

Committee date	Wednesday 29 July 2020
Application reference Site address	20/00520/FUL - Land Adjacent To 1 Neston Road, Watford, WD24 7BN
Proposal	Demolition of existing structures and construction of a pair of 3 bedroom semi-detached houses, with associated parking, landscaping, bin and cycle storage.
Applicant	Raymond Rice Developments Ltd.
Agent	Wakelin Associates
Type of Application	Full Planning Permission
Reason for committee item	Number of Objections
Target decision date	Thursday 30 July 2020
Statutory publicity	Neighbour Letters
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Callowland

1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the outside of the bend at the western end of Neston Road. It is irregular in shape and contains 9 lock-up garages. The surrounding area is wholly residential and comprises terraced and semi-detached, 2 storey houses developed between 1900 and 1920. To the north east the site adjoins numbers 36 and 38 Bushey Mill Lane, to the south east is number 1 Neston Road, to the south is the access onto Neston Road and to the west and north west are numbers 158 – 186 (evens) Sandringham Road.

3. Summary of the proposal

3.1 Proposal

- 3.2 Demolition of existing structures and construction of a pair of 3 bedroom semi-detached houses, with associated parking, landscaping, bin and cycle storage.

3.3 Conclusions

- 3.4 The proposal has been carefully designed with regard to the extensive planning history of the site.
- 3.5 The two dwellinghouses proposed sit comfortably within the street scene without giving rise to any significant or unacceptable loss amenity to the surrounding properties in accordance with the development plan.

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

5. Relevant site history / Background information

- 5.1 **03/00550/FUL** – Planning permission refused in September 2004 for the demolition of the 9 garages and the erection of a pair of semi-detached houses adjoining the existing house. The application was refused for 3 reasons:
 - 1. The proposed development, by reason of the size, height, bulk, design and siting of the proposed houses, and the provision of car parking and pathways on the front of the houses leaving inadequate room for satisfactory landscaping, results in a form of development which appears unnecessarily cramped, over dominant and alien to the established form and pattern of development in the area.
 - 2. The proposal fails to adequately demonstrate that the garages on site cannot be used for parking of vehicles by residents in the local area. The loss of 9 garages on the site will lead to additional motor vehicles being parked on street in an area which already has on street parking problems and would worsen the existing problems to the detriment of highway and pedestrian safety.
 - 3. The proposed development by reason of the siting and orientation of the proposed houses does not provide for adequate distances between the proposed houses and the boundaries with existing residential properties which will cause problems of overlooking and loss of privacy and will result in the proposed houses appearing over dominant when viewed from the windows and gardens of surrounding residential properties.

- 5.2 This refusal was the subject of an appeal which was dismissed in May 2005. However, the Inspector only upheld the second reason for refusal.
- 5.3 With regard to reason 1, the Inspector did not consider the siting of the houses back from the highway would give rise to visual dominance. The design was considered to be bulkier than the existing house at no.1 but off-set by the set-back. He noted that the house at no.1 and no.4a opposite were both detached and built after the surrounding houses. Whilst acknowledging the design features of the proposed houses did not reflect the rest of the street, he did not consider they amounted to a cogent reason for rejection. He saw no objection to 2 storey development on the site.
- 5.4 With regard to reason 2, the Inspector noted the high level of on-street parking during the weekday morning of his site visit and was in no doubt that the position would be far worse in the evenings. He considered the loss of the garages would add to local congestion.
- 5.5 With regard to reason 3, the Inspector noted that overlooking of adjoining properties in Sandringham Road would only be from one bedroom window and at an oblique angle. He considered any loss of privacy would be minimal. In respect of over-dominance, he considered this would only occur from the nearer parts of adjacent gardens. Due to their depth at approximately 15m, he did not consider there would be a significant loss in nearby residents' enjoyment of their rear gardens.
- 5.6 **17/01555/OUTM** - Outline application for the demolition of the existing dwelling and adjacent garages and erection of a block of 10 flats with access, parking and amenity space (with only landscaping as a reserved matter). Application was refused for 5 reasons:
1. The proposal is considered to be of poor design quality, having a poor relationship to the street frontage, a dominant and cramped parking area and incorporating inappropriate design features that fails to respect or enhance the locality. As such, the proposal is out of keeping with the character and appearance of the area, contrary to paragraph 58 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
 2. The proposed 2 bedroom units all fail to meet the nationally described space standard and will therefore provide an inadequate standard of accommodation. As such, the proposal is contrary to paragraph 17 of the NPPF, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Residential Design Guide 2016.

