

Committee date	Tuesday, 7 December 2021
Application reference	21/01496/FUL 140 Pinner Road Watford WD19 4EN
Site address	
Proposal	Erection of a new detached bungalow on the land at the rear of 140 Pinner Road
Applicant	Mr Jayesh Patel
Agent	None
Type of Application	Full Planning Permission
Reason for committee Item	Objections to the application
Target decision date	8 th December 2021
Statutory publicity	Letters to neighbouring properties
Case officer	Alice Reade, alice.reamde@watford.gov.uk
Ward	Oxhey

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 No 140 Pinner Road is a detached bungalow located at the corner of Pinner Road and Firbank Drive. The application site consists of an area of rear garden to the east of the bungalow. The site currently comprises garden and a detached single garage with access from Firbank Drive.
- 2.2 There are significant ground level changes in the area with ground level rising from the south- west to the north-east putting the site on an elevated position to the rear of the existing bungalow.
- 2.3 The building on site is not listed or locally listed. The roads are not subject to a Controlled Parking Order. The site is not within a conservation area however to the north of the site is the Oxhey Conservation Area.

3. Summary of the proposal

3.1 Proposal

- 3.2 Erection of a new detached bungalow on the land at the rear of 140 Pinner Road. The bungalow would contain 2 bedrooms and would have on-site parking from the existing access to Firbank Drive.

3.3 Conclusion

- 3.4 The proposed development is substantively different to the unacceptable development previously proposed and dismissed at appeal. Specifically, the previous application involved the demolition of the existing bungalow and substantial redevelopment fronting Pinner Road. The development now proposed would see the retention of the existing bungalow and the modest new development at its rear with access from Firbank Drive.
- 3.5 The proposed new bungalow would provide a good quality new dwelling in a residential area and would be of appropriate scale, layout and design for the site and context. By virtue of its position and single storey nature, the development would not create harm to the amenities of neighbouring properties. Development is therefore compliant with policies UD1, SS1 and HS1 of the Watford Local Plan Core Strategy.

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.
- 4.2 Paragraph 11 d) of the NPPF 2019 establishes the 'presumption in favour of sustainable development' and the principles of the 'tilted balance' that apply where a local planning authority cannot demonstrate a 5 year housing supply or have failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. Where the tilted balance applies, decision makers should grant permission unless NPPF policies on protected areas or assets of particular importance provide a clear reason for refusing development or, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against NPPF policies taken as a whole. The tilted balance has the effect of shifting the weight in the planning balance away from local policies and towards the NPPF.
- 4.3 The Council scored below 75% in the most recent Housing Delivery Test results and therefore the 'tilted balance' applies to the determination of this planning application.

5. Relevant site history/background information

- 5.1 19/01278/FUL Demolition of existing building and construction of a two storey

block of six flats with accommodation in the roof space. Planning permission refused. Appeal Dismissed for reasons of adverse impact to character and appearance of the area, adverse impact to neighbouring premises and poor residential amenity for the proposed development.

- 5.2 Following the dismissed appeal the applicant has sought to engage positively with the Council through preapplication discussions in respect of the land to the rear of 140 Pinner Road only and proposals for a new detached bungalow. (Reference 21/01211/PREAPP).

6. Main considerations

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

- (a) Principle of residential development
- (b) Scale and design
- (c) Impact on setting of Oxhey Conservation Area
- (d) Impact on surrounding properties
- (e) Residential amenity
- (f) Access, parking and waste

6.2 (a) Principle of residential development

The development proposes new housing in a residential area which is acceptable in principle in accordance with Policy HS1 of the Watford Local Plan. The principle of residential development is also acceptable in accordance with 'saved' Policy H9 of the Watford District Plan for backland development where there is appropriate access and subject to design matters.

6.3 (b) Scale and design

Policy UD1 of the Watford Local Plan 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.

- 6.4 The adjacent Oxhey Conservation Area has a strong character of Victorian terraces whilst the southern area of Pinner Road has some mix of terraces, semi-detached and detached housing. Firbank Drive is a cul-de-sac notably different in form. At the start of Firbank Drive is the flank of the detached bungalow of No140 at its entrance and the flank of No142 to the opposite side. Further along Firbank Drive, there are outbuildings, garages and parking to the north side and semi-detached houses to the south and east. The proposed detached bungalow would relate in scale and nature to the existing bungalow of No140 and would not come forward of the building line set by

the flank of No140. The new bungalow would be modest in its massing and scale and include detailing to create a character and appearance suitable for the context and compliant with Policy UD1 of the Watford Local Plan and 'saved' Policy H9 of the Watford District Plan.

