

Committee date	Tuesday, 5 October 2021
Application reference	21/01273/FUL Flat 1 59 Bushey Mill Lane Watford WD24
Site address	7QX
Proposal	Part-retrospective application for a single storey side extension with facing brick, veranda attached to existing rear extension and garage conversion into habitable space with front elevation alterations (amended plans and description 09.09.2021)
Applicant	Patricia Blankson
Agent	K Projects
Type of Application	Householder planning permission
Reason for committee Item	Number of objections to the application
Target decision date	15 October 2021
Statutory publicity	Letters to neighbouring properties
Case officer	Alice Reade, alice.reamde@watford.gov.uk
Ward	Tudor

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 contains a two storey semi-detached house that has been converted into two flats. Planning permission was not obtained for this conversion however records show that this is over 4 years old and so would now be immune from enforcement action by the passage of time. The property has a single storey side garage and has been previously extended with a single storey rear extension to 3m depth.
- 2.2 The site currently contains unauthorised works including a single storey side/rear extension of 8m depth (5m beyond original building), a 2m deep veranda and a garage conversion. These works are the subject of an on-going enforcement investigation.
- 2.3 No.59 is adjoined to the north-west to its semi-detached pair No.57 which itself has a 3m deep single storey rear extension. The pair of properties at No.59 and No.57 are set behind the adjacent pair at No.61 and No.63 by approximately 5m. No.61 is adjacent to the south-east and has a single storey side element adjoining the boundary with the side garage of No.59.

- 2.4 The site is not within a Conservation Area and does not encompass any Listed Buildings.

3. Summary of the proposal

3.1 Proposal

- 3.2 Planning permission is sought for the erection of a single storey side/rear extension to the rear of the existing garage and to a depth of 3.1m and height of 2.8m. This proposed extension is to be constructed externally of facing brick onto the side boundary following the demolition of the existing unauthorised 8m deep extension.

- 3.3 The application also seeks retrospective planning permission for the following works:

- Conversion of garage to bedroom with installation of front window to replace garage door.
- Erection of veranda beyond existing rear extension with a depth of 2m and width of 6m. Construction of timber and GRP fibreglass roofing.

- 3.4 The development was amended during the course of the application with amended plans and description received 09 September 2021 to amend the side wall of the side/rear extension to be rebuilt in facing brick. This was amended at the request of officers as the previously proposed render finish to the existing breeze blocks on the side wall would not have been possible to install from within the application site and the retention of a breeze block side wall would not be an appropriate finish.

3.5 Conclusion

- 3.6 The single storey side/rear extension has been reduced from 8m as previously refused to 3.1m. This has an appropriate relative depth and relationship with the adjacent property No.61, it is compliant with sections 8.4 and 8.5 of the Residential Design Guide and would not create adverse harm to the light, outlook and general amenity of the occupiers of No.61.

- 3.7 The 2m deep veranda is now detached from the previously refused 8m deep extension and is lightweight in nature, modest in scale and bulk and would have an appropriate relative depth of 2m to the neighbour at No.57. As such, this is consistent with the objectives of section 8.2 and 8.3 of the Residential Design Guide. The works in respect of the garage conversion are also acceptable.

- 3.8 It is noted that this application is part retrospective and that the site currently contains unauthorised extensions and alterations which are subject to ongoing investigation by the planning enforcement team. It is noted that the planning enforcement process as set by paragraph 59 of the NPPF seeks to resolve the breach of planning control and that local planning authorities should act proactively and proportionately in this regard. The planning enforcement process in respect of this nature of development is therefore not a punitive process. Despite the part retrospective nature of this application the extensions as shown in the application are assessed in the same way to new extensions proposed, being on their own merits in respect of the guidance of the Residential Design Guide and relevant policy.
- 3.9 This assessment has concluded that the extensions are of an acceptable scale and design that would not create visual harm to the character and appearance of the house or the context. The extensions would also have relationships with neighbouring properties that are fully compliant with section 8.4 of the Residential Design Guide and would not create adverse harm to neighbouring amenity. The extensions are therefore compliant with policies UD1 and SS1 of the Watford Local Plan Core Strategy and the application is recommended for approval subject to conditions as set out in section 8 of the report.

