



DEVELOPMENT CONTROL COMMITTEE

Thursday, 10th October, 2013

7.30 pm

Town Hall, Watford

Publication date: 2 October 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.

ACCESS

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

FIRE/EMERGENCY INSTRUCTIONS

In the event of a fire alarm sounding, vacate the building immediately following the instructions given by the Democratic Services Officer.

- Do not use the lifts
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

MOBILE PHONES

Please ensure that mobile phones are switched off before the start of the meeting.

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 19 September 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.

4. **OUTSTANDING PLANNING APPLICATIONS** (Pages 1 - 2)

A list of outstanding planning applications as at 1 October 2013

5. **144 CASSIOBURY DRIVE** (Pages 3 - 32)

Application for the demolition of existing house and erection of new dwelling

This page is intentionally left blank

LIST OF OUTSTANDING PLANNING APPLICATIONS AS AT 01 October 2013

A total of 1 application report is included on this agenda for decision, of which 1 will be within the Government's target dates for determination of applications

On 01.10.13 there was 1 application 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.

This page is intentionally left blank

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	10th October 2013
Site address:	144 Cassiobury Drive, Watford
Reference Number :	13/00890/FUL
Description of Development:	Demolition of existing house and erection of new dwelling
Applicant:	Mr Nathan Reekhaye
Date received:	20th August 2013
8wk date(minor):	16th October 2013
Ward:	PARK

SUMMARY

The proposed dwelling is contemporary in style, which is acceptable. The National Planning Policy Framework is clear that decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Projecting front gables are a feature of the street scene and the proposed dwelling reflects this design aspect. The proposed feature glazing on the front gable is proportionate and comparable in scale with glazing seen elsewhere in the street. The glazing projects only a small distance above the eaves line, which limits the dominance of the dwelling. The front gable includes a recessed element, which is an attractive feature that breaks up the bulk of the gable.

The ridge and eaves heights of the proposed dwelling would both match the existing house and its scale would be comparable with other properties in the street. The massing of the dwelling is acceptable because the front gable

provides an attractive feature that 'breaks up' the front elevation. The dwelling would be finished in white render, which matches several neighbouring houses in the street.

The proposed dwelling would not have a significant impact on the residential amenities of neighbouring properties.

The existing vehicular crossover would be retained and the number of on-site parking spaces is sufficient.

There would not be a net increase in residential dwellings on the site, therefore s106 contributions towards community facilities and sustainable transport measures are not required in this case.

As such, the proposed development is acceptable and complies with the policies of the Development Plan. Accordingly, the Development Management Section Head recommends that planning permission be granted, subject to appropriate conditions.

BACKGROUND

Site and surroundings

No. 144 Cassiobury Drive is a two storey detached house. The external walls are finished in red brickwork. The dwelling has a tiled hipped roof and there are chimneys on each side. The north-western side wall is close to the boundary with No. 146 and there is an attached garage on the south-eastern side adjacent to No. 142. The side wall of No. 142 abuts the shared boundary and the gap above the attached garage provides visual separation between the houses.



144 Cassiobury Drive

The depth of the house is quite narrow compared to other properties in the street. Both No. 142 and No. 146 project further to the rear. No. 146 is a chalet bungalow and it has a number of secondary windows in the side elevation. No. 142 is a wide two storey house, which has no windows in the side elevation.

The street consists predominantly of detached houses of varying design and appearance. Projecting front gables are a common feature, although they differ in style. There are a mixture of materials in the street - some properties are finished in brickwork, whereas others are finished in render. Some properties, such as Nos. 152 and 148, have mock-Tudor style timbering. No. 138 features large full-height glazing on the front elevation and No. 131 has a large feature window on the front gable.



138 Cassiobury Drive



131 Cassiobury Drive

The site is served by an existing vehicular crossover and there is hard surfacing in the front garden to provide on-site parking spaces. The front boundary consists of a low dwarf wall.

The property is not listed or located in a designated conservation area.