6.5 (c) Impact on the setting of the Oxhey Conservation Area

The position of the development and its single storey nature would have minimal visual presence from the Oxhey Conservation Area to the north and would not create adverse impact to the setting of the Conservation Area.

6.6 (d) Impact on surrounding properties

The Residential Design Guide (RDG) details guidelines and recommends minimum distances to determine appropriate relationships between a new building or extension and a neighbouring property in order to prevent unreasonable harm to the light, outlook, privacy and amenity of neighbouring occupiers. The impact on the surrounding properties is detailed as follows:

6.7 *No 140 Pinner Road*

The proposed development would be immediately to the east of the existing bungalow at No140 with separation of between 10m and 13m to the rear of No140. Although single storey, the proposed bungalow is in an elevated position relative to the rear of No140 and its garden. It is however noted that the bungalow has a modest depth and modest roof pitch and height. It is also set in from the boundary with No140. The bungalow would therefore not appear unduly overbearing to the bungalow and garden and No140.

6.8 The impact to the sunlight and daylight of the existing bungalow has been assessed in the submitted Sunlight and Daylight assessment carried out in accordance with British Research Establishment (BRE) guidance. This finds that the impact to daylight and sunlight of the windows and garden of No140 would be within reasonable limits as determined by the BRE guidance and indicates that there would be no adverse harm to the property in this regard.

6.9 No windows are proposed on the west side elevation of the proposed bungalow, facing the rear of No140 and a condition is recommended to prevent the insertion of windows under Permitted Development in this elevation to avoid overlooking.

6.10 *No 142 Pinner Road*

No 142 Pinner Road is set back notably from the road and is on the opposite side of Firbank Drive. The single storey development would be positioned 14m to the north-west of No142 Pinner Road and would create no notable loss of light or outlook to this neighbour.

6.11 *Nos 132-142 Villiers Road*

The proposed development would be sited to the south of the group of terraced properties at Nos 132 to 142 Villiers Road which back onto the north (rear) boundary of the site. The proposed development would have distances of 8.4m for its rear garden and 15m minimum back to back distances to the existing dwellings. This is below RDG guidance which seeks 11m and 27.5m respectively for distances for two storey buildings, however, as the proposed development is single storey only, this would not include upper level windows that would overlook the rear neighbours. The ground levels would also not allow for notable overlooking from the ground floor windows. As such, the development would not create unreasonable overlooking to the neighbours. A condition is recommended to prevent any loft conversion works under Permitted Development to avoid the creation of overlooking.

6.12 The height and distance of the proposed single storey development would also avoid notable loss of light or outlook to these existing dwellings.

6.13 (e) Residential amenity

Section 7.3.6 of the Residential Design Guide sets out the minimum Gross Internal Areas (GIA) for new dwellings in accordance with the nationally described space standards. The GIA of the proposed dwelling at 70sqm, would meet the minimum standard of 70sqm for the 2 bed 4 person dwelling type proposed. The dwelling would also have good layout, light and outlook compliant with the Residential Design Guide.

6.14 The subdivision of the garden between the existing and proposed dwelling creates private gardens areas of 200sqm and 116sqm respectively. These exceeds the minimum garden standards of 50sqm in the RDG. The application includes a detailed landscaping scheme for the site which is secured by condition. The development would therefore include good amenity areas and landscaping for the proposed dwelling compliant with the Residential Design Guide.

6.15 (e) Access, parking and waste

It is noted that the north side of Firbank Drive to the front of the proposed dwelling does not include a footpath and the front garden of the proposed dwelling would abut the road. This is the existing situation with a pavement only to the south side of the road. The site includes hard landscaping for its occupants at the front of the dwelling and as the road is narrow and lightly trafficked, its residents and visitors would have safe crossing from the front of the dwelling to the south side pavement.