3. The proposal fails to provide affordable housing units to meet urgent housing needs within the Borough, contrary to paragraph 50 of the NPPF and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
4. The proposal will result in significant overlooking and a loss of privacy to the properties adjoining the site in Bushey Mill Lane. This will be harmful to the occupiers of these properties, contrary to paragraph 17 of the NPPF and the Watford Residential Design Guide 2016.
5. No sustainable surface water drainage scheme has been incorporated into the proposal to reduce the risk of flooding both in the present and in the future, contrary to paragraphs 99 and 103 of the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

5.7 **18/00846/FUL** - Demolition of the existing dwelling and garages and erection of a two storey terrace block comprising 6 no. 3 bed houses. Application was refused for 2 reasons:

1. The proposal is considered to be of inadequate design quality, by reason of the overly large roofs, giving the proposed houses a poor overall proportion, and the visually dominant frontage parking area, that fails to respect or enhance the locality. As such, the proposal is out of keeping with the character and appearance of the area, contrary to Section 12 of the NPPF 2018 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal will appear visually dominant and overbearing from the adjoining properties at nos. 172-178, Sandringham Road. This will be harmful to the occupiers of these properties, contrary to Section 12 of the NPPF 2018 and the Watford Residential Design Guide 2016.

5.8 This refusal was the subject of an appeal which was dismissed in May 2019. The Inspector upheld both reasons for refusal.

5.9 The current scheme has been developed following pre-application discussions to ensure that the proposal address the concerns raised regarding the previous proposals for the site. Amendments suggested by officers have been included as part of this application

6. **Main considerations**

6.1 The main issues to be considered in the determination of these applications are:

- (a) Principle of development
- (b) Character and appearance of the area
- (c) Quality of accommodation for future occupiers
- (d) Impact on adjoining properties
- (e) Access, servicing and parking provision

6.2 (a) Principle of development

The site is not an allocated housing site but is within an established residential area. It is a brownfield site and is in general accordance with the criteria of Policy HS1 of the Core Strategy for windfall sites. The Council has no policy that specifically seeks to retain lock-up garages. The site is not owned Watford Borough Council and is not used for public parking. The garages would only be used by residents if they had an agreement with the owner. Their loss would therefore not be considered to have a significant impact on parking pressure locally. There is no objection in principle to the development of this site for residential use.

6.3 Policy HS2 gives guidance on the mix of housing units sought across the borough in order to provide for the needs of the whole community. Policy SS1 acknowledges that in suburban areas a significant provision should be made for family sized units. Given the location of the site within an established suburban area, the majority of the units should be 2 bed or more. The proposal achieves this with 2 x 3 bed houses, which is considered to be an acceptable mix for this site.

6.4 (b) Character and appearance of the area

Neston Road was developed in 2 phases. The first phase, on the northern side of the road, comprises late Victorian terraced housing with pitched roofs and outriggers. The main facing material is a yellow stock brick with red brick detailing and patterning. The second phase, on the southern side of the road, comprises semi-detached houses from the 1920s with gabled roofs. These generally have a red brick at ground floor and brown pebble dash render above. The application site lies on a bend in the road and was developed in 1907. The surrounding area is generally characterised by late Victorian terraced housing similar to the northern side of Neston Road.

6.5 The small side extension to the north west of 1 Neston Road would be demolished and a portion of the existing garden is to be included in the application site. This reallocation of land and the loss of the small side

extension will be at no detriment to the amenities of 1 Neston Road, whose rear garden remains over 320 square metres in area.

- 6.6 The proposal is to erect a pair of two storey semi-detached properties. These would be red brick, with pitched, tiled roofs with front canopy porches and architectural detailing which will break up the elevations. The positioning, scale and design reflect the wider character of the street and would sit comfortably within the street scene. Appropriate materials and design details will be secured by condition.
- 6.7 The land surrounding the dwellings will be landscaped, which is considered an improvement on the existing site which is currently all hardstanding. Appropriate hard and soft landscaping will be also secured by condition.
- 6.8 (c) Quality of accommodation
The western dwelling labelled 'unit 1' has a gross internal area of 92 square metres over 2 storeys with a 112 square metre rear garden. This dwelling has two bedrooms at first floor level with bathrooms at both ground and first floor levels. The front ground floor room is stated to be either a study or a third bedroom. The kitchen, living and dining room is to the rear of the ground floor leads onto the garden. The use of the front room as a third bedroom would be unconventional, though if it were used as a bedroom the floor area the dwelling would fall 1 square metre short of the 93 square metre requirement for a 3 bedroom, 5 person dwelling. If not used as a bedroom, the dwelling would far exceed minimum space standards. The dwelling would have good levels of outlook, natural light and privacy. The garden area would significantly exceed the guideline area of 65 square metres for a 3 bedroom dwelling in the Residential Design Guide.
- 6.9 The eastern dwelling labelled 'unit 2' has a gross internal area of 107 square metres over 2 storeys with a 107 square metre rear garden. This dwelling has three bedrooms and two bathrooms at first floor level with a separate w/c at ground floor level. This property has a large separate kitchen to the front of the ground floor with a living room behind which leads onto the garden. The dwelling would far exceed the 93 square metre requirement for a 3 bedroom, 5 person dwelling. The dwelling would have good levels of outlook, natural light and privacy. The garden area would significantly exceed the guideline area of 65 square metres for a 3 bedroom dwelling in the Residential Design Guide.
- 6.10 (d) Impact on surrounding properties
The site is adjoined by residential properties on 3 sides. To the north-east the site adjoins numbers 36 and 38 Bushey Mill Lane, to the south east is number

