

Committee date	1 February 2022
Application reference Site address	21/01729/VAR – 62B Harwoods Road, Watford, WD18 7RE
Proposal	Variation of Condition 6 of planning permission 09/00665/COU (for change of use from light industrial to 2 no. self-contained flats) to relocate existing cycle and refuse store to create additional parking space
Applicant	Miss Zoe Rhodes
Agent	N/A
Type of Application	Variation of Condition
Reason for committee Item	Number of Objections
Target decision date	2 February 2022
Statutory publicity	Neighbour letters
Case officer	Sam Oguz, sam.oguz@watford.gov.uk
Ward	Vicarage

1. Recommendation

- 1.1 That the variation to condition 6 of planning permission 09/00665/COU be granted as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site comprises a self-contained flat at the rear of 62 Harwoods Road. Flat 62B, along with 62D, were created as a change of use from light industrial to 2 self-contained flats (ref. 09/00665/COU). The plot is located within the Vicarage Ward and on the site is 62 Harwoods Road, a Class E café/takeaway. There is an existing dropped kerb to enter the site and access way off Harwoods Road which provide both pedestrian and vehicular access to the site. The rear of the plot backs onto Vicarage Road Cemetery. On Harwoods Road, there are various uses, such as garages and other sites which have parking to the rear of properties. The proposal aims to vary the condition of the original granted change of use to move both the bin store and cycle store to facilitate car parking on site.
- 2.2 The site is not in a conservation area nor does it affect the setting of a listed building.

3. Summary of the proposal

3.1 Proposal

The proposal is to change the location of the on-site refuse and cycle store. The cycle store will be moved so that it is adjacent to the external wall of 62B's flat. The bin store will be moved to an enclave between the boundary of No. 62B and the rear of 62 Harwoods Road. The relocation of the refuse and cycle store is sought by the applicant to allow for parking on the external paved area adjacent to flat 62B. The parking arrangement is not however a development which is subject to this application.

The previous Condition 6 read as follows:

“Notwithstanding the information already submitted, no development shall commence until details of the size, type and finish of the proposed refuse and cycle stores for both proposed

flats have been submitted to and approved in writing by the Local Planning Authority. The stores provided shall be retained at all times for the storage of refuse and cycles only and shall not be used for any other purpose.”

The newly proposed Condition 3 will read as follows:

“The bin store and cycle store as shown on approved drawing no. 00001A shall be retained at all times for the storage of refuse and cycles only and shall not be used for any other purpose.”

3.2 Conclusion

The proposal to move both the bin and cycle store to alternative locations within the site are deemed to be acceptable and will not have an adverse impact on the amenity of adjoining properties. The previously approved development would remain in having suitable refuse and cycle storage pursuant to ‘saved’ policies SE7 and T10 of the Watford District Plan 2000. Therefore, it is deemed the variation to Condition 6 of 09/00665/COU is acceptable. This recommendation also includes 2 conditions detailed in Section 8 of the report which are carried over from 09/00665/COU and remain relevant.

The original permission had no condition which would explicitly prevent occupiers to park on-site if it were physically possible to do so. The intended use of the existing hardstanding for parking is therefore not a matter under consideration for this application.

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 This site was previously a light-industrial use and has been converted to flats under planning permission 09/00665/COU. Application 10/01050/DISCON had discharged condition 6 of the original application with a bike shelter and location of refuse store being approved. It would appear that this was never fully implemented.

5.2 In 2021, pre-application advice was sought by the applicant regarding the potential to use the site for vehicular parking, it was recommended an application be submitted to in respect of the refuse and cycle parking pursuant to condition 6 of 09/00665/COU.

6. Main considerations

6.1 The main issues to be considered in the determination of this application are in respect of the relocation of refuse and cycle store.

6.2 The changes to move both the cycle and refuse store within the site will keep the same level of provision and would not have any significant planning implications. They would result in a minimal change to the appearance of the property. The bins will be largely obscured from view due to the inset positioning and the cycle storage will have no adverse impact on the streetscene. These would be adequate for the property and have no impact on the amenity of surrounding properties. The previously approved development would continue to have

suitable refuse and cycle storage pursuant to 'saved' policies SE7 and T10 of the Watford District Plan 2000.

- 6.3 There was no condition imposed on the original planning permission for the flat which would explicitly restrict car parking on-site. Despite a number of objections to the proposed parking area, this would be utilising the pre-existing hard standing and dropped kerb and is not development that requires planning permission. Therefore, in terms of planning, there is no legal agreement, condition, or enforcement matter that would restrict parking on this plot. Any other matter that would prevent this use is a civil matter and would not be relevant to the determination of this application.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Consultee	Comments
Herts County Council – Highways Authority	No objection was received - full comment available to view online

7.2 Interested parties

Letters were sent to 18 properties in the surrounding area. Individual responses have been received from 8 nearby addresses. 7 of these are objections to the application and 1 is in support.

The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Highway safety issues	See paragraph 6.3 and 7.1 of this report. Additionally, this was built as an access way for vehicles and has retained this use.
Noise pollution from the proposal	The proposal is unlikely to give rise to any significant noise pollution.
Loss of amenity space	Upon a site visit, with the car parked on the paved area, there was still amenity space provided for the residents. With the openness and lack of privacy for the area, it would be considered this is not an unacceptable loss of amenity space. There are a number of recreational spaces in close proximity to the property which could be used. This is also a unique circumstance where the space is effectively a front garden for the occupiers, whilst being in the typical rear garden area for Harwoods Road.
Issues with right of way and use of dropped kerb	These are not planning matters for consideration in this application.
Air Pollution	This application would not have a significant impact on air quality, Harwoods Road is dominated by car-use and this, whilst

	positioned in a typical rear garden area, will not be detrimental to surrounding neighbours.
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8.0 Recommendation

8.1 Approve the Section 73 application to vary Condition 6 of 09/00665/COU to include the new plans for a cycle and refuse store, with the inclusion and regularisation of a parking space at the front of the property. As planning permission 09/00665/COU has been implemented, some of the original conditions are no long relevant. Planning permission is therefore granted subject to the following amended conditions:

1. The first floor windows in the northwest facing elevation (serving a proposed bedroom and bathroom as shown on drawing 3090/01/Rev d) and the ground floor window in the southwest facing elevation (serving a proposed bathroom as shown on drawing 3090/01/Rev d) shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority. In addition, the proposed Velux window on the south-eastern side of the roof of the proposed single storey element to the rear of the site (serving the studio flat as shown on drawing 3090/01/Rev d) shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to the occupiers of the proposed flats and the occupiers of neighbouring premises.

2. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (and any order revoking and re-enacting that order) no windows or doors, other than those shown on the approved drawings, shall be inserted in the northwest facing, southeast facing or southwest facing elevations of the building.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

3. The bin store and cycle store as shown on approved drawing no. 00001A shall be retained at all times for the storage of refuse and cycles only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and the amenities of adjoining properties.