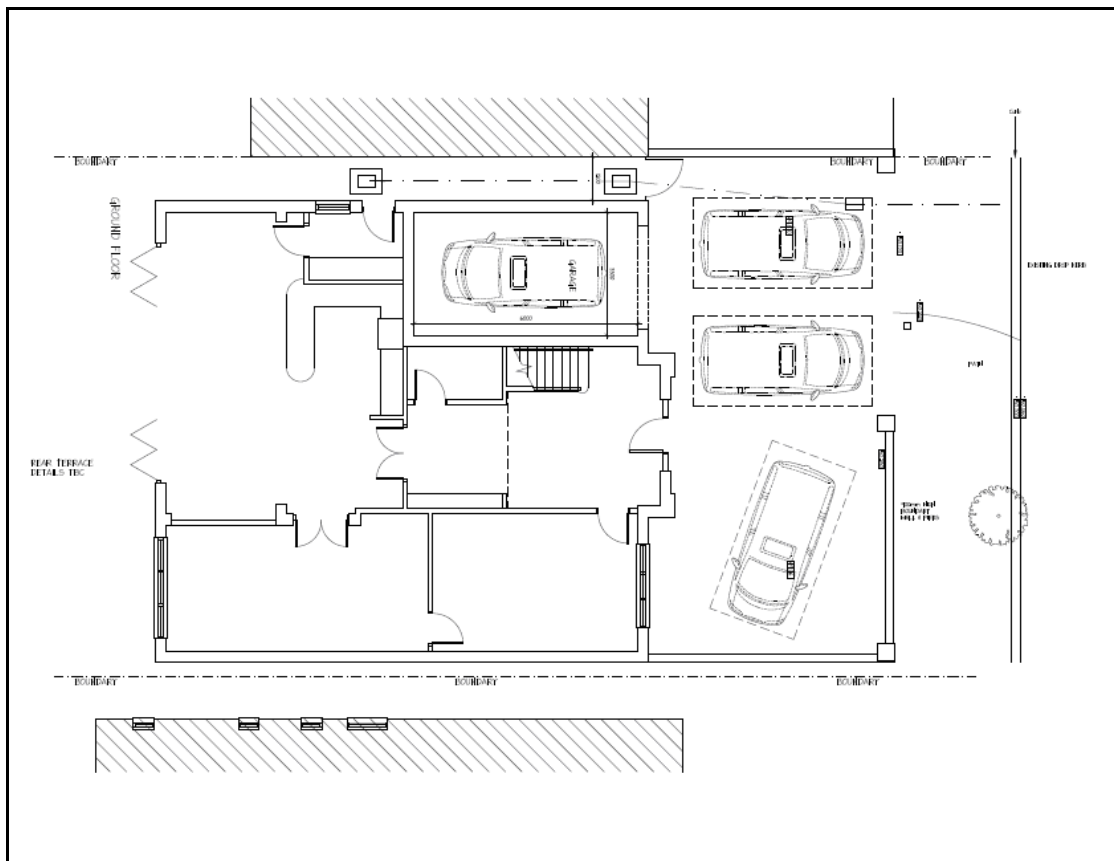
Existing aerial view.

Proposed development

The application seeks full planning permission for the demolition of the existing house and the erection of a replacement two storey dwelling.

The main bulk of the two storey front wall would be positioned on the line of the existing front wall. Only the two storey front gable would be sited further forward, projecting by 0.7m.

The north-western side wall of the proposed dwelling would be positioned on the same line as the existing side wall. The two storey south-eastern side wall would be closer to the boundary with No. 142 as the gap would be reduced from 3.6m to 1.2m.



Site layout

The proposed dwelling would have a hipped roof with a ridge height of 7.4m and an eaves height of 4.9m, both of which match the existing house. The roof pitch would be slightly shallower. The front gable would be 4.4m wide and set down 0.5m from the ridge of the main roof. The front door would be timber painted

black and the sidelights would have etched glazing. The front gable would include a 10cm recessed element and feature glazing. The front elevation would incorporate an integral garage.

The proposed dwelling would extend further to the rear than the existing house. On the side adjacent to No. 146, the two storey part of the house would project 4.3m beyond the existing ground floor sitting room and a single storey flat-roofed element would project a further 3.3m. On the side adjacent to No. 142, the two storey rear projection would project 6.3m further to the rear than the existing kitchen.