1 Neston Road, to the south is the access onto Neston Road and to the west and north west are numbers 158 – 186 (evens) Sandringham Road.

6.11 36 and 38 Bushey Mill Lane

These properties are sited along the north eastern boundary of the site. They comprise detached houses linked by garages. The proposed dwellings are sited 13.5 – 18 metres from the rear boundary with these properties. The minimum distance between first floor habitable room windows is 34 metres. In order to maintain acceptable levels of privacy between proposed development and existing residential properties the Residential Design Guide requires a minimum distance of 11m to the rear boundary and 27.5m to rear facing habitable room windows. In this case, both are achieved. As such, the proposed houses will not give rise to any unacceptable overlooking or loss of privacy to these properties and their private garden areas.

6.12 1 Neston Road

The small single storey side extension to the north west of 1 Neston Road would be demolished and a portion of the existing garden is to be included in the application site. This reallocation of land and the loss of the will be at no detriment to the amenities of 1 Neston Road, whose rear garden private amenity remains over 320 square metres.

6.13 This property will have a double storey flank wall abutting the common boundary with the proposed development. The proposed dwelling (unit 2) would be 1 metre from the common boundary at the closest point. The proposed dwelling would marginally cross the 45 degree line taken on plan view from the first floor rear window of this property. This is unlikely to result in any noticeable loss of light or outlook to this property.

6.14 158 – 164 and 168 - 186 (evens) Sandringham Road.

These properties adjoin the western and north western boundary of the site. Number 168 contains two dwellings numbered 168 and 168A.

6.15 The proposed building is sited directly behind numbers 160 - 178. The front garden is directly behind number 158 and the rear garden is directly behind numbers 180 – 186. Numbers 158 – 164 form a terrace of four dwellings which are orientated at a different direction to numbers 168 to 186 Sandringham Road which is due to a bend in the road. Rear alleyways exist along the boundary of the subject site which appear to provide rear access to some of the properties on Sandringham Road

- 6.16 Due to the narrow width at 3.9m these properties have relatively small rear gardens, many of which are less than 50 square metres. However, most would have a depth of at least 11m or more.
- 6.17 One of the reasons for refusal for the previous application (reference: 18/00846/FUL), which was upheld at appeal, was the visually dominant and overbearing impact of the flank wall from the adjoining properties at numbers 172 - 178 Sandringham Road.
- 6.18 Under the current application, the flank wall of the proposed dwelling (unit 1) is sited 1.6 – 2.1 metres from the rear boundary with these properties or the rear alleyway. This flank wall would have an eaves height of 3.4 metres with the pitched roof rising away from the common boundary to a ridge height of 6.8 metres.
- 6.19 The closest distance between the flank wall of the proposed dwelling and the nearest first floor outrigger at number 176 Sandringham Road is 15.7 metres. This property, along with numbers 170 – 174 has no rear facing outrigger window, having a low cat slide roof shape to the rear. The closest first floor window facing the development is also at 176 Sandringham Road and is the window which looks down the open tunnel back. This separation distance is 19.7 metres.
- 6.20 Given the separation distances and the low height of the proposed flank wall it is considered that the development would not appear visually dominant and overbearing from the rear of properties on Sandringham Road.
- 6.21 The proposed flank elevation does not breach a 25 degree line taken from the nearest ground floor window of any of these properties. As such, the proposal will not give rise to any noticeable loss of light to these properties.
- 6.22 The pitched roof of the proposed dwelling facing Sandringham Road does contain a Velux window. The opening parts of this window would be 1.8 metres above the internal floor level and the glazed parts would be 1.9 metres above the same floor level. These levels ensure no overlooking or loss of privacy would occur to properties on Sandringham Road.
- 6.23 The front elevation of the dwelling (unit 1) has an 'oriel' window at first floor level. This oriel window protrudes from the front elevation of the property with angled panes of clear glass. This feature has been designed to prevent direct overlooking to the gardens of numbers 158 – 162 Sandringham Road and is acceptable.

