

Committee date	Tuesday, 7 June 2022
Application reference	21/01498/FUL St Margaret's, Radlett Road Watford
Site address	Hertfordshire WD24 4LH
Proposal	Demolition of existing detached dwelling and construction of two storey building comprising of 2 semi-detached houses
Applicant	Mr Dean Smith
Agent	Mr K O'Callaghan
Type of Application	Full Planning Permission- Minor Development
Reason for committee Item	Over 5 objections received
Target decision date	Extended by agreement to 8 th June 2022
Statutory publicity	Letters to neighbouring properties.
Case officer	Alice Reade, alice.ream@watford.gov.uk
Ward	Tudor

1. Recommendation

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 detached bungalow to the east of Radlett Road at the eastern edge of the Borough. The bungalow is positioned centrally within a group of 6 pairs of semi detached houses which form an isolated group in the location. The application site includes a service road access to the south of the group of dwellings which leads to garages and parking at the rear (east) of the dwellings.
- 2.2 The site is not within a conservation area and does not encompass any listed buildings. Although currently occupied by a residential dwelling the site is located within the Green Belt. The site is within Flood Zone 1 with a low risk of river flooding. It does however include areas of medium risk from surface water flooding as identified by the Environment Agency.

3. Summary of the proposal

3.1 Proposal

- 3.2 Following amendments, the application proposes the demolition of the existing detached dwelling and construction of 2 semi-detached houses.

3.3 The application was originally submitted for a building comprising 6 flats, however, the proposals were amended in accordance with officer advice.

3.3 **Conclusion**

The site is within the Green Belt where local and national policy seeks to prevent inappropriate development and seeks to protect the openness and other functions of the Green Belt.

3.4 The group of houses within the Green Belt to the east of Radlett Road has, however, been identified as making no contribution to the purposes of the Green Belt in a recently undertaken Stage 2 Green Belt Assessment for Three Rivers District and Watford Borough Councils (LUC, October 2019). The proposed development of a pair of semi-detached houses at the centre of group and with the same footprint, height, building lines and massing as the existing houses in the group, would therefore be infilling within an established group and is considered to have negligible impact on the openness of the Green Belt in this situation. The weighted planning benefits of two new family dwellings within the existing group of houses, identified as making no contribution to the purposes of the Green Belt, is therefore considered to constitute a 'very special circumstance' under paragraph 147 of the NPPF which warrants the grant of planning permission.

3.5 In other respects, the proposed dwellings would not create adverse impact to neighbouring properties and the proposal includes measures to manage surface water drainage within the site. The development would provide two high quality family houses with gardens and parking and be of a scale and design that would be in keeping with the context and local character.

3.6 The application is therefore recommended for approval subject to conditions.

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 can currently demonstrate a 5 year supply of housing, however, scored 48% 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

None

6. Main considerations

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

- (a) Residential development in the Green Belt
- (b) Scale and design
- (c) Flooding
- (d) Residential amenity
- (e) Impact on surrounding properties
- (f) Access, parking and waste

6.2 (a) Residential development in the Green Belt

The Core Strategy and national NPPF support the sustainable development of new homes in principle. Although the Final Draft Watford Local Plan has only limited weight at this time, it is noted that this also encourages more efficient use of land for new homes.

- 6.3 Although previously developed, the site is within the Green Belt. Paragraphs 137 and 138 of the NPPF state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.4 Development is restricted under the NPPF to protect the Green Belt and its function. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.5 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt other than in specified exceptions listed a) to g). Exceptions a) to f) of paragraph 149 would not be relevant to the proposed development. It is, however, relevant to assess the proposed development in respect of exception g) which states that an exception to inappropriate development is:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.6 In respect of this exception definition, it is not considered that the development would represent limited infilling of the existing site meaning that this is not a relevant exception. As such, under the Green Belt policy of the NPPF, the It is therefore asserted that the development is not an exception to inappropriate development under paragraph 149 of the NPPF.

6.7 Notwithstanding this, paragraph 147 does allow for inappropriate development to be approved in 'very special circumstances'. In this instance, these circumstances are created by the nature of the development as infill housing within an established group of houses which has recently been assessed of being of low value to the purposes of the Green Belt, together with considerations in respect of the potential to enlarge the existing bungalow without the need for planning permission, the planning benefit of 2 new family houses and the NPPF presumption in favour of sustainable development applicable to Watford.

6.8 The evidence base for the emerging Final Draft Local Plan includes a Stage 2 Green Belt Assessment undertaken on behalf of Three Rivers District and

Watford Borough Councils. The report, prepared by LUC and dated October 2019, identified and considered the contribution of this wider section of land to the east of Radlett Road (Parcel WE4) to the purposes of the Green Belt. The proposed site and existing group of houses Radlett Road are within this identified parcel.