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 Application 21/00672/FUL sought retrospective planning permission for the following works:

- Conversion of garage to bedroom with installation of front window to replace garage door
- Single storey side/rear extension to 8m deep beyond garage rear wall, 5m deep beyond rear wall of original house and 2.8m flat roof height
- 2m deep veranda beyond existing extension and adjoining side/rear extension

Planning permission was refused for the following reasons:

1. Scale and Design

By virtue of the overall depth of the extensions, their full width to the dwelling, height and mix of roof profiles, the extensions are of an excessive scale and poor design in relation to the host building and context. The total 5m depth of extensions from the rear of the original dwelling would be significantly in excess of the 3.5m guidance of section 8.5 of the Residential Design Guide and the relative 8m depth to the adjacent property further reveals their excessive depth and scale. For these reasons, the development would result in harm to the appearance of the building, the streetscene and the character of the area, contrary to the National Planning Policy Framework (NPPF), the provisions of the Residential Design Guide 2016 (sections 8.2, 8.3 and 8.5) and Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31.

2. Impact to neighbours

By virtue of the relative 8m depth of the side/rear extension, along with its position, its height and bulk, the development unacceptably harms the amenities of the neighbouring occupiers at No.61. The excessive depth and relationship is contrary to guidance of sections 8.4 and 8.5 of the Residential Design Guide and creates a significantly overbearing impact to the occupiers of No.61 with visual dominance to the garden and loss of daylight and outlook to the rear kitchen window. As such, the development adversely affects the residential amenities of the neighbouring occupiers, contrary to Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016 (sections 8.4 and 8.5).

- 5.2 Following refusal, pre-application advice was sought under reference 21/00982/PREAP1 in respect of smaller 3.1m deep extensions to replace the unauthorised 8m extension.

Advice concluded:

The reduced depth of the single storey side extension [3.1m] is a significant improvement and is compliant with RDG in its position and depth. The veranda remains in excess of RDG depth however subject to high quality materials and a light weight construction, this may be supported in an application. Please note that full assessment of the impact to neighbours can only be made at application stage in consultation with neighbouring properties.

6. Main considerations

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

(a) Scale and design

(b) Impact on surrounding properties

6.2 (a) Scale and design

Policy UD1 of the Watford Local Plan Core Strategy sets out points to consider in achieving high quality design for new development. Development should create high quality new places and should respect and enhance the character of its area. The Residential Design Guide (RDG) sets out specific guidance for extensions to dwellings including guidance for extensions to be in keeping with host properties and in harmony with a streetscene (sections 8.2 and 8.3). Section 8.5 of the RDG states that single storey rear extensions to semi-detached houses should not generally exceed 3.5m depth.

6.3 The proposed replacement extension to the side of the house and rear of the garage would have a depth of 3.1m to be level with the original rear of the house. The flat roof would continue the flat roof of the garage and maintain a modest bulk for the extension. The depth, scale and design of this side/rear extension is therefore fully compliant with sections 8.2, 8.3 and 8.5 of the RDG.

6.4 The proposed 2m deep veranda would result in a total depth of structures of 5m from the rear of the original dwelling as it extends beyond the existing 3m deep flat roof extension. The massing of this additional structure as proposed is modest with open elevations to all external sides. The veranda would also have a modest relative depth of 2m to the extensions at No.57 and would set in 2m from the boundary with No.61. As such, by virtue of the lightweight nature of this element and its position relative to neighbours, the veranda would not be harmful to the appearance of the house or the rear context and would meet the objectives of sections 8.2 and 8.3 of the RDG.

