



# DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday, 25th June, 2015**

**7.30 pm**

**Town Hall**

**Publication date: 16 June 2015**

**CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Rob Cowan in Democracy and Governance on 01923 278375 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

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

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## **SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE**

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Management Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

# COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors S Bashir, N Bell, S Johnson, I Sharpe, M Turmaine, M Whitman 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 Development Management Committee held on 4<sup>th</sup> June 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

*(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. **15/00609/FUL - TOAD HALL NURSERY, 100 HEMPSTEAD ROAD (Pages 5 - 28)**

Application for the erection of single storey extensions on both sides of the existing children's nursery building.



# Agenda Item 4

	PART A	Item Number
Report of:	<b>HEAD OF REGENERATION AND DEVELOPMENT</b>	
Date of Committee:	<b>25th June 2015</b>	
Site address:	<b>Toad Hall Nursery, 100 Hempstead Road</b>	
Reference number:	<b>15/00609/FUL</b>	
Description of development:	<b>Erection of single storey extensions on both sides of the existing children's nursery building.</b>	
Applicant:	<b>Toad Hall Nursery</b>	
Date Received:	<b>23<sup>rd</sup> April 2015</b>	
8 week Date (minor):	<b>18<sup>th</sup> June 2015 (but extended to 30<sup>th</sup> June 2015 by agreement)</b>	
Ward:	<b>Nascot</b>	

## **SUMMARY**

The application seeks planning permission for the erection of a pair of ground floor extensions to the existing children's nursery: one on either side of the original building.

This is a re-application, which seeks to address the reasons for which the previous application (14/01036/FUL) was refused last year (under delegated powers). The design of the proposed extensions has been improved, there is no longer any proposal to create a second vehicular access from Hempstead Road (and so there is no longer any threat to the protected trees on the front boundary), and, whereas the previous application had not presented any evidence regarding potential noise impacts that might arise due to the increase in the number of children on the premises, this new application is accompanied by a noise impact report that has been prepared by an acoustic consultant, and the Council's Environmental Health Officer has accepted that report as evidence that there

would be no significant increase in likely levels of noise disturbance to neighbours as a result of the proposal.

The Head of Regeneration and Development recommends that the application be approved as set out in the report.

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## **BACKGROUND**

### **Site and surroundings**

100 Hempstead Road was originally a large detached two storey house in the neo-Tudor style. The site is now used as a children's nursery called Toad Hall Nursery. On the left side of the old house (as seen from the front) there is a low, light-weight ground floor side extension which is used as a store. The house had a detached garage to its right, but that has been converted into a room.

The property has a large forecourt, which is mostly graveled for informal (unmarked) parking, except for a brick paved driveway leading from the vehicular access point up to the front door, with graveled areas on either side. The forecourt has only one vehicular access point, and on either side of that there is a brick front boundary wall. Standing behind the wall within the site, just to the left of the entrance, there are two tall mature horse chestnut trees. Those are protected as they fall within Group G9 of Tree Preservation Order 3.

There is a large rear garden that is used as an outdoor play space by the children. Outbuildings have been erected in the garden, to the rear of the converted garage, including a detached annexe which was granted planning permission in 2008. The rear garden is surrounded by mature trees.

### **Previous application**

This is a re-application, which seeks to address the reasons for which the previous application (14/01036/FUL) was refused last year (under delegated powers). That application was not only for the erection of single storey extensions on either side of the original building (the design has since been improved) but also for the creation of a second vehicular access point from the Hempstead Road to allow for a one way circulation system for traffic on the parking forecourt (that is no longer proposed).

The reasons for the refusal of that previous application were as follows:

- 1 *The creation of the new vehicular entrance from Hempstead Road would involve excavations within the root protection zone of the two protected horse chestnut trees that stand by the front boundary of the site. These two trees fall within Group 9 of Tree Preservation Order 3. The harm that is likely to be caused to the roots by the excavation work would be likely to contribute to the decline of those two trees, which have been protected because of the positive contributions that they make to the street-scene of the Hempstead Road. The proposal is therefore contrary to saved Policy SE37 (Protection of Trees, Woodlands and Hedgerows) of the Watford District Plan 2000.*
  