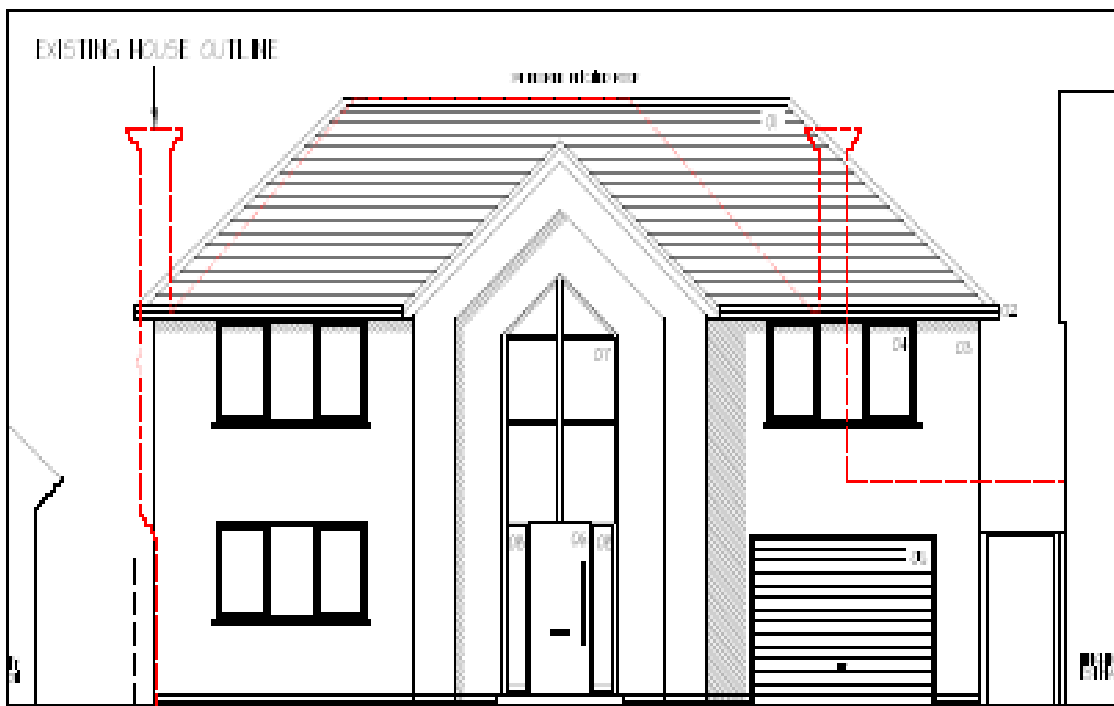
The rear part of the main roof would consist of two hipped rear projections. There would be a flat section of roof between the hipped roofs.

The external walls of the dwelling would be finished in white render.

Amended plans were received on 24th September 2013 to address concerns about the size of the glazing on the front gable. The amount of glazing has been reduced and is now proportionate to the size of the gable and more in scale with the feature glazing on neighbouring properties. The dwelling would not appear as grand or dominant as shown on the original drawings. Moreover, the new vehicular crossover originally proposed has been removed from the application due to concerns raised by the Arboricultural Officer relating to the impact of the crossover on the highway tree. The existing vehicular crossover would be retained and the integral garage has been moved from the north-western side, as originally proposed, to the south-eastern side to ensure that it is accessible. Further letters were sent to neighbouring properties on 24th September 2013 to give the opportunity to make further comments on the amended plans.



Front elevation – original superseded plan



Front elevation – amended plan received 24th September 2013

[Dashed lines indicate the existing dwelling]

Planning history

75/00369/FUL- Erection of store. Conditional Planning Permission. September 1975.

73/08369/FUL- Erection of a two-storey extension comprising bedroom, bathroom, utility room, kitchen and garage. Conditional Planning Permission. July 1973.

Relevant policies

National Planning Policy Framework

- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

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
- UD1 Delivering high quality design
- SD1 Sustainable Design
- SD2 Water and Waste Water
- SD3 Climate change

- SD4 Waste
- HS1 Housing supply and residential site selection
- HS2 Housing mix
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure

Watford District Plan 2000

- SE22 Noise
- SE23 Light Pollution
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development

Supplementary Planning Guidance

- SPG6 Internal Room Space Standards

Supplementary Planning Documents

- Residential Design Guide Volume 1: Building New Homes (November 2008)
 - Residential Design Guide Volume 2: Extending Your Home (November 2008)
 - Watford Character of Area Study - Adopted December 2011
-

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 13 properties in the surrounding area. 6 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

Amended plans were received on 24th September and further letters were sent to neighbouring properties on the same day to give neighbours the opportunity to comment on the amended plans. The deadline for further comments is 8th October and the Committee will be advised of any representations that are received after the date this report was written.