6.5 It is noted that the veranda formed part of the reason for refusal of the previous refused scheme, however, by the reduction in depth of the side/rear extension from the previously refused application, the veranda does not attach to this and no longer forms part of a wrap around structure. It therefore no longer contributes to the excess bulk of the extensions as previously refused and is considered to be an acceptable addition as now shown.

6.6 The conversion of the garage to a habitable room, with the insertion of a window on the front elevation, is an acceptable visual addition to the dwelling and the front streetscene, compliant with sections 8.2 and 8.3 of the RDG.

6.7 (b) Impact on surrounding properties

As set out in section 8.4 of the RDG, new development should maintain appropriate relationships to the homes and gardens of neighbouring properties. Development should not unreasonably harm the light, outlook or privacy of neighbouring properties. Sections 8.4 and 8.5 identify that extensions to semi-detached houses which have a relative plan depth of 3.5m to neighbours would be generally considered to be acceptable.

- 6.8 No.61 is adjacent to the south east of No.59. The original footprint of No.61 is set approximately 5m forward of No.59. The single storey side/rear element of No.61 contains a kitchen window and extends approximately 2m behind the main rear line of No.61. This nearest rear window of No.61 is level with the rear of the existing garage and the proposed extension of 3.1m would have a relative depth of 3.1m to the rear window of No.61. This 3.1m relative depth is within the guidance of 8.4 of the RDG and would not create unreasonable loss of light or outlook to the rear windows or garden of No.61. The proposed facing brick finish of the side wall of the extension would also be an appropriate material finish as would be seen from No.61. The demolition of the unauthorised 8m extension and its replacement with the 3.1m extension now proposed would therefore create an acceptable relationship to No.61, compliant with guidance, and would overcome the grounds for the previous refusal.
- 6.9 The veranda is 2.5m in height and set in 2m from the boundary with No.61. This would therefore not create loss of light or outlook to this neighbour.
- 6.10 The veranda is adjacent to the boundary with the adjoining No.57. The veranda has a relative depth of 2m to the extension of No.57 and is again noted of being of modest height and a lightweight nature. This relationship and relative depth is therefore compliant with 8.4 of the RDG and would not create unreasonable loss of light or outlook to No.57.
- 6.11 Due to the single storey nature of the works, other neighbours in the area would not be adversely affected by the development.

7. Consultation responses received

7.1 Internal Consultees

The planning enforcement team have been consulted in respect of the application and the case officer and enforcement officer have worked constructively in respect of the planning matters for the situation. The enforcement team await the outcome of this planning application before determining what further actions may be required.

7.2 Interested parties

Letters were sent to 17 properties in the surrounding area in respect of the original application and again in respect of the amended plans and description. Objections have been received from 5 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Property has been converted to flats at unknown time without notification to neighbours or the Council.	This is noted. The conversion is however considered to be immune from enforcement action as it occurred over 4 years ago.
The previous and existing extensions do not have planning permission	The existing 3m deep extension to the rear of the house is of a scale and position that is likely to have complied with Permitted Development. The unauthorised nature of the further extensions is noted and is subject to a planning enforcement investigation.
The extension as built is of poor breezeblock finish, it is too large and is harmful to the property at No61.	This is agreed and the planning application for the 8m deep extension was previously refused under application 21/00672/FUL.
The extension 3m depth and height creates loss of light and outlook to garden and kitchen of No.61.	The depth of 3.1m now proposed is a significant reduction from the 8m refused extension. The 3.1m relative depth is within the 3.5m depth guidance of the RDG and would have an appropriate relationship to the house and garden of No.61 and would not create adverse harm to light and outlook.
The veranda creates loss of light, outlook and privacy to the adjoining property No.57. Photos submitted to show shadow created to bathroom window of No57.	The veranda would be visible from No.57 however as it has a depth of 2m beyond the extensions already at No.57, this is a reasonable relative depth and would not create a notable loss of light or outlook to No.57. It is noted that as the veranda is to the south east of the north east facing bathroom window of No57, as seen in the submitted photos, this would create some early morning summer shadow. However this is a very limited impact in terms of

