

Committee date	5th September 2018
Application reference	18/00473/FUL
Site address	39 Middle Ope
Proposal	The erection of a two storey side extension and a single storey rear extension. (Amended plans).
Applicant	Kronos Estates
Agent	Cre8:Portfolio
Target decision date	6th September 2018
Statutory publicity	Letters sent to neighbours on two occasions published 15th June 2018 and 9th August 2018 (allowing two weeks to respond)
Case officer	Habib Neshat habib.neshat@watford.gov.uk
Ward	Leggatts

1. Recommendation

Approve subject to conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site comprises a two storey, semi-detached property, located within the Harebreaks estate. The building lies at the north east corner of Middle Ope which is a cul-de-sac comprising 4 pairs of semi-detached properties and a terrace of 4 houses (at the top of the cul-de-sac).
- 2.2 The application site has an irregular configuration with a small triangular shape forming the front garden and a square base which hosts the house and the amenity space. The application site benefits from a side garden and is positioned at a 90 degree angle to its neighbour to its north.
- 2.3 The main building has a pitched roof and features a front gable. The roof of the house is tiled. The external walls of the building have been finished in render.
- 2.4 The front garden is paved and provides two car parking spaces, but given the configuration of the site it only provides a narrow access. To the rear, the site is generally laid to a large span of grass. There are, however, three semi-mature trees along the boundary with the house at number 4 Dell Side. These trees are not protected, but they have some amenity value.

- 2.5 The surrounding area is primarily residential and is characterised by generally 2 storey semi-detached and terraced housing in a uniform style.
- 2.6 The building is not listed, nor is it located in a conservation area and is not subject to an Article 4 direction.

Further information, including the site plan and drawings, is available in the appendices to the report and on the website

3. Summary of the Proposal

3.1 Proposal

The scheme as originally submitted included the sub-division of the plot into two houses following the erection of side and rear extensions. However, after revisions, the scheme will only result in the extension of the building to provide a large family house, as follows:

- A single storey rear extension 5m deep across the full-width of the house.
- A two storey side extension 4m wide and 8.8m in length at the ground floor and 7.7m at the first floor along the side of the building. The extension will be 1m set behind the front of the building at the ground floor and two metres at the first floor.

3.2 Conclusion

The site is in a residential area where the buildings have been subject to extensions and alterations and the principle of extension is therefore considered acceptable. The scheme has been subject to a number of revisions to overcome concerns with regards to car parking and amenity issues.

3.3 Subject to conditions as set out in the report, the proposed extension will not have a significant impact on the amenities of the adjoining occupiers. The scale and design of the proposed extension is considered appropriate for this site and it will have an acceptable visual impact on the character and appearance of the area.

3.4 The proposed extension will create a large dwelling contributing to the variety of housing supply locally and therefore it is welcomed.

4. Relevant Policies

4.1 Members should refer to the background papers attached to the agenda. These highlight the Policy Framework under which this application was determined.

Specific policy considerations with regard to this particular application are detailed in section 6 below.

5.0 **Relevant site history/background information**

5.1 The application site has been subject to a number of schemes in the recent past.

5.2 The planning history of the site reveals the following:

- 06/00808/FUL - planning permission was granted on 16.08.2006 for the conversion of the house into two flats.
- 08/00073/FUL - Erection of new building containing two flats 01.05.2008.
- 17/01666/HPD - a prior approval notification for a 5m deep single storey rear extension 18.01.2018.

6. **Main considerations**

6.1 The major issues to be considered area

- (a) Principle of development
- (b) Design, scale and impact on visual amenity
- (c) Impacts on surrounding properties
- (d) Car parking, access and transportation
- (e) Impacts on trees
- (f) Section 106 and Community Infrastructure Levy (CIL)

6.2 (a) Principle of development

The site is located within a primarily residential area. The proposed development will result in the enlargement of the dwelling house which meets the aims and objectives of the planning policies in increasing the supply of housing. The proposal in land use terms is therefore considered acceptable.

6.2.1 The original scheme proposed subdividing the dwelling following the extension of the building. However, there are a number of problems associated with the formation of two houses here:

1. It was considered that whilst it might be possible to park more than one car in the driveway, given its narrow access it would have been considerably difficult to manoeuvre one car in or out of the driveway whilst a car belonging to

another dwelling was parked in tandem or side by side to the driveway.

2. The noise and disturbance from the cars parked within the proximity of the habitable rooms of the dwellings which they did not serve would have adversely affected the amenity of the future occupiers of the site.
3. Due to the small size of the garden, it would not have been possible to provide sufficient amenity space for the future occupiers of each dwelling.
4. Finally the facilities associated with the residential use such as the refuse bins and cycle storage would have needed to be provided to the front of the building with adverse effect upon the visual amenity of the area.

6.2.2 Therefore, the scheme for the sub-division of the site was not considered acceptable and the applicant agreed to revise the scheme.