Statutory consultations

Hertfordshire County Council (Highway Authority)

Hertfordshire County Council as Highway Authority has no objection to the proposal subject to the imposition of a condition requiring the appropriate surfacing of all vehicular areas and the provision of arrangements to ensure that surface water from the site does not discharge into the highway.

Arboricultural Officer

I do not have any tree concerns regarding the replacement building. However the new vehicle crossing falls within 0.5 metres of the tree trunk of a highway tree: the recommended distance between tree and excavation for a tree of this size is 2.4 metres. The lowering of the pavement and kerbs this close to the tree is likely to cause significant root damage which will result in the decline in health and stability of the tree. Ideally this element should be removed from the proposal.

[Note: The vehicular crossover has now been removed from the application.]

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 2013;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*

- (c) the “saved” policies of the *Hertfordshire Waste Local Plan 1995-2005*; 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. The Council’s Core Strategy was found ‘sound’ in October 2012 and was formally adopted on 30th January 2013. The policies of the Core Strategy should therefore be afforded considerable weight in decision making on planning applications.

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.

The *Residential Design Guide, Volume 1 – Building New Homes* was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens*, *SPG8 – Extensions* and *SPG14 – Designing for Community Safety*.

Residential Design Guide, Volume 2 – Extending Your Home was approved by the Council's Cabinet as a Supplementary Planning Document on 17 November 2008. It provides advice on acceptable, and unacceptable, forms of extensions and alterations to residential properties in the Borough. The guide is a material consideration in the determination of planning applications and replaces the Council's existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens* and *SPG8 – Extensions*.

The *Watford Character of Area Study* was approved by the Council's Cabinet as a Supplementary Planning Document on 5th December 2011 and is a material consideration of significant weight in the determination of planning applications.

SPG6 was prepared in accordance with paragraphs 3.15 to 3.18 of PPG12: Development Plans and gives guidance further to the policies of the Watford District Plan 2000. The consultation process was as follows: two 6 week periods of public consultation (19th – 30th June 2000 and 11th May -22nd June 2001); notices in Watford Observer and London Gazette; publicity in Watford Today, Watford Council website and in One Stop Shop at the Town Hall; all statutory consultees, residents' groups and local interest groups informed of consultations. The SPG was adopted by the Planning and Highways Committee on 11th October 2001.

Design and layout

Paragraph 59 of the National Planning Policy Framework states that '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'.

Paragraph 60 states that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

Policy UD1 of the Watford Local Plan Core Strategy 2006-31 seeks high quality design in all new development.

The street consists predominantly of detached houses of varying design and appearance. Projecting front gables are a common feature, although they differ in style. There is a mixture of materials in the street - some properties are finished in brickwork, whereas others are finished in render. Some properties, such as Nos. 152 and 148, have mock-Tudor style timbering. No. 138 features large full-height glazing on the front elevation and No. 131 has a large feature window on the front gable.

The proposed dwelling is contemporary in style, which is acceptable. The NPPF is clear that decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Projecting front gables are a feature of the street and the proposed dwelling reflects this design aspect. The original drawings showed that the front gable would include a large area of glazing that would project well above the eaves line of the main roof. Although feature glazing is evident at Nos. 131 and 138, the glazing originally proposed would have been significantly larger and would have made the proposed dwelling appear overly grand and dominant in the street scene. Such a large area of glazing would be out of keeping with the neighbouring houses in Cassiobury Drive. Amended plans were submitted on 24th September to address these concerns, and the proposed feature glazing is now proportionate to the front gable and comparable in scale with glazing seen elsewhere in the street scene. The glazing projects only a small distance above

the eaves line and the dominance of the dwelling has been markedly reduced. The front gable also includes a recessed element, which is an attractive feature that breaks up the bulk of the gable.

The ridge and eaves heights of the proposed dwelling would both match the existing house and its scale would be comparable to other properties in the street. The massing of the dwelling is acceptable because the front gable provides an attractive feature that 'breaks up' the front elevation. On the rear elevation the hipped roofs break up the mass of the building.