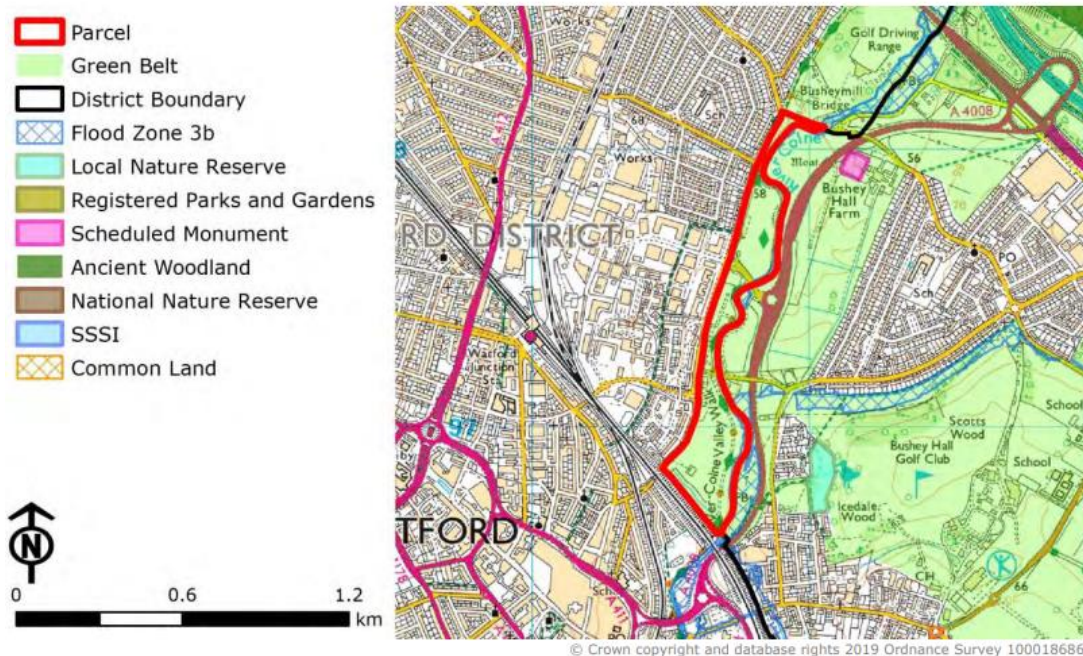


Figure 1: Extract of Appendix 1 from Stage 2 Green Belt Assessment for Three Rivers District and Watford Borough Councils, dated October 2019. Extract showing Watford East Parcel WE4.

- 6.9 The assessment of Parcel WE4 (Appendix 1, Part 4, Parcel WE4) finds that there would be low moderate harm to the Green Belt should the parcel be released. However, the assessment identifies different values of areas within the parcel. It finds that the allotments and the row of houses to the south add localised urban influence to the Green Belt and concludes that “The existing dwellings south of the allotments make no contribution to Green Belt purposes”.
- 6.10 The site is within the Green Belt and national and local policy applies, however, it is a material planning consideration that this assessment found that this group of houses within the wider parcel make no contribution to the purposes of the Green Belt.
- 6.11 In respect of the development itself, it has been assessed that the proposed pair of semi-detached houses would be materially larger than the existing bungalow on this site. They are, however, replicating the position and scale of the other pairs of semi-detached houses in the group. Being central to this group and being of the same rear building line, height and bulk, the proposed

dwellings would represent infilling within the group. The hardstanding to the rear garden would also be within the envelope of the rear access way and garages of the group. The proposed development would therefore not encroach any further into the Green Belt than the existing built form of this group. Given that this group has been identified as making 'no contribution to Green Belt purposes', it is considered that any harm to the purposes of the Green Belt (Para 138 of the NPPF) would be extremely limited.

- 6.12 Moreover, it is also relevant to consider the potential to enlarge the existing dwelling on site or construct outbuildings without the need for planning permission through permitted development rights. If permitted development rights were utilised to their full effect this would potentially have notable impact to the openness of the Green Belt. This is, however, a hypothetical, situation and there is no suggestion or guarantee that permitted development rights would be utilised if permission were not to be granted for the houses proposed and therefore only limited weight can be given to this as material consideration in the planning balance. . It does, however, provide limited support towards the assertion of very special circumstances in this case.
- 6.13 As part of the wider assessment, it is further noted that development seeks to provide two high quality family sized dwellings within a sustainable location, in accordance with local and national policy for new dwellings. This is within the circumstances where the borough is under the NPPF presumption in favour of sustainable development as it scored only 48% in the most recent Housing Delivery Test results. This 'tilted balance' is not, by itself enough to outweigh any harm to the Green Belt, however, the provision of housing is considered to contribute to the very special circumstances for the application when combined with the other considerations.
- 6.14 Therefore, when balancing the Green Belt assessment and the other material planning considerations in respect of new homes, it is considered that this is a 'very special circumstance' which warrants the grant of planning permission in the Green Belt in accordance with paragraph 147 of the NPPF.
- 6.15 (b) Scale and Design
Policy UD1 of the 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.
- 6.16 The proposed pair of semi-detached houses would be of siting, layout, scale and design that replicates that of the other 6 pairs of semi-detached houses in the group. The dwellings would integrate comfortably within the streetscene and maintain the character and appearance of the site and context.