- 6.16 In respect of the car access, this is unchanged from the existing so creates no new issues. In respect of the pedestrian access to the site, the new dwelling includes its own path at the front of the dwelling allowing access to its front door and to its parking space. The occupants of the dwelling would therefore have safe and convenient access compliant with 'saved' Policy H9 of the Watford District Plan and it is noted that the Highway Authority have made no objection to the arrangements.
- 6.17 'Saved' Policy T24 of the Watford District Plan seeks for parking to be provided as on-site provision and for new residential development to meet its parking needs on-site and to prevent undue harm to the highway and road amenity. The new dwelling includes on-site parking for up to two car spaces at the east side of the bungalow. This is within the maximum standards of the Watford District Plan.
- 6.18 The existing bungalow would lose its existing 2 spaces to allow for the development. These parking spaces are not protected by any previous planning condition and can be removed at any time. As such, loss of these spaces for the existing dwelling cannot be prevented or warrant grounds for refusal of this application. Notwithstanding this, the submitted plans show two new car parking spaces with dropped kerb access to be created in the amended garden of the existing bungalow. The Highway Authority has made no objection to the provision of these spaces. As the relocated spaces are shown to be within the same ownership as the applicant, these are secured by condition.
- 6.19 Both the existing and new dwellings have garden areas with access to serve bin and cycle storage as shown. This is secured by condition for the new dwelling.

7. Consultation responses received

7.1 Internal Consultees

Consultee	Comment Summary	Officer Response
HCC Highway Authority	No Objection	Noted
WBC Waste and recycling	No comment	Bin store requirements known and noted.
Rights of Way Officer	No comments received	
Arboricultural Officer	No comments received	

7.2 Interested parties

Letters were sent to 21 properties in the surrounding area. Responses have been received from 6 properties. The main comments are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Insufficient parking for the new dwelling	This development includes parking at the east of the bungalow which could take up to two cars. This is within the maximum standards and is appropriate for a dwelling of this size in this area.
New bungalow is of inadequate size for modern living and is cramped within the site.	The internal areas of the dwelling meet the minimum size requirements set by Government. The site includes a garden area over the minimum requirements and gaps to all side boundaries. This is therefore not perceived as cramped.
The development creates overlooking to neighbours.	The windows at the rear of the bungalow are at ground floor level, with an 8.4m deep garden and a 1.8m high boundary fence. These would therefore not create overlooking to the rear neighbours.
Concerns in respect of surface water drainage	As the development is for less than 10 dwellings, no further details are required for surface water drainage.
The new parking spaces for the existing bungalow are too close to Firbank Drive and will require ground works	The Highway Authority has not objected to these spaces. Full details of the spaces is however requested to be secured by condition to the planning permission.
Development is not in keeping with the Edwardian and Victorian character of the area.	The site is visually distinct from the Oxhey Conservation Area and being modest in scale, it would be appropriate for the site and context.
Firbank Drive is a narrow road with no pavement on the north side and no turning area. It is unable to take development traffic and development would cause	The Highway Authority at Herts County Council has been consulted and make no objection to the development.

disruption to the road and access.	
Loss of garden space harmful to wildlife	The site is brownfield being previously developed with garage and hard standing. The proposed development would see new landscaping and trees along with the new dwelling.
The applicant owns two HMOs in Firbank Drive	The proposed development is for a single dwelling house.

8. Recommendation

Grant planning permission subject to the following conditions:

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:

Existing Plans

MB-SURV-PR-TS-01 Rev 01

140PINN-LP02

140PINN-PPE01

140PINN-SP06

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

3. Parking for No140

No development shall commence until full details of the proposed access and parking spaces to the dwelling at No140 Pinner Road have been submitted and approved in writing by the Local Planning Authority. The details shall include any changes to the ground levels and details to avoid surface water run off onto the Highway. The parking spaces shall be installed and made

available for use prior to the occupation of the development and shall be retained as approved.

Reason: In the interests of highway safety and convenience.

4. 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 the 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.

5. Refuse, recycling and bicycle storage

The refuse, recycling and bicycle storage shall be constructed and installed in accordance with the approved drawings and made available for use prior to the occupation of any part of the development. The storage facilities shall be retained as approved at all times thereafter.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, 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.

6. Landscaping

The hard landscaping and boundary treatments shall be installed in accordance with the approved drawings prior to the occupation of any part of the development. The soft landscaping and planting shall be implemented in accordance with the approved drawings in the first available planting season following the 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, and amenity of adjacent and future occupiers in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

7. West side windows

No windows or doors shall be inserted into the west side elevation of the development.

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

8. Permitted Development Exemption for extensions and loft conversion

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 or C of the Order shall be carried out to the dwellings hereby approved 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 the amenities of adjoining occupiers, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informatives

1. Positive and proactive statement
2. Building regulations
3. Party Wall Act
4. Hours of construction
5. Community Infrastructure Levy