The dwelling would be finished in white render, which matches several neighbouring houses in the street. A condition could be attached to any grant of planning permission to require details and samples of external materials to be submitted to the local planning authority for approval, to ensure that the materials would be of high quality.

The north-western side wall of the proposed dwelling would be positioned on the same line as the existing side wall. The two storey south-eastern side wall would be closer to the boundary with No. 142 as the gap would be reduced from 3.6m to 1.2m. However, when combined with the hipped roof, there would still be sufficient separation between the houses. This accords with the guidance at DG4 in the Residential Design Guide Volume 2, which states that two storey side extensions should maintain a gap of at least 1m to the side boundary in order to preserve viewpoints between houses.

The overall floor area and room sizes of the proposed dwelling comply with the minimum standards set out in SPG6. Moreover, all habitable rooms would have sufficient levels of light and outlook.

There would be an external access to the side of the dwelling, and therefore refuse and recycling bins could be stored in the rear garden.

In all aspects, therefore, the scale, density, massing, height and layout of the new development is appropriate in the context of the surrounding area. Thus, the proposal complies with the guidance in Section 7 of the NPPF and Policy UD1 of the Watford Local Plan 2006-31.

Impact on neighbouring properties

The proposed dwelling would be sited 2.5m beyond the rear of No. 142 and this, together with the distance of 1.2m to the boundary, will ensure that the proposed dwelling will not cause a significant loss of light or outlook to the nearest habitable room window in the rear elevation of No. 142. The proposed dwelling would be sited to the north of No. 142, and therefore it will have limited impact on the light received by the first floor front window of the neighbouring property.

No. 142 has a wide rear garden and, consequently, the proposed dwelling would not cause an unacceptable sense of enclosure to the rear patio area of the neighbouring property.

The proposed dwelling would not project beyond the rear elevation of No. 146; consequently, it would have minimal impact on the light received by, and outlook from, the rear patio doors serving the living room of No. 146. The living room of No. 146 is also served by two small obscurely glazed windows in the side elevation facing the proposed development. However, these windows are secondary in nature because of their size and obscured glazing and because the large rear patio doors provide good levels of light and outlook to the living room. As such, given the small size and secondary nature of the side windows, the proposed dwelling would not cause a significant loss of light or outlook to the living room.

No. 146 also has two obscurely glazed side windows that serve a bathroom. The two storey side wall of the proposed dwelling would be adjacent to these windows, which would reduce the amount of light received by the bathroom. Guidance in the Building Research Establishment (BRE) Report 'Site layout planning for daylight and sunlight' states that the impact on the daylighting distribution in an existing building can be found by plotting the no-sky line in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. The BRE report states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. As such, in accordance with BRE guidance, because the bathroom does not constitute a main living area within the house, the proposed development would not have a significant impact on the residential amenities of No. 146.

The other side windows of No. 146 are secondary in nature and already face the two storey side wall of the existing house. Consequently, any additional impact arising from the proposed dwelling would be minimal.

The proposed dwelling would not cause an unacceptable sense of enclosure to the rear patio area of No. 146 because it would not project beyond the rear elevation of the neighbouring property.

The site is within an urban area where mutual overlooking of rear gardens is to be expected. The first floor rear windows would afford views across the rear gardens of neighbouring properties, although there would only be oblique views into neighbouring windows and patio areas. Furthermore, the Inspector in the appeal decision of 38A Upper Paddock Road (ref: APP/Y1945/A/11/2167077) (May 2012) considered the impact of a rear dormer window on the amenities of neighbouring residential properties. She commented that *"In a built-up area such as this, mutual overlooking of gardens is common and a perception of overlooking is almost inevitable, and I consider this acceptable"*. As such, the proposed development in this case could not be regarded as giving rise to an unacceptable level of overlooking into the adjacent dwellings.

Landscaping and trees

The proposal does not involve the removal of trees. A condition should be attached to any grant of planning permission to require details of an appropriate landscaping scheme.

Parking and transport

Three on-site parking spaces would be provided, which is sufficient. The proposal would not cause a significant increase in traffic generation and there would be limited impact on highway safety. Hertfordshire County Council, as Highway Authority, has no objection to the proposal.

