

Committee date	Wednesday, 7 October 2020
Application reference	20/00668/FUL 76 High Road Watford WD25 7LJ
Site address	
Proposal	Demolition of existing property and erection of 1 x replacement dwelling and an additional 5 x dwellings within the curtilage of the site
Applicant	Newgen Property Services
Agent	RMCJ Design
Type of Application	Full Planning Permission- Minor
Reason for committee Item	Over 5 objections received
Target decision date	08.10.2020 (Extended by agreement)
Statutory publicity	None
Case officer	Alice Reade, alice.reamde@watford.gov.uk
Ward	; Woodside;

1. Recommendation

Grant planning permission subject to conditions detailed in section 8 of the report.

2. Site and surroundings

- 2.1 The subject site is comprised of a single detached two storey dwellinghouse on the east side of High Road in Watford. The site has a large garden which extends behind the neighbouring property at 74 High Road. The plot has a depth of 79.2 metres and a width of 33.3 metres at the rear. The site has a protected (TPO) copper beach tree in the front garden. The site contains no listed buildings and is not subject to any Article 4 directions.
- 2.2 The surrounding pattern of development along High Road is suburban, fairly consistent in terms of plot sizes and building heights/footprints, but there is some variety in terms of the architectural detailing of buildings. To the rear of the site is Redheath Close (a cul-de-sac), though the site is separated from Redheath Close by a small strip of land which is under third party ownership. Redheath Close is comprised of infill dwellings with 3 storey properties to the north of the site and bungalows to the south. The properties on Redheath Close were created on land which formally comprised the rear of the properties on High Road. The site is not within a Conservation Area and is not within a Controlled Parking Zone. The adjacent property at number 74 High Road is locally listed. Numbers 79 and 81 High Road, which are opposite the site to the north are Grade 2 listed.

3. Summary of the proposal

3.1 Proposal

3.2 Full planning permission is sought for the redevelopment of the site to provide 6 x 3 bedroom houses. The proposed development would involve the demolition of a detached garage and rebuilding of No 76 (unit 1) to make way for a 5.5m wide access road off High Road. This would lead to a proposed terrace of five two-storey dwellings (units 2-6) towards the rear of the site and close to its frontage with Redheath Close. All six dwellings proposed would consist of 2 storeys, plus loft accommodation with dormers, and would be 3 bedroom 6 person homes set over 3 floors. Each dwelling would also have a rear garden, 2 car parking spaces, cycle storage and bin storage.

3.3 The proposal differs from the previous proposals submitted under planning application 19/00765/FUL by virtue of these amendments

- Access road is widened for vehicles from 4.8m to 5.5m for vehicles plus a 1.2m wide pavement.
- A turning area has been created within the site with supporting swept path analysis diagrams
- Refuse storage is provided for all dwellings
- The detached dwelling at unit 1 has some elevational changes and has been reduced in depth creating a smaller roof bulk.

3.4 Conclusion

3.5 The development proposed is very similar in nature, layout and design to that refused under application 19/00765/FUL. The appeal decision for this application determined that the design, layout and relationship of the development was acceptable and that in these respects the development was compliant with policies UD1 and SS1 of the Watford Local Plan, the Residential Design Guide and the NPPF. The only reason for refusal upheld by the Inspector was the potential highway impacts resulting from the lack of turning area within the site for vehicles to manoeuvre and the lack of bin storage facilities within the plots. This was the sole reason for the dismissal of the appeal. These issues have been fully resolved in the amended scheme by the creation of a turning area within the site to allow vehicles to enter and leave the site in forward gear and the provision of refuse storage. The comments of the appeal inspector and the outcome of the appeal are therefore material planning considerations with significant weight in respect of the Council's assessment of this application.

4. Relevant policies

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 19/01126/FUL Erection of 5 x 3 bedroom dwellings Application withdrawn

19/00765/FUL Demolition of existing dwelling and erecting 6 x 3 bedroom dwellings with accommodation within the roof with associated enlarged cross over, parking and landscaping.