- 2 *The proposed side extension on the right side of the main building (as seen from the front) would project forward of the original front building line by 1.364m. That would cause the side extension to appear unduly prominent. It would not be set back from the main front building line, and as such it does not accord with the principles of good design that are set out in the Residential Design Guide supplementary planning document (section 8.7b and d and images 9, 10 and 24) where a 1m setback is recommended to ensure subordination. The proposed side extension on the left side of the main building, although it would not be set forward of the main front building line, would be flush with it rather than being set back, and this extension would also not appear subordinate to the original building. The result would be a building the proportions of which would appear distorted because*

*whereas its design emphasis is currently vertical (as characterised its neo-Tudor decorative timbers) it would take on an inappropriate horizontal emphasis, making the building appear to have been stretched sideways. This is not considered to be in accordance with Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1 Core Strategy. It is also contrary to the pre-application advice that was provided by the Local Planning Authority in a letter dated 16.02.2012 (reference 12/00144/PREAPP) in response to an enquiry on behalf of the applicants.*

- 3 *This nursery has a rear garden in which young children play, and that activity can give rise to noise which has the potential to cause a nuisance to the residential properties that surround this site on each side and at the rear. The proposal involves enlarging the premises so that the number of children can be increased from 80 to 105, which would be a 31 percent increase. No assessment of the potential increase in noise has been included in this application, and no consideration has been given as to whether any increase in noise would be likely to have a significant adverse impact on the amenity of neighbouring residential premises, as is required by saved Policy SE22 (Noise) of the Watford District Plan 2000.*

### **Proposed development**

Full planning permission is sought for the erection of single storey side extensions on both sides of the original house. Those would both replace existing structures. The application states that the intention is that the nursery's capacity would be increased from 80 to 105 children, and that the staff would double from 5 to 10.

The application is accompanied by three reports that have been prepared for the applicants by consultants as follows:

- A report that has been commissioned by the applicants from a firm of transport consultants called Mayer Brown, regarding the potential impacts on the highway.



Comparison of the report that has been submitted with this application against the version which was submitted with the previous application shows that (although both are dated July 2014 on the front cover) there have been some deletions of parts that referred to previous proposals that have been dropped – namely the creation of a new vehicular access. The deletions have resulted in some breaks in the paragraph numbering.

- A report that has been commissioned by the applicants from a firm of arboricultural consultants called Tree Surveys, regarding the potential impacts on trees. It is dated July 2014, and it is of little relevance to the current application which (unlike the previous application that was refused in September 2014) need not involve any works that might jeopardise the trees on the front boundary, which are protected by Tree Preservation Order TPO3.
- A new report, dated March 2015, by an acoustic consultant, into environmental sound levels. No such report was submitted with the previous application.