Planning obligations

As there would not be a net increase in residential dwellings on the site, s106 contributions towards community facilities and sustainable transport measures are not required in this case.

Consideration of representations

Neighbour comment	Officer response
The design of the proposed property is out of keeping aesthetically with surrounding properties. Despite the submitted Design & Access Statement indicating that adjacent properties are of a similar size and are rendered in a similar manner, thus suggesting the proposed building is in keeping with its surroundings, virtually all the properties in the streetscape were built in the 1930s and are thus of a different style and character. The proposed modern	The design of the proposed dwelling is acceptable for the reasons given in the 'design and layout' section of the report.

<p>structure will create an imbalance of designs and upset the attractive flow of properties along this section of Cassiobury Drive.</p> <p>The existing property fits the plot in a pleasing manner but the proposed structure will dominate the plot both in its bulk and modern design and, in our view, will not blend into the streetscape in an acceptable fashion.</p> <p>Section 8.0.5 of the Design Guide picks up on the importance of window detailing and solid to void ratios of front facades of new buildings, and the need to respect and respond to prevailing conditions. I do not consider that the proposals for the front elevation adhere to these guidelines, and would suggest that the proposal to use tinted glass to the double height hallway entrance glazing to have no precedent in the area, and is an inappropriate and outdated specification.</p> <p>The loss of the existing red brick façade would be a tragedy and the erection of a ground to roof tinted glass hallway entrance an intrusive eyesore.</p>	
<p>My two south-east facing windows furthest away from the back garden</p>	<p>No. 146 has two obscurely glazed side windows that serve a bathroom. The</p>

<p>would be directly opposite a wall some 1.5m away and two storeys high. Consequently, by applying the guidance target in the Residential Design Guide Volume 1, an angle greatly in excess of 25⁰ would be subtended at the centre of both windows. The effect of this proposed wall would therefore be to drastically reduce the amount of natural light entering the room and, with no other sources of such light available, make the use of artificial light inevitable.</p>	<p>two storey side wall of the proposed dwelling would be adjacent to these windows, which would reduce the amount of light received by the bathroom. Guidance in the Building Research Establishment (BRE) Report 'Site layout planning for daylight and sunlight' states that the impact on the daylighting distribution in an existing building can be found by plotting the no-sky line in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. The BRE report states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. As such, in accordance with BRE guidance, because the bathroom does not constitute a main living area within the house, the proposed development would not have a significant impact on the residential amenities of No. 146.</p>
<p>My two windows nearest the back garden would be opposite a single storey wall and would admittedly, be less affected than the windows above. However, I believe there would still be a reduction in the amount of light entering the room and this is to be regretted.</p>	<p>The proposed dwelling would not project beyond the rear elevation of No. 146, therefore it would have minimal impact on the light received by, and outlook from, the rear patio doors serving the living room of No. 146. The living room of No. 146 is also served by two small obscurely glazed windows in</p>

	<p>the side elevation facing the proposed development. These windows are secondary in nature because the large rear patio doors provide good levels of light and outlook to the living room. As such, given the small size and secondary nature of the side windows, the proposed dwelling would not cause a significant loss of light or outlook to the living room.</p>
<p>In the Residential Design Guide one of the key principles for sustainable development is stated to be “reusing existing buildings where it is practical or economic to do so”. Whilst the present house may be outdated and below standard of design specifically with respect to thermal efficiency, these are aspects that can be readily remedied without resorting to complete demolition. Such demolition would create excessive noise and pollution, an cause my family and neighbours unacceptable disruption.</p>	<p>A reason for refusal based on the demolition of the existing house could not be substantiated because it is not protected by either statutory or local listing.</p> <p>Disruption during construction work is not a material planning consideration. New development will often cause some disruption to neighbours. A condition restricting the hours of construction should be attached to any grant of planning permission to prevent unreasonable working hours.</p>
<p>The distance between the existing side wall and the boundary line is approximately 0.45m which, in my opinion, is insufficient for construction or maintenance work. Access would accordingly be required on to my property for these purposes but my</p>	<p>This is a civil matter and is not a material planning consideration.</p>