6.3 (b) Design, scale and impact on visual amenity_

Paragraph 58 of the NPPF advises that planning decisions should aim to ensure that developments will “function well and add to the overall quality of the area and respond to local character and history” and “reflect the identity of the local surroundings and materials”. It further advises that planning decisions should aim to ensure that developments are “visually attractive as a result of good architecture and appropriate landscaping”.

6.3.1 The street scene is suburban and comprises semi-detached and terrace developments. The building and its neighbours are semi-detached two storey houses. The surrounding sites have seen a variety of extensions and there is no objection to the extension in principle.

6.3.2 The scheme comprises a single storey rear extension and a two storey side extension. Each of the elements is considered separately.

Single storey rear extension:

6.3.3 The adopted Residential Design Guide (RDG) suggests that single storey extensions should normally be subordinate to the main building and they should not exceed 3.5m from the rear of the building.

6.3.4 The proposed 5m extension exceeds what the council would normally permit. However, in this case the applicant has secured a 5m deep extension under the new Town and Country Planning (General Permitted Development) (England) Order 2015. The secondary legislation allows single-storey rear extensions which can be

built under permitted development to be increased to 6m in respect of semi-detached houses.

- 6.3.5 Therefore, whilst the single storey rear extension, does not comply with the council's guidelines, this element of the scheme could be built irrespectively. Therefore, the council cannot reasonably raise any objection to it.

Two storey side extension:

- 6.3.6 Paragraph 8.3.1 of the RDG highlights that it is important that an extension respects the scale and character of properties within the street as a whole. Among other things, it states that it is important to maintain the existing pattern of spaces between buildings and avoid an inappropriate "terracing effect". The spaces between buildings are often as important an aspect of street character as the buildings themselves.

- 6.3.7 Paragraph 8.7 of the RDG provides the following detailed guidance in relation to side extensions:

a) Plan form: the side wall of an extension should be parallel to the side of the existing house even where a boundary wall is at an angle to the house.

b) Subordination: side extensions should be subordinate to the original house in the terms of their height, scale and bulk.

c) Proportions: the height, width and depth of side extensions should be proportionate to the dimensions of the main house. As a rule-of-thumb, an extension should be no wider than a third of the overall width of the extended property. Side extensions should respect the design and character of the main house and ensure the property has a balanced street frontage.

d) Setbacks: extensions should be set back at least 1m from the principal building line (main front wall of the house) to avoid a "terracing effect" along the length of the street or between semi-detached houses. Exceptions to this "setback rule" may be appropriate where a staggered building line exists. In such instances setbacks may be required at the rear of the extension to ensure light to the neighbouring property is not compromised.

- 6.3.8 The proposed side extension is both set back from the front building line and is set down at roof level, it also retains a 4m distance to its side boundary and will consequently appear subordinate to the main building. The proposed extension complies with the above standards and policy UD1 of the adopted Core Strategy and therefore from a visual amenity point of view is considered acceptable.

6.4 (c) Impacts on surrounding properties

The neighbouring buildings which will be mostly affected by the proposed extensions are:

- No. 37 Middle Ope, which makes a pair with the application site
- No. 4 Dell Side which is located to the rear of the site
- No. 41 Middle Ope which is positioned at 90° to the application site

6.4.1 The proposed side extension will not block direct daylight to any primary habitable window. There is a window at the flank elevation of number 41 Middle Ope at the first floor level which allows direct overlooking into the garden of the application site. The proposed extension will be built approximately 3m away from this window and thereby blocks its view from this window and will result in some loss of daylight. However, this is a secondary window to a bedroom and the main light and outlook to this room are provided from the window to the front of the house. Therefore, the loss of daylight and outlook to this room will not be significant.

6.4.2 The proposed side extension will respect the 45° rule in relation to the adjoining neighbours. The proposed side extension is well set away from its adjoining pair. Given the layout, position and the configuration of the site, the proposal will not result in any significant loss of light to the neighbouring buildings.

6.4.3 The major issue with respect to the scheme is the potential loss of privacy.

6.4.4 The proposed side extension will be within just over 5m of the rear and the side boundary of the site. The council's standards require a minimum of 11m distance to the garden boundary of the neighbouring buildings. Further any front window to the to the site extension will potentially breach the 90° privacy arc in respect of number 41 Middle Ope.

6.4.5 However the scheme does not include any window to the rear of the extension safeguarding loss of privacy to the rear garden of 4 Dell Side.

6.4.6 Also the proposed front window will be obscured and fixed to the height of 1.7m from the finished floor level to prevent any overlooking to the side window of 41 Middle Ope.

6.4.7 The proposed side windows at the first floor level of the extension will overlook the side garden of number 41 Middle Ope. However, the side garden of this building is used for car parking purposes, accommodating up to 5 cars with direct access from

Dell Side. Therefore, the proposal will not cause any significant loss of privacy to the adjoining neighbours.

6.4.8 It is considered that subject to appropriate conditions the proposal will not have any significant impact upon the amenities of the adjoining occupiers.

6.5 (d) Transportation and parking

“Saved” Policy T22 of the WDP2000 states that on-site parking will not be permitted in excess of the maximum appropriate for the zone in which the site is located.