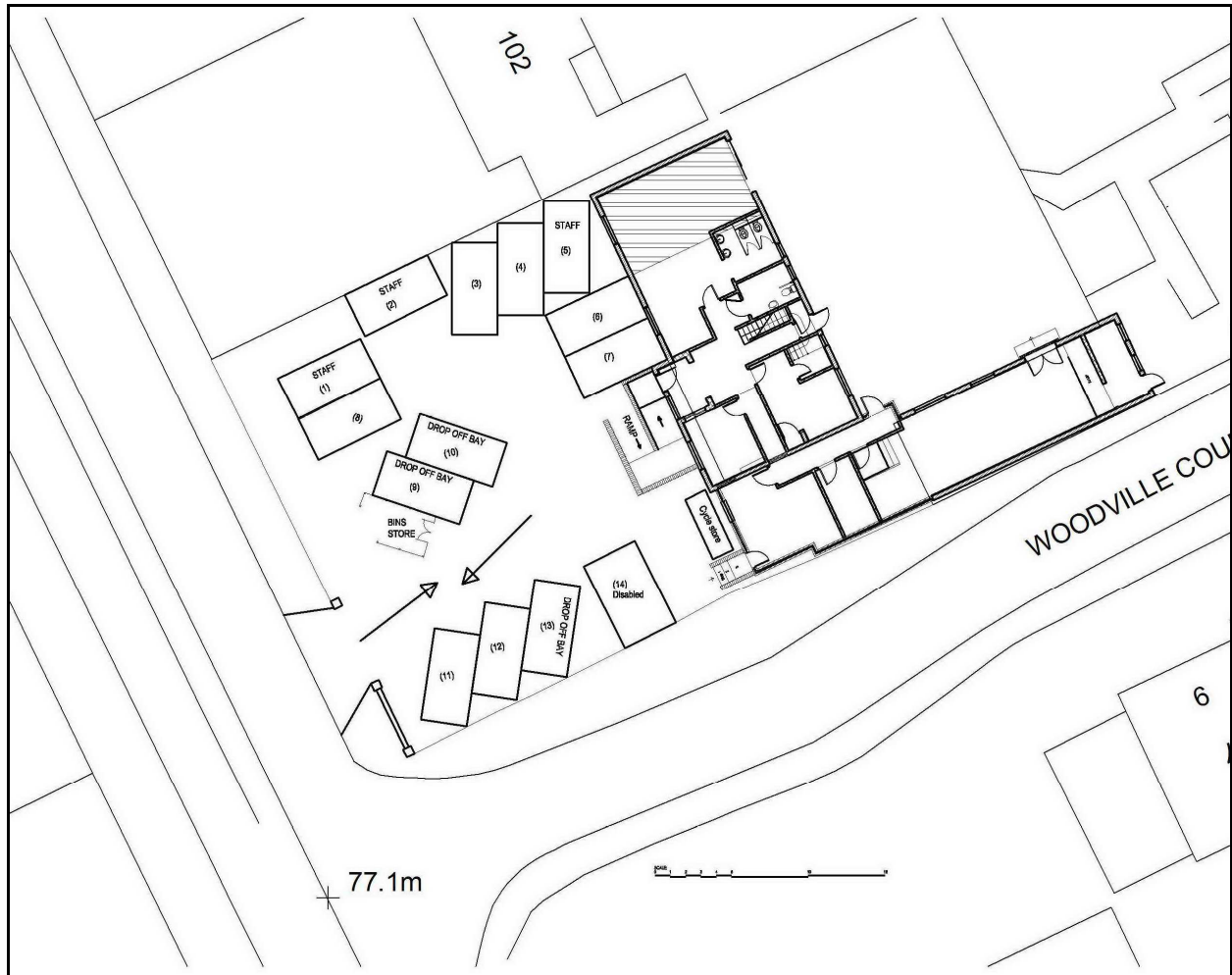


Proposed front elevation

### **Determination deadline extensions**

This application was originally submitted on 23 April 2015, and the eight week determination deadline was initially set at 18 June 2015. Because of the number of objections that have been received, it has been necessary to refer this case to the

Development Management Committee for determination (rather than determining it under delegated powers). As a consequence, the period for determination of the application has been extended (with the applicant's consent) to 30 June 2015 so that it can be considered by the Committee at the meeting on 25 June 2015.



Proposed site layout

### **Planning history**

9/351/91 – 2 storey side extension. Approved. 16.10.91

9/427/91 – Change of use to children's nursery. Approved. 11.3.92

92/00067/ADV - 20.01.1994 - Retention of 2 no. advertisements (one freestanding sign and one sign attached to the former detached garage).

9/484/92 – Single storey extension, bin store, vehicular access. Approved. 19.1.94

9/342/93 – Children's day nursery. Refused. 19.1.94

9/111/94 – Continued use for children's nursery. Approved. 8.6.94

94/0111/9 - 08.06.1998 - Retention of the use of the detached building (including former garage) and side extension to the property for children's day nursery.

95/0478/9 – Conditional planning permission granted. 28.11.1996 - The change of use of the existing nursery to a bungalow and the change of use of the existing house to a nursery.

587/97 – Single storey conservatory. Withdrawn. 12.3.98

97/0581/9 - 09.03.1998 - Erection of a single storey conservatory extension (43m<sup>2</sup>) to existing Children's Nursery

98/0044/9 - 13.05.1998. Conditional planning permission granted. Retention of existing nursery on a permanent basis.

98/0045/9 - 13.05.1998 - Variation of condition 1 of planning permission ref. 95/0478/9 to allow retention of existing nursery for a further temporary period.

00/00151/COU - 12.10.2000 - Change of use of residential bungalow - to nursery school (D1 Use)

02/00612/FUL - 12.12.2002 - Erection of a two storey rear extension. Refused.

06/01276/TPO - 02.10.2006 - Works to trees under TPO No 3

08/00410/FUL – Conditional planning permission was granted on 12.05.2008 - Erection of a single storey nursery school building (amended description)

12/00144/PREAPP - Pre-application advice for the erection of a single storey side extension to form staff room and nursery space. – A letter of advice was sent on 16.02.2012. The advice given was that a side extension could be acceptable, but not if it projected forward of the main front building line because side extensions should remain subordinate in character to the original building.

