roof with an eaves height of 2.5 m and a maximum height of 3.5 m.



Relationship of conservatory to neighbouring property

Because the application property is set forward of its neighbour, the conservatory will extend less than 2 m beyond the rear elevation of 10 The Pippins. The remaining back garden of 11 The Pippins measures 12 m, and it is surrounded on all sides by a close boarded fence with a minimum height of 1.8 m.

Planning History

- 07/00933/FUL Erection of five dwellings – Planning permission refused September 2007
- 07/01645/FUL Erection of five dwellings – Planning permission refused January 2008 and appeal dismissed 24 October 2008.
- 09/00359/FUL Erection of five dwellings – Planning permission granted July 2009.
- 13/00662/FULH Erection of a rear conservatory – Withdrawn July 2013

Relevant Policies

National Planning Policy Framework

Section 7 Requiring good design

Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

Watford District Plan 2000

No relevant saved policies.

Supplementary Planning Guidance Notes and Supplementary Planning Documents

Residential Design Guide Volume 1: Building New Homes

Residential Design Guide Volume 2: Extending Your Home

CONSULTATIONS

Neighbour consultations

Seven properties in The Pippins, Garston Drive and Rother Close were notified of the application. 5 responses have been received and a summary of the points raised is given below in the section of this report entitled *Consideration of objections received*.

The Committee will be advised of any additional representations received after the date this report was written.

Statutory consultations

None were necessary in this case.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Volumes 1 and 2 of the *Residential Design Guide* were approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. The guide is a material consideration in the determination of planning applications and replaced the Council’s previous Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens* and *SPG8 – Extensions*.

National Planning Policy Framework guidance

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was

published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

In Section 7, at paragraph 56, the NPPF explains that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 57 makes it clear that this advice applies to “all development, including individual buildings”.

Paragraph 59 points out that local planning authorities’ design policies “should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”. At paragraph 64 it is emphasised that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”, but, in line with the over-arching presumption in favour of sustainable development, paragraph 14 makes clear that permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Local design policies – the Residential Design Guide

The key relevant principles in Residential Design Guide Volume 2: Extending Your Home are:

- GP1 Harmony with the Host Building
- GP3 Neighbourliness
- DG1 Rear Extensions

GP1 states that “extensions must respect the character and scale of the host building” by giving proper consideration to such matters as size and shape, roof pitch, materials, the scale of windows and doors and architectural details. GP3 and DG1 set out guidance for

rear extensions. GP3 sets out the general principle that an extension must not adversely affect the amenity of neighbouring properties. The detailed guidance at DG1 advises that single storey rear extensions should not normally exceed a depth of 3.5m for detached houses; although this criterion applies principally to Victorian/Edwardian terraced housing and inter-war semi-detached housing, “it can be applied to other forms of housing in the Borough where similar conditions arise”.

In considering the depth of an extension, the guidance at DG1 points out that “a single storey extension should be subordinate to the original house” and the principal consideration should be “the impact on the existing property and neighbouring dwellings”. GP3 points out that impact on amenity is assessed in relation to:

- (a) a reduction in levels of daylight and sunlight to a neighbour’s windows;
- (b) a reduction in sunlight to a neighbour’s garden;
- (c) infringements of a neighbour’s privacy;
- (d) increase in the sense of enclosure experienced within a neighbour’s house or garden.

GP3 gives guidance on making assessments of ‘neighbourliness’, for example by demonstrating compliance with the 45° rule and the privacy arc, the minimum separation distance of 27.5 m between directly facing first floor windows and a minimum distance of 10 m between upper windows on a rear elevation and the rear boundary.

Design assessment

Relationship with the host building

The existing building has a depth of 11.7 m and a height of 8.5 m; the proposed single storey rear extension would be 4 m deep with a maximum height of 3.5 m. Therefore, given the size and scale of the existing building, the proposed extension will appear subordinate and will not be out of proportion with the house. The proposed extension would have a light weight appearance because the pitched roof is glazed and the external walls are predominantly glazed. Given the design of the existing roof, the pitched roof of the new extension is an appropriate design approach. Overall, therefore, the proposed

rear extension will respect the modern character of the house and will integrate with it satisfactorily. The proposal therefore accords with GP1.

Depth of rear extension

The proposed rear extension will be 4m deep; this is not fully in accordance with GP3 and DG1 which refer to a maximum depth of 3.5 m for detached properties. However, planning permission should not be refused simply because a proposal fails to comply with some provision of planning policy. In order to justify a refusal of planning permission, it has to be shown that the development, if permitted, would be harmful in some way.

In addition, as paragraph 14 of the NPPF indicates, the harm likely to be caused by a proposed development must not only be 'significant' but, if a refusal of planning permission is to be justified, it must be supported with strong evidence of the likely adverse effects in order to pass the test that the harm demonstrably outweighs the benefits.