Refused Planning Permission and Dismissed at appeal

1. The design of the proposed dwellings, by virtue of their fortress like fenestrations and uncharacteristic roof shapes would be harmful to the character and appearance of the historic surroundings contrary to Chapter of 12 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Watford's Residential Design Guide 2016.

Appeal outcome- This was not upheld by the Inspector who found no harm in the design (point 17 of the appeal decision).

2. The layout of the site, by virtue of the positioning of the terrace of houses significantly rear of the established building line of the adjacent properties at 32 to 41 Redheath Close would not respect the established pattern of development contrary to Chapter of 12 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Watford's Residential Design Guide 2016.

Appeal outcome- This was not upheld by the Inspector who found the layout would not be incompatible within the context (point 15 of the appeal decision).

3. The 7.2 metre separation distance of the terrace of properties to the rear boundary of number 74 High Road would cause an unacceptable loss of outlook to this neighbouring amenity space. Such a loss of amenity would be contrary to Chapter of 12 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Watford's Residential Design Guide 2016.

Appeal outcome- This was not upheld by the Inspector who found the

development would not create adverse impacts to neighbours (point 20 of the appeal decision).

4. The lack of safe vehicle manoeuvrability within the site has the potential to cause congestion and conflict between users of the highways. Such impacts are considered contrary to Chapters 9 and 12 of the National Planning Policy Framework 2019, Policies T4, SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31, Policies T21 and T24 of Watford's District Plan 2000 and Watford's Residential Design Guide 2016.

Appeal outcome- Inspector agreed with this assertion and the appeal was dismissed due to highway impact.

5. The proposal fails to demonstrate secure, weatherproof and accessible cycle storage facilities. The lack of such facilities discourages cycle use. The lack of such facilities is considered contrary to Chapters 9 and 12 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy T10 of Watford's District Plan 2000.

Appeal outcome- there is sufficient opportunity for this on the site and this can be secured by condition.

6. The application fails to demonstrate suitably positioned refuse and recycling storage which would not have a detrimental impact on the appearance of, and / or manoeuvrability and access within the site contrary to Chapters 9 and 12 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31, Policy SE7 of Watford's District Plan 2000.

Appeal outcome- Inspector agreed with this assertion and the appeal was dismissed due to highway impact.

19/00001/PREAPP

Pre-application enquiry for erection of six new dwellings

Response Issued

14/01378/TPO

Works to a Copper Beech (T5) under TPO.109

Tree Works Approved

6. Main considerations

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

- (a) Principle of the Development
- (b) Layout, Scale and Design
- (c) Quality of Residential Accommodation
- (d) Parking and Highway Impact
- (e) Impacts on Neighbouring properties
- (f) Impact on heritage assets
- (g) Trees, landscaping and biodiversity

6.2 (a) Principle of the Development

The application site is within a residential area. The principle of a residential development is considered to be acceptable. It is noted that similar infill developments exist on High Road, such as numbers 69 – 71 High Road.

6.3 (b) Layout, Scale and Design

In the previous scheme, 19/00765/FUL, officers determined that the layout of the development and the roof and fenestration designs of the dwellings created an unacceptable scheme. These assertions were not, however, upheld by the Planning Inspector who found that the designs were appropriate and that the layout was acceptable as set out on paragraphs 13, 14 and 15 of the appeal decision.

6.4 Specifically, in relation to the replacement dwelling at plot 1, the inspector noted that there was greater mass, however, that “the dwelling’s set back position and the screening afforded to it by frontage trees would ensure it is relatively concealed in the context of the street.” (para 13 appeal decision). Within the context it was noted that there are a “range of windows sizes and arrangement on the rear of neighbouring dwellings, and as such Plot 1 would not be discordant or appear particularly out of keeping in this respect.” (para 13 appeal decision). Notwithstanding the inspectors decision, the dwelling proposed at plot 1 has been amended in this submission to show a reduced depth, reduced roof mass and improved elevations.