14/01036/FUL – Refused planning permission on 17.09.2014 - Erection of single storey extensions and alterations to building, modification to parking arrangement and creation of new vehicular access.

14/01740/PREAPP – A letter of advice was sent on 04.12.2015 in response to this request for pre-application advice. The advice given was that the design of the extensions was an improvement over the recently refused application because they would both be subordinate to the main building. The agent was reminded that a noise impact report would be required. They were advised to abandon their idea of inserting a second vehicular access point in the front boundary as we had various concerns about that. Subsequently in April 2015 the agent sent us new drafts of his drawings and also a noise impact report, and having consulted our colleagues in Environmental Health we wrote to say that this was considered satisfactory. The planning officer met the agent on site on 16.04.2015 and gave further advice verbally.

### **Relevant Policies**

#### **National Planning Policy Framework**

Section 1 Building A Strong, Competitive Economy

Section 7 Requiring Good Design

Decision Taking

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

No relevant policies.

**Hertfordshire Minerals Local Plan (saved policies)**

No relevant policies.

**Watford Local Plan Part 1: Core Strategy 2006-2031**

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

**Watford District Plan 2000 (saved policies)**

SE22 Noise

SE37 Protection of Trees, Woodlands and Hedgerows

**Supplementary Planning Documents**

Residential Design Guide (SPD adopted July 2014)

Watford Character Of The Area Study (SPD adopted Dec 2011)

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**CONSULTATIONS**

**Neighbour notifications**

Notification letters were sent to 25 properties in Hempstead Road, Maple Grove, Westfield Avenue, Woodville Court and Woodville Court Mews.

Due to a clerical error, the letter that was sent out was headed with a description of the proposal that was copied from the previous application (14/01036/FUL), which was not

entirely applicable to the current application because, while both applications have proposed the erection of ground floor extensions on either side of the main building, this current application is no longer proposing the creation of a second vehicular access point on the Hempstead Road, and the marking out of parking bays that is now proposed does not require planning permission in this case. A letter was sent to the same local residents on 1<sup>st</sup> June to explain and apologise for the error, and to make it clear that the current application is not the same as that which was refused permission in September 2014, and that no new vehicular access point is proposed.

The description that was wrongly applied initially was:

*“Erection of single storey extensions and alterations to building, modification to parking arrangement and creation of new vehicular access.”*

The corrected description is:

*“Erection of single storey extensions on both sides of the existing children's nursery building.”*

Five responses were received, all of which were from people who objected to the application. Three of those were from people who live in Woodville Court, another was from someone living in Woodville Court Mews, and one was from the neighbour at 102 Hempstead Road. They were writing in response to the original notification letter. Following the issue of the corrected notification letter, no one has written to withdraw their objection, and so all five objections are still considered to be extant. The points that were raised in those representations are summarised in the section of this report entitled Consideration of Representations Received.

## **Consultations**

### **Hertfordshire County Council (Highway Authority)**

The Highway Authority was consulted because the application involves an intensification of use. The County Council has no objection to the proposal. Their officers accept the figure that is given by the applicants' transport consultant for an extra 24 vehicle trips that

would be generated during a working day, and they consider this to be acceptable. They suggested that a condition be applied to stipulate that no materials should be stored outside the site except by their agreement. Your officers' view is that such a condition is unnecessary because it is already unlawful to store building materials on a public highway unless by agreement with the Highway Authority.

#### Arboricultural consultant

The revised parking and access arrangements whilst requiring the removal of some boundary planting will not affect the protected trees and front boundary planting. However to ensure the protected trees are not adversely affected the new parking surface within the root protection area of the two trees should be laid without excavation (the existing gravel can be removed).

#### Environmental Health

I have reviewed the acoustic report and my comments are as follows. I understand that the play yard is not changing location, it will only accommodate extra children. Based on this understanding, I agree with the conclusion that the acoustic consultant has reached, which is that the increase in the number of users will only lead to a minor increase in sound pressure level. This minor increase should not have a major impact on the existing noise levels when the yard is in use. Therefore, based upon the information provided, we do not have any objections to this application.

