

DEVELOPMENT CONTROL COMMITTEE

10 OCTOBER 2013

Present: Councillor R Martins (Chair)
Councillor G Derbyshire (Vice-Chair)
Councillors N Bell, I Brandon, A Joynes, I Sharpe, P Taylor,
M Watkin and T Williams

Also present: Councillor Peter Jeffree (Park Ward Councillor) and
Councillor Malcolm Meerabux

Officers: Development Management Section Head
Applications Casework Manager
Committee and Scrutiny Officer

33 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this meeting: Councillor Taylor replaced Councillor Johnson.

34 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

35 MINUTES

The minutes of the meeting held on 19 September 2013 were submitted and signed.

36 OUTSTANDING PLANNING APPLICATIONS

The Committee received a report setting out the outstanding planning applications as at 1 October 2013.

RESOLVED –

that the report be noted.

37 144 CASSIOBURY DRIVE

The Committee received a report of the Development Management Section Head including details of six letters of objection from local residents. An update

was circulated to the Committee, explaining that following amended plans being submitted, a further six letters of objection had been received. Officer's responses to the additional comments were included in the document.

The Chair invited Mr Alan Munro to speak to the Committee on behalf of the Applicant.

Mr Munro explained to the Committee that the application was for a replacement family home for the Applicant. The Applicant had purchased the property and wished to make it suitable for his needs. The current property was between 70 and 80 years old and was in need of refurbishment as it was substandard for modern living. He had chosen this house due to its potential for redevelopment to suit his growing family.

Mr Munro informed the Committee that at an early stage he and the Applicant had engaged with the planning authority and sought pre-application advice. They had listened to the officer's advice and adapted the design appropriately. The proposal fitted in with the street scene. It reflected the scale of buildings in the local area. The proposal featured a two-storey five bedroom house which was similar in scale to others in the vicinity. The white rendered walls were also similar to others. The design was a contemporary style with clean lines. The building would be highly energy efficient with good sustainability. The eaves level had been reduced from the height shown in the earlier proposal. The scale of the gable feature had been amended to reflect other the scale of others in the area and the glazing was more proportionate. The new house would be set appropriately within the site. He accepted that there would be an increase in the footprint from the original building; however the property at 140 Cassiobury Drive was on a similar size plot. The proposed development would not cause a reduction in the view from the neighbouring property.

Mr Munro finished by stating that the Applicant wished to make his home at the property and would try to minimise disruption to his neighbours. Considerable amendments had been made to the design to resolve any areas of concern. He added that they wished to thank the officer for his advice throughout the process.

The Chair thanked Mr Munro. He then informed the Committee that Councillor Jeffree had asked to speak about the application. The Committee agreed to the request.

Councillor Jeffree informed the Committee that he was speaking against the application following several residents contacting him. He advised that there were two aspects that had significant planning issues and he would be explaining this in more detail. The issues were the scale and impact of the development on the character of the area and the adverse impact on neighbouring properties.

Councillor Jeffree referred to Policies U2 (design and layout) and U3 (integration of character) and General Principles 2 and 3 in the Residential Design Guide. He explained that the area consisted of detached properties on plots which generally had a good gap between neighbouring properties. The application

sought approval for a property across the width of the site. There would be a reduction in the visual separation gap between properties. The gap between 142 and 144 Cassiobury Drive would disappear and the buildings would merge into a single block. There was an inconsistency between the plans and drawings. They showed more of a gap than there actually was.

Councillor Jeffree said that the building would be out of character. The development would severely overshadow the property at 146 Cassiobury Drive and cause considerable impact on that property. It would affect a naturally well lit bathroom which in the future would require the light to be used on all occasions. Currently the windows faced the south-east and benefited from natural light. In respect of the ground floor room affected by the development, officers referred to the patio doors and that the light provided by them was deemed acceptable. The two side windows provided significant natural light to the room and this would be lost with the new development. He considered that the impact could have been avoided if the new property was not as wide as proposed. There could be a negligible impact on the internal space by adjusting the size of the hall. He felt that the proposed building was too much for the site. The new development would be over large and un-neighbourly. He urged the Committee to reject the application.

The Applications Casework Manager responded that the Council had to have regard to daylight when considering applications. The affected bathroom window in 146 Cassiobury Drive would not be considered as serving a habitable room, which was in line with guidance from the BRE. It was therefore not necessary to take into account the loss of daylight to that room. The affected windows in the living room were considered to be secondary. The other reason outlined by Councillor Jeffree was the gap between the properties. The current distance between 144 and 146 Cassiobury Drive was already less than one metre and there was no change proposed to this. The gap between the application property and the other neighbour was deemed to be acceptable and in line with the Residential Design Guide.