6.5 Para 14 of the appeal decision determined that due to the set back position of the group of 5 terraces from High Road, these would have very little presence onto the High Road streetscene. Within the site, the north west elevation of the 5 terraces was considered to be appropriate to the context.

6.6 The layout and design of the terraces backing on to the Redheath Close streetscene was also found to be acceptable by the inspector who noted in para 15 of the appeal decision that the *“uneven alignment of dwellings, it would be relatively consistent with the existing layout of properties in the street and would not look incompatible in the context of the prevailing pattern of development along the road.”*

- 6.7 This revised scheme is identical in layout and very similar in design to that of the previous application and, in accordance with the appeal outcome, the design, scale and layout of the development must be considered to be as acceptable and compliant with policies UD1 and SS1 of the Watford Local Plan, the Residential Design Guide and the NPPF.
- 6.8 (c) Quality of Residential Accommodation
The provision of six, 3-bedroom houses is positive. This size of property in this location is welcomed addressing the housing need for larger properties which are suitable for families.
- 6.9 The Residential Design Guide states that 3 bedroom 6 person dwellings over 3 storeys should have minimum Gross Internal Areas of 108m² each. The dwellings proposed would consist of Gross internal areas of 198m² (unit 1), 145m² (units 2 and 6) and 136m² (units 3, 4 and 5). The dwellings would therefore all generously exceed minimum size requirements. All dwellings would also have suitable light, outlook and privacy for the amenity of future occupiers.
- 6.10 All 6 dwellings would have private rear gardens of between 70sqm and 94sqm in size. These gardens would all exceed the minimum garden size of 65m² as stated in para 7.3.22 of the Residential Design Guide.
- 6.11 (d) Highway Matters
- 6.12 Access
The development includes an upgraded and widened access from High Road to provide a 5.5m access road with a 1.2m wide pavement alongside. The Highways Authority have raised no objection to this access arrangement subject to conditions requiring specific details of the access which are recommended.
- 6.13 The previous application was found to have a potentially harmful highway impact due to the lack of turning space and the width of the new access road created. The revised scheme includes a designated turning area at the end of the access way and the access road has been widened to 5.5m. The application is supported by a Transport and Highway Technical Note including swept path analysis diagrams that demonstrate that vehicles can turn within the site. This revised application has therefore sufficiently demonstrated that vehicles can enter and leave the site in forward gear and has overcome this previous reason for refusal.

6.14 *Parking*

The development provides 2 on site parking spaces for each dwelling, totalling 12 spaces for the development of 6 dwellings. The site is identified with zone 4 of the Car and Cycle Parking Standards Map of the Watford District Plan 2000. Appendix 2 of the Watford District Plan sets maximum standards for car parking provision based on the identified zone. In accordance with these standards, the development should not have more than 13.5 car spaces for the development. The proposed car parking provision of 12 spaces for the 6 dwellings is within the maximum standards and the provision is compliant with 'saved' policy T22 of the Watford District Plan 2000.

6.15 *Highway capacity*

In response to the application the Highways Authority have made the following comments which are agreed:

The proposed development is a significant intensification on the use of existing site. However, the level of traffic likely to be generated by the proposed development is unlikely to have any significant impact on the local road network and likely to be within the range of daily fluctuation of flow along the local road network. The width of the proposed access road will ensure vehicles can enter and exit the site without conflict with each other or with another vehicle using High Road.

Only one slight accident has been recorded in the last 5 years and as a result, it is considered that there are no existing highways safety issues present that need to be considered.

6.16 *Refuse Storage and collection*

The previous scheme was found to have insufficient arrangements for refuse storage and collection. Specifically, the lack of turning area within the site would have also prevented refuse vehicles entering and leaving the site. Furthermore with no front gardens and with the restricted layout of the road, the previous scheme would not have had opportunity for adequate bin storage.