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## **APPRAISAL**

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

- (a) *Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 2013)*
- (b) the continuing "saved" policies of the *Watford District Plan 2000*
- (c) the *Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026*

(d) the Hertfordshire Minerals Local Plan Review 2002-2016

### **Economic and social benefits**

This is a local business that appears to be thriving and which is seeking to expand. It also provides a valuable child care service to people who work in Watford, particularly as it is located on one of the main arterial roads that commuters use to get to and from the town centre, and in that respect it also supports Watford's economy more generally. In principle a proposal to enlarge the business, to employ more people and to accommodate more children is considered to be beneficial to the town – both economically and socially. However its potential environmental impacts must also be considered, and these aspects are referred to in more detail below.

### **Design**

The extensions that are proposed on either side of the main building would both be low, single storey structures, with flat roofs surrounded by parapets. This design keeps them low and unobtrusive. Besides the advantage of their being low, the proposed roof design is more appropriate to a building of this period than the type of crown roof that was proposed in the previous application.

Whereas in the previous application the extension on the right side would have projected forwards of the main front building line, in this case the design has been improved by setting the front of that extension back a few centimetres behind the front corner of the main building, to ensure that the extension remains subordinate. The existing outbuilding (a converted former garage) that will be replaced does project forwards somewhat, and so in that respect the proposed new extension will constitute an improvement.

The extension that is proposed on the left of the building will be flush with the front of the main building. It would have been preferable to have set it back slightly to ensure subordination; but at least it does not project forwards at all, and it is no worse in that respect than the existing light-weight extension that it will replace – which is flush at the front. The proposed extension will not abut the side boundary because a gated alley 1m



wide is proposed down its left side, separating the extension from the neighbouring house at 102 Hempstead Road. That is another respect in which the proposal will be an improvement over the existing situation, because the light-weight extension that it would replace is currently abutting the side boundary with 102. The result will be that the Toad Hall Nursery will appear less “sprawling” than it does now because the extension on the left will be narrower and the one on the right will no longer project forwards. The gated alley down the left side will also allow for an emergency exit from the rear garden in case it were ever necessary to evacuate the children from the play area.

### **Impact on neighbouring properties**

The extensions will allow for an increase in the number of children using the facilities. The application states that it is envisaged that the number of children would increase from 80 to 105. This nursery has a rear garden in which young children sometimes play, and that activity can give rise to a certain amount of noise. As there are residential premises to either side of the site and also behind it, it is necessary to consider whether it would be likely that the increase in the number of children on the site might give rise to a significant increase in the levels of noise. One of the reasons for the refusal of the previous application (14/01036/FUL) was that it had failed to present any evidence to show that the increase in children would not lead to a noise nuisance.

This new application is accompanied by a report that has been prepared for the applicants by an acoustic consultant. That report concludes that there is no reason to suppose that any adverse impacts would arise in terms of noise nuisance as a result of the development – neither at the front (as a result of any increase in people and vehicles arriving and leaving) nor at the rear (as a result of children playing in the garden). The Environmental Health officer has reviewed that report on behalf of the council, and agrees with the report’s conclusions. Accordingly, there is no objection to the application from an environmental health point of view.

## **Trees**

A tree survey has been submitted with the application. That was prepared for the applicant by an arboricultural consultant and it is dated July 2014. This report was a document that was originally prepared as a response to the refusal of the previous application, where the potential for harm to some protected trees on the front boundary was a cause for concern. However those trees on the front boundary are no longer threatened because the current application is no longer proposing to create a new vehicular access – the agent was advised at pre-application stage that the new access was not likely to be considered acceptable, and so it has not been proposed in this application.

The Council's arboricultural consultant is satisfied that the protected trees will not be adversely affected by the proposals, provided the new parking surface within the root protection area of the two protected trees is laid without excavation (following the removal of the existing gravel). A condition to this effect can be attached to any grant of planning permission.

## **Parking and highways**

Unlike the previous application, which was refused last year, there is no proposal in this case to create a new vehicular access to the site. One of the drawings shows that parking bays are to be marked out, but that in itself does not require planning permission. However, there will be no loss of existing parking space, as the proposed extensions will take up no more space at the front than is already there.

A transport consultant has produced a report for the applicants, which has been submitted in support of the application. This is a revised version of the report which was submitted with the previous application, and the parts that are no longer relevant (e.g. regarding the new vehicular access that was previously proposed) have been deleted.