6.17 (c) Flooding

The site is within Flood Zone 1 (low risk) as identified by the Environment Agency (EA). The EA also do not identify the site as being within an area of surface water flooding for which they apply the designation as a 'Critical Drainage Area'. The NPPF does not therefore require any further information on sea or river flooding for development of this site.

6.18 Neighbour consultations have, however, raised issues of historic flooding in this group of dwellings. The EA mapping for surface water drainage shows the locality includes areas of low and medium risk for surface water drainage and that an area, including dwellings to the north of the site and adjacent to the Link Road, is high risk for surface water flooding. The identified areas at risk and the details from neighbour consultations would suggest that the cause of the surface water flooding is from the Link Road to the north and not from this application site. In addition, as the development and the application site is for less than 10 dwelling and is less than 1 hectare in area, the NPPF does not require applicants to provide any further information on flooding matters.

6.19 However, owing to neighbours concerns, a Flood Risk Assessment has been undertaken and submitted to accompany the application. This details proposals including attenuation tanks for surface water storage within the site to prevent surface water flooding within the site and to prevent surface water from the site moving to adjacent land. These measures are recommended to be secured by condition.

6.20 (d) 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. This states that a 3 bed 4 person dwelling over 2 storeys should have a minimum GIA of 84sqm of which 2.5sqm should be built in storage. The dwellings proposed at 100sqm would exceed the minimum size requirements and would have high quality layout, light, outlook and living environments. The private garden areas of 157sqm for each dwelling would exceed the minimum requirements of 60sqm for this dwelling type. The development would therefore provide two high quality new family houses which exceed all minimum size and amenity requirements.

6.21 (e) Impact on surrounding properties

As set out in section 7.3 of the Residential Design Guide, 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.

- 6.22 The pair of houses would be sited between the adjacent houses 'Etherley' to the north and 'Rozel' to the south. The proposed houses would have a set in of over 3m to the side boundaries with each of these neighbours and would have front and rear building lines similar to that of the adjacent neighbours. These relationships would be fully compliant with Residential Design Guide and would avoid any notable loss of light to the neighbouring occupiers. The flank walls of the houses include one first floor window, however, as these are to landings of each house, these can be secured as obscurely glazed and will not allow for overlooking to neighbouring properties.
- 6.23 (f) Access, parking and waste
The site is within a sustainable location appropriate for new development. The development proposes 2 on-site car parking spaces for each dwelling at the rear, to be accessed via the existing service road from Radlett Road to the south of the group. The maximum parking standards of the District Plan state that a 3 bed dwelling in this location should not exceed 2.25 parking spaces per dwelling. The proposed provision of 2 spaces per dwelling is therefore fully in accordance with this policy.
- 6.24 The development includes appropriate, secure bin and bicycle storage on site and this is recommended to be secured by condition.

7. Consultation responses received

7.1 Statutory consultees and other organisations

The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. This includes for development which is found to be inappropriate in the Green Belt that would have a significant impact on the openness of the Green Belt. The direction to consult the Secretary of State would give them the opportunity to call in the application for decision under s77 of The Town and country Planning Act.

- 7.2 This application relates to development that has been assessed as inappropriate developments in the Green Belt under s147 of the NPPF. The development is however not categorised as 'Major' and, for the reasons discussed in the report, is not considered to have significant impact on the openness of the Green Belt. The LPA is not therefore required to consult the Secretary of State under the aforementioned Direction. No other statutory consultations are required for this application.

7.3 Internal Consultees

Consultee	Comment Summary	Officer Response
Highway Authority	No objections and no conditions requested	Noted
Thames Water	The site is within a ground water protection area and condition is requested for details of piling to be carried out.	Noted
Waste and recycling	No comment	Noted
Tree Manager	No objection. There are currently no protected trees at the property and there are no visually significant trees at the site which would warrant the making of a TPO.	Noted
Lead Local Flood Authority	No response received.	Noted that the service is largely unable to provide consultee responses due to staff shortages.

7.4 Interested parties

Letters were sent to 5 properties in the surrounding area in respect of the original application. Objections from 9 properties were received.