6.17 As detailed in para 6.13, the site does now have turning arrangements for refuse vehicles. The revised scheme now also includes bin storage for all properties. Plots 1, 2 and 6 would have bin storage facilities within their rear gardens. Plots 3, 4 and 5 would have use of a new bin storage enclosure at the front the properties. This amended arrangement would therefore allow for appropriate storage of bins which is unlikely to create an adverse highway impact.

6.18 (e) Impacts on neighbouring properties

- 6.19 As detailed in paras 18 to 20 of the appeal decision, the development of the previous application was considered to be acceptable in its relationship to neighbouring properties so as not to create adverse impacts.
- 6.20 The fronts of units 2-5 would be positioned 7m from the rear garden boundary of No74. However, due to the 32m long garden of No74, in accordance with the appeal Inspector's decision, this would not create loss of light, outlook or privacy to No74.
- 6.21 The relationship of unit 1 with the adjacent dwellings at 74 and 78 was previously considered acceptable. The depth of plot 1 and its roof bulk has, however, been reduced as part of this application meaning that again, this is not considered to result in adverse loss of light, outlook or privacy.
- 6.22 The position and scale of units 2-6 is unchanged from the previous scheme and, again, the relationship of these dwellings to Nos 21 and 32/33 Redheath Close are deemed to be acceptable.
- 6.23 (f) Impacts on heritage assets
The context includes designated and non-designated heritage assets including the adjacent property at number 74 High Road which is locally listed and numbers 79 and 81 High Road, opposite the site to the north, which are Grade 2 listed. The scale, position and design of the development has been deemed as appropriate for the context as detailed in paras 13-15 of the appeal Inspectors decision and as such, the development is not considered to be of a scale or design that would create adverse harm to the setting of the identified heritage assets.
- 6.24 (g) Trees, landscaping and biodiversity
The site includes one preserved tree, a copper beech at the front of the site (T5 of TPO109). This is to be retained on site. Some other trees, particularly at the rear of the site, are not subject to a TPO, however, are sought to be retained for screening and amenity. Pre-commencement conditions are recommended to secure tree protection measures for the preserved Copper Beech and other trees on site to be retained.

7 Consultation responses received

7.1 Statutory and Internal Consultees

Consultee	Comment Summary	Officer Response
HCC Highways Authority (in respect of highway matters)	No objection subject to conditions	Noted and conditions recommended
HCC Highways authority (in respect of fire safety)	The carriageway width and swept path analysis diagrams demonstrate that fire tenders can enter and leave the site in forward gear.	Noted
Herts Fire and rescue	No objection	Noted
WBC Tree officer	No objection however further information is required in respect of the protection arrangements for the Copper Beech at the front of the site (T5 of TPO109) and in respect of other non-preserved trees on site.	Noted and relevant conditions recommended.
WBC Waste and recycling	1 set of bins required per dwelling. Crews will take bins a maximum of 10m from properties, not 24m as shown on plans	The site layout allows for refuse vehicles to turn within the site meaning that refuse can be collected within 10m of each dwelling.

7.2 Interested parties

Letters were sent to 41 properties in the surrounding area. Responses have been received from 17 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Overdevelopment of the site and harmful to environment	. The development allows for generously proportioned plots and dwellings with appropriate distances to other dwellings.
Poor design and harm to Heritage and Character	The design of the previous scheme and its relationship to the context and heritage assets has been determined as acceptable by the appeal Inspector. This revised scheme