The Highway Authority has no objection to the proposal. It accepts the figure that is given by the applicants' transport consultant for an extra 24 vehicle trips that would be generated during a working day. It is suggested that a condition be applied to stipulate

that no materials should be stored outside the site except by their agreement. However, such a condition is unnecessary because it is already unlawful to store building materials on a public highway unless by agreement with the Highway Authority. Conditions should only be applied to a planning permission when they are necessary.

It might be considered that a proposal to double the number of staff from 5 to 10 and to increase the number of children from 80 to 105 (an increase of 31%) could put additional strain on the existing car park – albeit parents are only likely to park briefly while they deliver or collect their children. The transport and highways consultants' report states that there will be no change in the number of parking spaces. They are currently unmarked but it is estimated that there are approximately the same number of spaces as is proposed. The applicants' consultants have estimated that 15 spaces is the optimal requirement for the premises after the proposed expansion – in other words they consider that currently the premises has more parking space than it needs. The Highway Authority's response has not taken issue with the consultants, and it has accepted that the proposed parking provision will be adequate.

The Highway Authority has also accepted the estimate that the applicants' consultants have made that the increased vehicular trip generation (24 additional trips daily) that would result from the premises being enlarged would have a negligible impact on traffic flows on the Hempstead Road. That makes sense when it is considered that only 25 additional children would attend the nursery and the Hempstead Road is one of the main traffic arteries into Watford, carrying many thousands of vehicles in and out of Watford every day.

There have been anecdotal reports from local residents that sometimes when parents are delivering or collecting their young children from the nursery they park on Woodville Court which is the residential cul-de-sac running down the side of the site. The applicants' transport consultants write in their report that an observational study was carried out on a Wednesday (the busiest day of the week) and that they saw only two vehicles parking on Woodville Court that day, and only for twenty seconds. This is perhaps surprising, as it

would not be possible to walk a small child into the nursery and to return to a car in that time – although it is possible that someone might have been dropping off a member of staff.

**Consideration of representations received**

Five responses were received, all of which were from people who objected to the application. Three of those were from people who live in Woodville Court (to the right of the site), another was from someone living in Woodville Court Mews (to the rear), and one was from the neighbour at 102 Hempstead Road (the neighbouring house to the left).

The following table contains a summary of the points that were raised.

Points Raised	Officer's Response
<p>The proposed layout of the car park will not allow any more cars to be parked than at present. The increased capacity would cause more traffic around the road junction with Woodville Court.</p>	<p>The applicants have engaged consultants who estimate that the increased daily number of vehicular trips generated would be only 24, and the Highway Authority accepts this estimate, which they consider to be negligible.</p>
<p>Parents of children and friends of staff sometimes drop off or pick up in Woodville Court. They sometimes park on double yellow lines or exceed the permitted waiting time. This tends to happen at times when residents are returning home to the street and looking for parking spaces themselves. Increasing the capacity of the site will make this problem worse.</p>	<p>If dropping off and picking up takes only a few seconds, as the transport consultants' have observed, it would not seem that this is likely to amount to a significant problem. If people are parking illegally that is a matter for Parking Enforcement. The Highway Authority has accepted the consultants' report and has not objected to the proposal.</p>
<p>The transport report that was submitted is based on records that were taken on one</p>	<p>There is no paragraph 4.18 in the version of the report that has been submitted with this</p>

<p>day, and a resident writes that she does not agree with them – particularly paragraphs 4.11 and 4.18.</p>	<p>application – there was in the version that was submitted with the previous application, but that is one of the parts that has been deleted for this resubmission.</p>
<p>Trees might be damaged. Those are thought to be protected. Any removal of trees or hedges on the site is unacceptable.</p>	<p>A group Tree Preservation Order covers the two horse chestnut trees at the front. There is no longer any proposal to create a new vehicular access in the front boundary, so there is no threat to the protected trees that stand there. The owners of the site may remove any shrubs that are not covered by Tree Preservation Orders without having to apply for permission. The extensions will replace existing structures on either side of the main building, so there is no reason why it should be necessary to remove any trees.</p>
<p>The nursery already causes noise which disturbs neighbours, particularly when children are playing in the rear garden. The increase in the number of children would make that worse.</p>	<p>A report that has been prepared for the applicants by an acoustic consultant has concluded that there is no reason to suppose that the proposal would cause any significant increase in noise, and the Council's Environmental Health officer has accepted that report.</p>
<p>Woodville Court Mews is a private driveway serving houses behind the site, and it gives off Woodville Court (which is a public highway). Parents and staff are using this private land to turn their cars around, which is causing damage.</p>	<p>There is no reason to suppose that the proposed extensions would cause anyone to trespass on Woodville Mews. If the residents of Woodville Court wish to put up bollards or a gate to prevent unauthorised cars from trespassing on their land they may do so.</p>
<p>Local residents do not want to have to put</p>	<p>This is not a valid reason to refuse planning</p>