However, because of the relative positions of 10 and 11 The Pippins, the house at No.10 will not be adversely affected by the proposed extension. Firstly, there is a gap between the two houses of approximately 2 m. Secondly, because No.10 is set back from No.11 by some 2 m, the conservatory proposal will only extend approximately 2 m beyond the line of the rear wall of No.10. This distance is well within the 3.5 m guidance depth for two adjacent properties with the same rear building line. Consequently, it could not be argued that the proposed conservatory would have a harmful effect on the amenities of the neighbouring property at 10 The Pippins.

The west side of the application site is bordered by the bottom of the garden of 19 Garston Drive. The proposed development would have no adverse impact on the amenities of this property.

Daylight and sunlight

The proposed single storey extension will not infringe the 45 degree line taken from the nearest ground floor window on the rear elevation of the adjoining property at No. 10. As noted above, issues of daylight and sunlight are not relevant as regards the neighbouring property at 19 Garston Drive. Thus, the proposal accords with GP3 and DG1, and there are no grounds to object to the proposal in terms of loss of daylight or sunlight to neighbouring properties.

Privacy

The five objections that have been received all come from properties in Rother Close and all raise concerns regarding loss of privacy. GP3 indicates that “a minimum separation distance of 27.5 m should be achieved between rear elevations ... when unobscured and directly facing habitable windows are at first floor level”. GP3 also provides that “a minimum direct distance between upper level habitable rooms on a rear elevation and rear boundaries of 10 m should be achieved in order to minimise overlooking of private gardens”. There are no such minimum standards in respect of ground floor extensions, which is why DG1 (which only relates to single storey extensions) is silent on the matter.

The existing dwelling complies with the requirements of GP3, and this will not change as a result of the proposed conservatory extension. The proposed rear conservatory does not contravene either of the distances specified in GP3. In any event, so far as the distance from the conservatory to the rear boundary is concerned, the minimum distance referred to in GP3 is, in fact, exceeded by 2 m. Moreover, any potential for loss of privacy by overlooking is mitigated by a difference in ground levels, as the site of the proposed extension is at a lower level than the properties to the rear in Rother Close. In addition, views between the application site and the properties in Rother Close are obstructed by existing buildings beyond the rear boundary of No.11.

In the absence of any contravention of the guidance in GP3, and taking account of the other material considerations referred to above, there are no grounds to refuse planning permission in terms of an adverse impact on the privacy of neighbouring properties.

Consideration of objections received

5 responses have been received and a summary of the points raised is set out below.

Several of the letters were identically worded.

Representations	Officer response
Invasion of privacy due to breach of 27.5m space between rear of houses and extension will lead to loss of amenity space for occupiers of No11 The Pippins. An issue raised by the Planning Inspector in 2007.	The reference in the RDG to a distance of 27.5m relates only to first floor habitable windows. The amount of garden retained exceeds 50m ² . The approved scheme of 2009 has larger gardens than those proposed in the scheme that was refused in 2007. The site is in an urban area where a degree of mutual overlooking is to be expected, but, as this application is for a ground floor extension only, there would only be limited views into neighbouring properties.
The owner of 11 The Pippins started building without planning permission.	This does not affect the assessment of the planning application.
If allowed, this will lead to precedence.	Every case is dealt with on its own merits.
Trees and bushes have been cut down which has reduced the screening.	It is understood that the boundary vegetation was removed at the time the five houses were built. The present proposal has to be considered in the light of the circumstances currently existing on the site.
There will be protrusion into my property and therefore I will lose privacy from my garden.	The proposed conservatory is at ground floor level and, because of the existing boundary treatment and differences in land levels, it will have very little impact on views into neighbouring properties.

Conclusion

The proposal is an acceptable form of development within the curtilage of a dwelling house. It is of an appropriate scale and design and, having regard to the relationship of the existing dwelling with neighbouring properties, the proposed development will not result in significant harm either to the character and appearance of the area or the living conditions of the occupiers of those properties.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 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 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

- 3 All the external surfaces of the extension shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area in accordance with the requirements of Policy UD1 of the Watford Local Plan, Core Strategy (2006-2031) adopted 2013.

Informative

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

1008/1; 1008/2; 1008/3; Site Location Plan

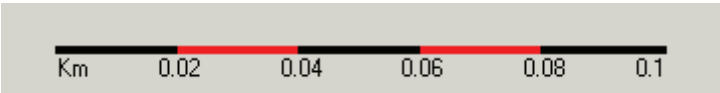
Case Officer: **Tendai Mutasa**
Email: **tendai.mutasa@watford.gov.uk**
Tel: **01923 278297**

11 The Pippins

13/00861/FULH



Legend



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Organisation	Not Set
Department	Not Set
Comments	
Date	10 September 2013
SLA Number	Not Set

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