<p>permission for this to happen has not been sought, neither will it be given.</p>	
<p>Currently, the only first floor habitable room in the existing house overlooking the back gardens of the neighbouring properties of Nos. 142 and 146 Cassiobury Drive is the primary bedroom. Using the accepted methodology of the privacy arc (as outlined in your Design Guide) to illustrate the area of accepted overlooking from this window, the area of garden of the neighbouring properties overlooked by this room is limited. At No. 146 this area is approximately 98sqm out of a total garden area of approximately 466sqm – 21% of the garden area, and at No. 142 only 51sqm – 8% of that garden area.</p> <p>In the proposed scheme for No. 144, the number of habitable rooms at first floor on the rear elevation is increased to 3, and the windows are 4-7m further into the plot. When the privacy arc is plotted onto the plan for this arrangement, the area of overlooking to both gardens of No. 142 and 146 is drastically increased; in the case of the garden of No. 146 to 242sqm, and at</p>	<p>The 'privacy arc' is a rule-of-thumb to prevent unreasonable overlooking into habitable windows of neighbouring properties. It is not used to assess overlooking into neighbouring gardens.</p> <p>Section 7.4 (b)(iv) of the Residential Design Guide Volume 1 gives guidance to prevent overlooking of private gardens. It states that a minimum direct distance of 10m should be achieved between upper level habitable rooms on a rear elevation and rear boundaries. The proposed development complies with this standard.</p> <p>The site is within an urban area where mutual overlooking of rear gardens is to be expected. The first floor rear windows would afford views across the rear gardens of neighbouring properties, although there would only be oblique views into neighbouring windows and patio areas. Furthermore, the Inspector in the appeal decision of 38A Upper Paddock Road (ref: APP/Y1945/A/11/2167077) (May 2012) considered the impact of a rear dormer</p>

<p>No. 142 212sqm – 52% and 32% of the overall respective garden areas. This represents in my opinion an unacceptable and ‘significant loss of privacy to neighbouring gardens’, as referred to in your Design Guide, and the scheme should be refused on this point alone.</p>	<p>window on the amenities of neighbouring residential properties. She commented that <i>“In a built-up area such as this, mutual overlooking of gardens is common and a perception of overlooking is almost inevitable, and I consider this acceptable”</i>. As such, the proposed development in this case could not be regarded as giving rise to an unacceptable level of overlooking into the adjacent dwellings.</p>
---	--

Conclusion

The proposed dwelling is contemporary in style, which is acceptable. The National Planning Policy Framework is clear that decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Projecting front gables are a feature of the street scene and the proposed dwelling reflects this design aspect. The proposed feature glazing on the front gable is proportionate and comparable in scale with glazing seen elsewhere in the street. The glazing projects only a small distance above the eaves line, which limits the dominance of the dwelling. The front gable includes a recessed element, which is an attractive feature that breaks up the bulk of the gable.

The ridge and eaves heights of the proposed dwelling would both match the existing house and its scale would be comparable with other properties in the street. The massing of the dwelling is acceptable because the front gable provides an attractive feature that ‘breaks up’ the front elevation. The dwelling would be finished in white render, which matches several neighbouring houses in the street.

The proposed dwelling would not have a significant impact on the residential amenities of neighbouring properties.

The existing vehicular crossover would be retained and the number of on-site parking spaces is sufficient.

There would not be a net increase in residential dwellings on the site, therefore s106 contributions towards community facilities and sustainable transport measures are not required in this case.

As such, the proposed development is acceptable and complies with the policies of the Development Plan.

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:

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 Saturday, 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.

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.

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 surrounding area.

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.

Reason: In the interests of the visual appearance of the site.

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.

Reason: In the interests of visual appearance of the site.

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.

Reason: In the interests of the visual appearance of the site.

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.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers.

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.

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

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.

Reason: To minimise danger, obstruction and inconvenience to highway users.

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.

Reason: In the interests of visual appearance of the site.

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.

Reason: In the interests of the visual amenity of the site and to protect the residential amenities of the occupiers of neighbouring properties.

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.

Reason: For the avoidance of doubt as to what has been permitted.