	creates no substantive design changes and is considered acceptable in respect of design as set out in the report.
Harm to protected Tree and loss of unprotected trees	There is no objection from the WBC tree officer and details of trees to be retained and tree protection measures are secured by condition.
The new access road remains unsafe. Some drawings are inconsistent. A response to the submitted Transport and Highways technical note has prepared and submitted to support this objection.	The appeal inspector concerns in respect of the lack of turning within the site and lack of bin storage and refuse access have been fully overcome in the revised scheme as detailed in this report. The access from High Road, the road width, the turning area and the swept path analysis diagrams have all be assessed by the Highways Authority and have been found to be acceptable.
Additional traffic created on surrounding roads	As detailed in the comments from the Highways Authority, the additional car parking and traffic would not adversely harm the highway network.
Harm to structure and amenity of No74 due to the access road	The access road for residential use is appropriate in a residential area and would not create adverse or unreasonable harm to No74. Structural issues are normally a civil or Party Wall matter between the owners.
Harm to the light, outlook and privacy of neighbouring properties.	As determined by the appeal Inspector and as set out in the report, the relationship of the development to neighbouring properties is considered to be acceptable so as not to give rise to adverse impacts.
The scheme is very similar to that already refused by Watford BC and the appeal inspector	The similarities are noted. However, this revised scheme has fully overcome the concerns of the appeal inspector in relation to highway matters which were the reason for the dismissal of the appeal

8 Recommendation

Grant Conditional Planning Permission

Conditions

1. Time Limit

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. Approved Drawings

The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:

NG1905029 Site Survey

PL-00

PL-01

PL-02

PL-03

PL-04

PL-05

PL-06

PL-07

PL-08 Rev A

PL-09

PL-10

PL-11

PL-12

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

3. Materials submitted

No external facing materials shall be installed on the development until full details and samples of all the materials to be used for all external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in the approved materials.

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

4. Tree and Landscaping Plan

No work shall commence until a detailed tree and landscaping scheme for the site, including details of trees to be retained, trees to be removed and

replacement planting, has 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 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 and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

5. Hard Landscaping

No part of the development shall be occupied until full details of a hard landscaping scheme, including details of the materials and drainage of all hardstanding, terrace screening and the site boundary treatments 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.

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

6. Tree Protection

No development on site shall commence until details and a method statement in respect of tree protection measures (including ground protection) relating to trees located within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures approved under this condition shall be implemented prior to the commencement of any works and shall be maintained as such at all times whilst the construction works take place.

Reason: To ensure the existing trees which make a positive contribution to the visual amenity of the area are retained and not harmed by the development in accordance with saved Policy SE37 of the Watford District Plan 2000.

7. Highways Condition 1 (detailed access plan)

Prior to the commencement of the site works the applicant shall submit a detailed access plan to the site from High Road to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the access is designed to the current highway authority specifications.

8. Highways Condition 2 (construction of access)

Before the first occupation of the approved development the access arrangement from High Road as agreed above in condition 7 shall be constructed and completed to the satisfaction of the Highway/Planning Authorities.

Reason: To ensure that the proposed access is designed and constructed to the current Highway Authority's specification as required by the Local Planning Authority.

9. Highway Condition 3 (visibility splay)

A 2mx2m pedestrian visibility sight splay, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway shall be provided on both sides of vehicular access prior to the operational use and thereafter.

Reason: To ensure a satisfactory standard of the development in the interest of highway safety

10. Highways Condition 4 (surfacing)

Before being brought in to use the new access road and the parking/turning areas hereby approved shall be surfaced in hard surfacing being made of porous materials or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

11. Bin storage

No part of the development shall be occupied until details of the size, type, siting and finish of refuse and recycling storage enclosures for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The stores approved under this condition shall be installed and made available for use prior to the occupation of any part of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site, to ensure that adequate waste storage facilities are provided and to ensure that a suitable

living environment is provided, in accordance with 'saved' policies SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

12. Bicycle storage

No part of the development shall be occupied until details of the size, type, siting and finish of a cycle storage enclosure for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the occupation of any part of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure that secure and weatherproof cycle storage facilities are provided for future residents in accordance with Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

13. Side windows

The first and second floor windows in the south-west side elevation of plot 1 shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031 and the Residential Design Guide (2016).

14. Permitted Development

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, D or E of the Order shall be carried out to the new dwellings 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 amenity of the dwellings and the character and appearance of the area.

Informatives

IN907 Positive-proactive statement

IN909 Street Naming and numbering
IN910 Building regulations
IN911 Party Wall Act
IN912 Hours of Construction
IN913 Community Infrastructure Levy Liability
IN915 Highways Works