<p>up with builders working on the site and parking their vehicles in Woodville Court. They fear that damage could be caused to the public highway of Woodville Court.</p>	<p>permission. A condition can be applied to limit the hours when building work can be done so as to minimise disturbance to neighbours. Any damage that might be caused to a public highway would be a matter for Hertfordshire County Council as they are the Highway Authority.</p>
<p>There is already a dental practice opposite Woodville Court. To create another access almost opposite that would be dangerous.</p>	<p>This application (unlike the previous one) is not proposing to create a new vehicular access.</p>
<p>The neighbour at 102 writes that the comments she made in objection to the previous application are still valid. In particular she complains that the extension would abut the side boundary with her property, whereas she feels that a gap of one metre should be left there to ensure access for maintenance, a means of escape from the rear garden, and to avoid any damage being done to her property.</p>	<p>Those objections may have been valid in the previous case, but they are no longer applicable because the proposal is to leave a gap of one metre between the extension and the side boundary with 102. The alley will be gated, and it will serve as a fire escape and a means of access, as well as keeping the extension away from the neighbouring property.</p>
<p>One person has objected on the grounds that the proposed extensions would not be large enough to be worth building, and that the number of extra places for children would be so small that it would not justify the impact that the building works would have on local residents. The same person goes on to say that she fears there might be a further applications for more extensions in the future.</p>	<p>The fact that the extensions will be modest in size, and that the increase in the number of children will not be very great is not a valid reason to refuse planning permission. The Council must consider the application that has been submitted, rather than speculating as to whether more applications might be submitted in future.</p>
<p>A resident of 9 Woodville Court worries that</p>	<p>The proposal on this side of the building is</p>

<p>the proposed extensions will obstruct daylight and sunlight to her property, and that she will no longer have a view of trees.</p>	<p>for a low, flat roofed, single storey extension, that will replace an existing converted garage. It will not affect the levels of daylight or sunlight to properties on the other side of Woodville Court.</p>
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**Conclusion**

The proposal to enlarge this thriving children’s nursery will benefit the borough economically and socially, and it will achieve that without causing any significant environmental harm. The design of the two side extensions is considered acceptable, and they will cause no harm to any neighbouring premises. Expert opinion (both from consultants engaged by the applicants and from officers at Watford Borough Council and Hertfordshire County Council) is that there will be no significant harm to protected trees, nor to traffic volumes, nor in terms of increased levels of noise affecting neighbouring premises. It is therefore recommended that planning permission be granted.

**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. The walls shall be finished in bricks to match the colour, texture and style of the existing building.

Reason: In the interests of the visual appearance of the site and the character of the area, pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1.

4. That part of the new parking surface that falls within the root protection area of the two trees that are protected by a Tree Preservation Order shall be laid without excavation, following removal of the existing gravel surface.

Reason: To ensure the trees do not suffer damage during construction works, in accordance with Policy SE37 of the Watford District Plan 2000.



### **Informatives**

- 1 The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website [www.watford.gov.uk/planning](http://www.watford.gov.uk/planning), where it forms part of the appendix to the agenda for the meeting of the Development Management Committee on 25th June 2015.
  
- 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 2015.
  
- 3 The applicant is reminded that there are trees located on the front boundary of the site that are protected by Tree Preservation Order 3. It is an offence to prune, fell or cause harm to such trees, whether intentionally or not, without the written permission of the Local Planning Authority. The planning permission hereby granted does not include permission to carry out works to any trees. Therefore care should be taken not to crush, severe, smother or poison the roots of these trees, and not to damage the trunk, the bark or the branches.