The Development Management Section Head added that there was no automatic right to daylight across neighbours' land. The Council's policy that sought to protect daylighting referred to rear windows. He said that Councillor Jeffree had referred to Policies U2 and U3, however these policies were no longer relevant as they were part of the Watford District Plan 2000 which had not been "saved". Consequently, the policies no longer formed part of the Development Plan and no weight could be given to them.

Councillor Derbyshire commented that when new developments were proposed it had to be recognised that people often felt that their living space and environment would be made worse. Change was, however, inevitable and the Committee's role was to consider whether the change was for the better. He reminded those present that a landowner could demolish a building on their land without permission, unless it was in a conservation area. In this case the Committee was having to consider the development of a new house on a brownfield site and whether the impact on the two neighbours was harmful.

Councillor Derbyshire said that in his opinion the footprint of the existing building was very small for the size of the plot. The new footprint was not very different to that of 146 Cassiobury Drive. The new property would not protrude very far past the rear building line of its neighbours. It was clear that efforts had been made to minimise the impact on the adjacent houses.

Councillor Derbyshire acknowledged Councillor Jeffree's comments about the character of the area. He said that personally he did not like white render, but was aware that there were other houses rendered in the same style in Cassiobury Drive. It would be very difficult to argue that the property was out of character. He was unable to agree that the proposal did not respect the street scene. He noted that the elevation had been adjusted to respect the roof line of the neighbouring properties. He stated that comments had been made about the separation of the properties, however, he was unable to see any significant difference between the proposal and the existing arrangement. A passage between the proposal and the property at 142 Cassiobury Drive would still be maintained. In addition he did not consider it possible to refuse the application based on overlooking, as everyone could look into their neighbour's property from a first floor window.

Councillor Derbyshire commented that he did have one objection to the application, which related to the proposed material to be used for the roof. He considered it would be better to use clay tiles rather than slate, as this would match other white rendered properties in the area.

Councillor Sharpe said that he recognised that people may not like the scheme but the Council had to have grounds to refuse an application, which could be supported at appeal. He sympathised with residents and recognised their concerns. On this occasion he was unable to identify any convincing arguments for refusal.

The Chair referred to Councillor Derbyshire's comments about the roof tiles and asked whether this matter had been discussed with the Applicant.

The Applications Casework Manager advised that the slate roof tiles had been suggested by the Architect and officers had not challenged this matter. A condition had been proposed requiring approval for materials, and the use of clay tiles could be secured through this condition. Councillor Derbyshire was happy with this solution.

Councillor Bell acknowledged all comments that had been made. He felt that overall it would be difficult to object. He referred to the officer's report and the comments included from an inspector on a different application which had been related to the question of overlooking of gardens..

Councillor Watkin noted that on the update sheet one of the representations included a request to vary the proposed hours of work, providing for a start time of 9 am rather than 8 am. He felt that this was not an unreasonable request.

The Chair agreed that this was a good point and asked the Members for their views. On being put to the Committee it was agreed to amend Condition 2 to prevent construction work from commencing before 9am.

RESOLVED –

that planning permission be granted subject to the following conditions:

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.
2. Construction of the development hereby permitted shall not take place before 9am or after 6pm Mondays to Fridays, before 9am or after 1pm on Saturday, and not at all on Sundays and Public Holidays.
3. No work shall commence until details and samples of the materials to be used for all the external finishes of the dwelling hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.
4. No work shall commence until details of all hard landscaping and surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No work shall commence until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out no later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. No work shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the first occupation of the dwelling hereby permitted and shall be maintained as such at all times thereafter.
7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B and D of the Order shall be carried out to the dwelling hereby approved without the prior written permission of the Local Planning Authority.

8. The proposed first floor windows in the south-eastern side elevation of the dwelling hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.
9. No work shall commence until details of the method of disposal of surface water from all vehicle parking areas have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The dwelling hereby approved shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.
10. No work shall commence until a proposed ground levels drawing showing the proposed slab and finished floor levels of the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. The development shall not be constructed otherwise than in accordance with the approved details and in relation to the fixed datum point.
11. No external lighting shall be installed on the site except in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
12. This permission shall relate to the plans and application form as amended by drawing Nos. 10 Rev B; 11 Rev B; 12 Rev B; 23 Rev B, received by the Local Planning Authority on 24th September 2013.

Informatives

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.

Chair

The Meeting started at 7.30 pm
and finished at 8.10 pm