6.5.1 Appendix 2 of the WDP2000 states that the maximum parking standard for a family house more than 4 bedroom is 3 spaces. The proposal provides a 6 bedroom house and therefore the maximum standard is 3 parking spaces. It is important to note that the parking standards are maximum standards rather than minimum standards. The maximum parking standard seeks to restrain the amount of on-site parking to encourage users of developments to travel to and from the site by means other than private car.

6.5.2 The application site allows parking provision for 3 spaces to the front garden and therefore it complies with the criteria set in saved Policy T24.

6.6. (e) Impacts on trees

There are some trees along the rear boundary of the site. These trees are not protected although they provide some visual amenity. The tree officer has commented that the proposal will encroach upon the area located at some distance away, however, conditions are recommended to ensure the trees are protected during and after the construction phase of the development.

6.7 (f) Community Infrastructure Levy

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council’s Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children’s play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floor-space created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. The proposal will be CIL liable, mitigating to some degree the impact of the development upon the public social infrastructure.

7. Consultation responses received

7.1 There have been two rounds of letters sent to neighbours: on 15th June 2018 and 9th August 2018 (allowing two weeks to respond). The comments received with respect to both schemes are similar. These are highlighted below.

7.2 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Arboricultural officer	The proposed extension will encroach upon the tree root protection area should consent be granted I would like to see adequate tree protection measures in place.	Noted.

7.3 Representations received from interested parties

6 letters of objection were received in respect of the original scheme and 5 were received in respect to the current scheme, showing concerns with regards to loss of privacy, daylight, noise disturbance, and the potential impact upon trees but the emphasis has been with the general concern with parking problems in the area.

Objection comment	Officer comments
Parking in Middle Ope is very restricted and the proposed enlarged house will be likely to be used as HMO and therefore may result in the provision of 6 car parking spaces.	Parking is considered in paragraphs 6.5 of the report. It should be noted that the maximum standard for HMO is 0.5 car parking space per tenancy unit, which again equates to 3.
Increase in noise and disturbance.	The building would remain in residential use and would not cause a material increase in noise and disturbance to neighbouring properties.
Loss of privacy.	This issue has been considered in paragraphs 6.4. The scheme has been revised in order to overcome any loss of

	privacy.
Boundary line is not correct	The boundary dispute cannot be considered within the remit of the planning regime.
The six bedroom building may be used for other purposes such as House in Multiple Occupation	The scheme will allow flexibility of use for the building. This could be occupied either as a large family accommodation or use by up to 6 individuals forming a household.
The proposal will result in the destabilisation of the trees, causing safety issues	The tree officer has recommended additional condition to be imposed to ensure the wellbeing of the trees are safeguarded
The scheme has been shown in isolation and there is no contextual drawings	The proposal is for a two storey side extension. The drawings adequately provide details with respect to the impact on the development upon the amenities of the adjoining occupiers

8. 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. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. Details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

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

3. The development shall be carried out in accordance with the following drawings:

011117 – PL 200– Ordinance Survey
011117 – PL 201– Existing Floor Plans
011117 – PL 202– Existing Roof Plan
011117 – PL 203– Existing Front + Rear Elevations
011117 – PL 204– Existing North West Elevation
011117 – PL 205– Existing South East Elevation
011117 – PL 301– Proposed Floor Plans
011117 – PL 302– Proposed Roof Plan
011117 – PL 303– Proposed Front + Rear Elevations
011117 – PL 304– Proposed North West Elevation
011117 – PL 305– Proposed South East Elevation

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no window on the flank elevation of the extension hereby approved shall be installed without the prior written permission of the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to policy SD1 of the Watford District Plan 2000 and the advice given in the adopted Watford Residential Design Guide 2014.

5. The proposed bedroom window to the front elevation at the first floor level hereby approved shall be fixed with obscured glazing to the height of 1.7m from the finished floor level.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to policy SD1 of the Watford District Plan 2000 and the advice given in the adopted Watford Residential Design Guide 2014.

6. No development on site shall commence until the details of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts showing depth, width and routing of all trenches have been submitted to and approved in writing

by the Local Planning Authority prior to any works commencing on site. Any alterations to the approved layout during construction, that falls within 6m of any retained tree shall be notified to and approved by the Local Planning Authority in writing before any excavation is made.

Reason: To ensure all existing trees to be retained are not prejudiced by the development in accordance with Policy SE37 of the Watford District Plan 2000.

7. No development on site shall commence until the details and method statement in respect of ground protection measures within the root protection zones of the two trees along the boundaries of the site are have been submitted to and approved in writing by the Local Planning Authority. This should also include a method statement if the existing concrete surfacing is to be used as part of the tree protection measures and also to provide information with regard to the removal of concrete from the root protection zone of the trees.

Reason: To ensure all existing trees to be retained are not prejudiced by the development in accordance with Policy SE37 of the Watford District Plan 2000.

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.
2. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.
3. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements

to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at: https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

5. 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 , or on request from the Regeneration and Development Department.