	time of day and year and would not affect the overall amenity or enjoyment of No57. The single storey nature of the veranda would not afford overlooking to neighbours. The mutual privacy for each neighbour would be appropriate in a residential location.
The veranda and extensions could create noise disturbance to neighbours.	The use of these areas as habitable rooms and garden areas is fully reasonable for a residential dwelling and to be expected in a residential area.
The conversion of the garage to habitable room would create increase noise disturbance to adjoining No.61.	The use of this as a habitable room is fully reasonable for a residential dwelling and to be expected in a residential area.
Overdevelopment of the site with 4 potential bedrooms at flat 1.	As the flat is existing, the standards for new dwellings cannot be applied retrospectively and the extensions cannot be refused on this basis.
Extensions have been constructed poorly and not in materials to match the existing house.	Appropriate materials for the proposed extension are secured within the submitted plans and secured by condition to this recommendation. Facing brick for the side wall of the extension would ensure this can be finished to an appropriate material and not left as breeze block. The timber and fibreglass for the veranda are appropriate for a structure of this type.
The side wall of the extension (currently breeze block) cannot be finished in pebble-dash without access to neighbours garden.	Noted. The application has been revised for this wall to be rebuilt in facing brick to create an appropriate finish which can be constructed from within the site.
Changing the material to red brick will create more disruption to neighbours.	Officers agree that breezeblock is not an appropriate finish and also agree that pebble dash to the breeze block cannot be done without access to the neighbours garden. Facing brick is the only appropriate finish that can be achieved to remove the existing breezeblock.
Insufficient parking at the property with history of excessive visitors and overflow on road parking.	The site would retain 3 parking spaces which are sufficient for the 2 dwellings in accordance with council standards,,

There are 5 businesses registered at the address causing concern for future use.	If activity at the premises indicated a change of use from residential to commercial (eg visitors/deliveries), this would be a matter for planning enforcement officers to investigate and we would request it is reported to us.
Concerns in respect of the relocation of the manhole and drainage.	These matters are not planning matters and are not relevant to the planning assessment.
The construction of the existing unauthorised extensions has created noise and dust disturbance for neighbours.	These matters are not planning matters and are not relevant to the planning assessment. Unreasonable noise disturbance would be a matter to report the Environmental Health officers at Watford Borough Council.
The drainpipe is over the boundary and is it requested that a surveyors report is carried out.	These are civil matters which cannot influence the planning assessment.
The extensions and construction have breached the boundary and Party Wall Act has not been followed.	These are civil matters which cannot influence the planning assessment however all parties are referred to advice which can be found: https://www.gov.uk/party-walls-building-works

8. Recommendation

That conditional planning permission be granted subject to the following conditions:

Conditions

1. The unauthorised single storey side extension shall be removed within 3 months of the date of this decision notice.

Reason: To ensure timely removal of the unauthorised extension in the interests of the amenities of neighbouring occupiers and the visual appearance of the site and surroundings.

2. The development of the single storey side extension to which this permission relates shall be begun within a period of three years commencing on the date of this decision notice.

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.

3. 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:

21018-010 REV D - PRE-EXISTING SITE PLAN
21018-011 REV D - PRE-EXISTING FLOOR PLANS
21018-030 REV D - PRE-EXISTING ELEVATIONS
21018-110 REVB - PROPOSED SITE PLAN
21018-001 REV D - SITE LOCATION PLAN
21018-111 REV C - PROPOSED FLOOR PLAN
21018-310 REV C -PROPOSED ELEVATIONS
21018-311 REV B - PROPOSED ELEVATION

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

4. The external wall of the side elevation of the single storey side extension shall be finished in a red tone facing brick to match the colour, texture and finish of the brick finish seen on the front elevation of the existing dwelling.

Reason: To secure the material finish shown on the approved plans and in the interests of the visual appearance of the extension.

Informatives

1. Positive and proactive statement
2. Building Regulations
3. Party Wall Act
4. Hours of construction