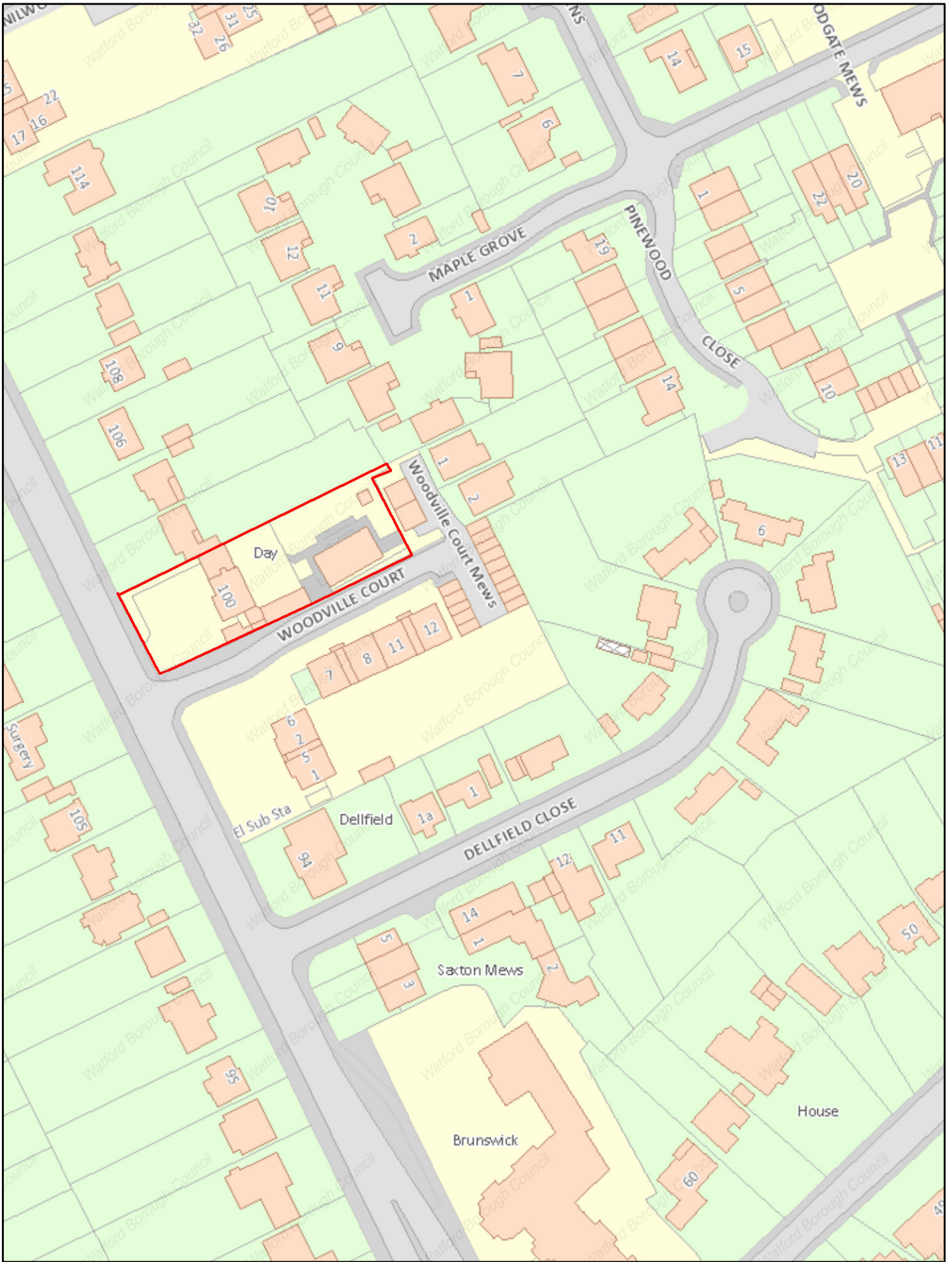
### **Drawing numbers**

Drawing A001 revision A; Drawing A003; Drawing A004; Drawing A005; Drawing A006; Drawing A101 revision B; Drawing A103 revision B; Drawing A104 revision A; Drawing A105 revision A; Drawing A106; Tree Survey report SPH/AS/5837-01/23.07; Highways and Transportation Technical Note; Environmental Sound Levels report ENR/1.15./C0188/A

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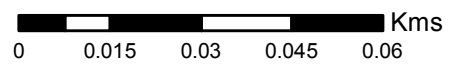
Case Officer: Max Sanders  
Tel.: 01923 278288

Email: [max.sanders@watford.gov.uk](mailto:max.sanders@watford.gov.uk)



100 Hempstead Road

Date: 15/06/2015



Scale 1:1,250