6.24 (e) Access, servicing and parking provision

The reallocation of land from 1 Neston Road would slightly widen the street width of the proposed site. It is proposed to widen the existing vehicular crossover by 2.1 metres to a double cross-over of 5.4m wide to allow direct access off Neston Road for two parking spaces, one for each dwelling. This arrangement would be in accordance with the parking provisions noted in the Watford District Plan and is therefore considered acceptable. It is noted that increased parking pressure was the primary reason for objection to this proposal.

6.25 Cycle storage would be provided in the gardens of both properties, accessed via a side gate. Details of this stores will be secured by condition.

6.26 The site is 0.2 miles from bus stops on St Albans Road and 0.4 miles from Watford North Railway Station.

6.27 The plans depict a suitable refuse stores. Details of this stores will be secured by condition. Refuse and recycling bins should be presented on the highway for collection.

7 Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment
HCC Highways	Condition recommended for details of the hard surfacing and information of surface water run-off. Informatives suggested to ensure widen crossover is constructed by an authorised contactor to the correct specification. Further informatives suggested to ensure no detriment to free flow of the highway in accordance with the Highways Act 1980.

7.2 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment
WBC Arboricultural officer	Condition recommended for soft landscaping.

WBC Waste and Recycling	Refuse requirements noted.
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7.3 Interested Parties

Letters of consultation were sent to 66 properties. 28 Objections were received. These are summarised in the table below.

Representation Matter	Comment
Additional parking pressure	The provision of two parking spaces for the two dwellings is in accordance with policy. See section on (e) Access, servicing and parking provision above.
Construction lorries cannot access the site.	Method of construction and any highways agreements required is a matter for the applicant to resolve should planning permission be granted.
Overlooking / overshadowing / loss of light and loss of privacy.	The proposal has been designed to not give rise to any significant or unacceptable loss amenity to the surrounding properties. See section on (d) Impact on surrounding properties above.
Design, character and appearance of the area	The positioning, scale and design reflect the wider character of the street and would sit comfortably within the street scene. See section on (b) Character and appearance of the area above.
Disruption from construction	The Environmental Protection Act, the Control of Pollution Act and the Highway Act control the matters of disruption raised.
Pressure on local services	The development is CIL (Community Infrastructure Levy) liable. This levy is used to help the local authority to deliver the infrastructure needed to support development in their area.

8 Recommendation

That planning permission be granted subject to the conditions listed below:

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

- NTR-20-PL-LP01
- NTR-20-PL-EX01
- NTR-20-PL-L01
- NTR-20-PL-L02
- NTR-20-PL-L03
- NTR-20-PL-L04
- NTR-20-PL-L05
- NTR-20-PL-L06
- NTR-20-PL-L07
- NTR-20-PL-L08
- NTR-20-PL-L09

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

3. No construction works shall commence until detailed design drawings of the houses, including the porches, windows reveals and protrusions, external door reveals, brick banding detailing, eaves details, barge boards and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

4. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roof, doors and windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

5. No dwelling shall be occupied until full details of a hard landscaping scheme, including details of boundary treatments and the drainage of the parking spaces, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. These details shall include 2m x 2m pedestrian visibility sight splays, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway on both sides of the parking spaces. These visibility splays shall be retained at all times.

Reason: In the interests of the visual appearance of the site and highway safety, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy T21 of the Watford District Plan 2000.

6. No dwelling shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing 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, or in accordance with details approved by the Local Planning Authority.

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

7. No dwelling shall be occupied until details of the cycle and refuse stores have been submitted to and approved in writing by the Local Planning Authority and have been constructed in accordance with the approved drawings. The bin stores shall be retained as approved at all times.

Reason: To ensure adequate facilities are provided for the future occupiers, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1,

Classes A, B, C or D of the Order shall be carried out to the new houses 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 neighbouring amenity or the character and appearance of the area.

Informatives

1. Positive and proactive statement
2. Street Name and Numbering
3. Building Regulations
4. Party Wall Act
5. Community Infrastructure Level Liability
6. Hours of Construction
7. Highway Works – HCC agreement required