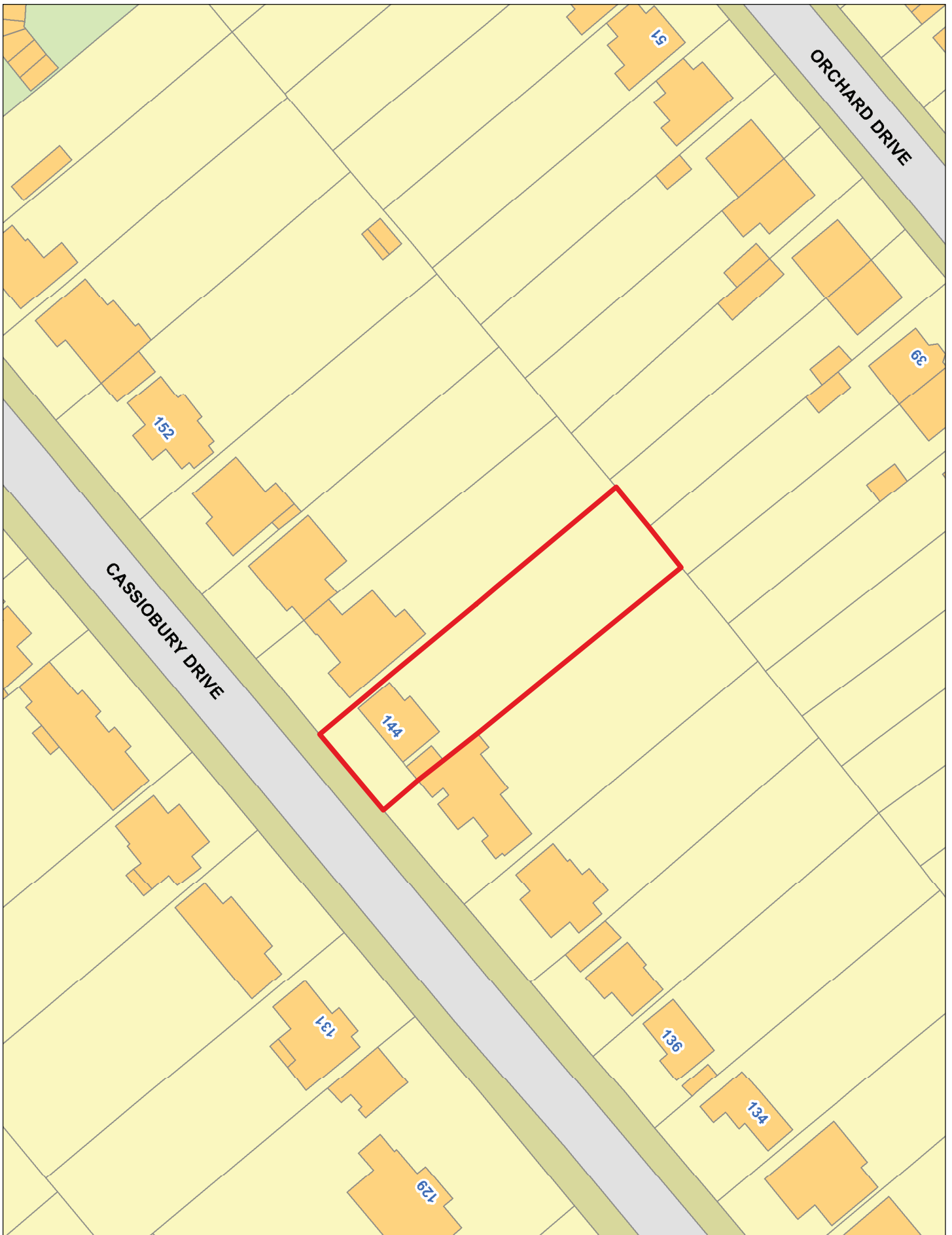
Informatives

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.

Drawing Numbers

OS; 10 Rev B; 11 Rev B; 12 Rev B; 23 Rev B; 24 Rev A; 25 Rev A; 100 Rev D;
101 Rev B

Case Officer: Chris Osgathorp
Email: chris.osgathorp@watford.gov.uk
Tel: 01923 278968

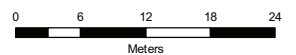


144 Cassiobury Drive

Produced by Corporate GIS, October 2013



Scale: 1:700
at A4



ORDNANCE SURVEY LICENCE AGREEMENT
 © Crown copyright and database rights 2013
 Ordnance Survey 100018689
AERIAL PHOTOGRAPHY
 Copyright GeoPerspectives

This page is intentionally left blank