The surrounding properties and objectors were also re-consulted on 1st March 2022 in respect of the proposed amendments. Additional responses were received from 2 properties.

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

Comments	Officer response
The development [of 6 dwellings] is too large and out of keeping with the area.	The development is now for 2 dwellings of a scale and design to replicate those in the group.
The additional cars and parking demand [for 6 dwellings] would	The development is now for 2 dwellings with 2 parking spaces per dwelling. The

create disturbance and danger to other users of the rear access road.	layout and parking provision is similar to others in the group.
Increased population in this area would harm to quality of lives of existing residents.	This is an established residential area within which the provision of new homes is wholly appropriate and in accordance with national planning policy.
Development in the Green Belt is not justified.	It is considered that there are justifications for the development in accordance with the relevant sections of the NPPF and this is discussed in full in sections 6.2 to 6.14 of the report.
The red line is incorrect and there is a 10 foot strip of land at the south of the property that has a right of way.	The red line includes the access road as this is required to serve as access to the new dwellings. Certificate C of the application form has been completed with relevant notifications made. Notwithstanding this, the grant of planning permission does not override any ownership or land rights. Even if granted, the planning permission can only be implemented with the relevant land consents under civil law.
The site is at risk of flooding and development on the site would worsen flood risk to neighbours.	These matters are discussed in full in sections 6.17 to 6.19 of the report. The application is accompanied by a Flood Risk Assessment which includes details of surface water management and flooding prevention that are secured by condition.
The service road is unsuitable for construction traffic and would need to avoided or repaired.	The rights of access and maintenance of the service road are a civil matter for the relevant owners.
Loss of trees and shrubs	The trees on site are not protected nor are they considered to be of a quality or value that warrants retention. Notwithstanding this, a landscaping scheme is recommended to be sought by condition to detail retained and new planting to protect the long term environment of the site.
Loss of light to neighbouring dwellings	As discussed in sections 6.21 and 6.22 of the report, the relationship of the development to neighbouring dwellings is fully in accordance with guidance and would not create adverse harm to the light of

	neighbouring homes and gardens.
The neighbour has electric cabling on the side of the existing bungalow leading to the garage at the rear. This would be lost with demolition of the bungalow	This is a civil matter between the owners of the properties and land and not relevant to the assessment of this application.
The existing property is in a state of disrepair	This is not relevant to the assessment of this application.
Construction work and vehicles would cause dust and disturbance	Although noted, this is not a material planning consideration.

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 and Documents

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

SLP-3000 Site Location Plan
 BP-4000 Block Plan
 PL-ST-1000 Rev A Existing Site Plan and Roof Plan
 PL-ST-2000 Rev A Proposed Site Plan and Roof Plan
 PL-ST-3000 Rev A Proposed Ground, First, Second Floor
 PL-ST-4000 Rev A Proposed Elevations Plan
 PL-ST-5000 Rev A Proposed Landscaping Plan
 PL-ST-6000 Rev A Landscape details and refuse store
 PL-ST-8000 Rev A Part Ground and Firsts floor Plans
 PL-ST-9000 Rev A Proposed Cycle Store Plan

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

3. Surface Water Drainage

The development hereby permitted shall be carried out to include all measures recommended in the Flood Risk Assessment, carried out by WtFR Ltd, dated 22nd November 2021 (Reference WtFR-FRA-2021/11/Q13) and as shown in the approved drawings.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

4. Materials

No development shall commence until details and samples of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

5. Piling Method Statement

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

6. Soft and Hard Landscaping

No part of the development shall be occupied until full details of both hard and soft landscaping works, including details of all existing trees to be retained, trees and soft landscaping to be planted, any other arboricultural works to be carried out, details of any changes to ground levels around the building, all pathways, all hard surfacing, amenity areas/paving and boundary treatments, have been submitted to and approved in writing by the Local Planning

Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. Any proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants 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, to safeguard trees, to ensure the provision of suitable car parking, to ensure suitable amenity for future occupiers, to ensure suitable screening is maintained or provided between the site and neighbouring occupiers in accordance with saved policies T21 and SE37 of the Watford District Plan 2000.

7. Car Parking

No part of the development shall be occupied until the car parking area has been installed as shown in the approved drawings and has been made available for use.

Reason: To ensure adequate parking facilities are provided to serve the development, in accordance with saved Policy T24 of the Watford District Plan 2000.

8. Porous surfacing

Notwithstanding the details already submitted, all new and replacement hard surfacing shall be either of a porous material, or provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Reason: To prevent the increased risk of flooding both on and off the site.

9. First floor side windows

The first floor windows in the north and south side elevations of the development 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 of the Watford Local Plan Core Strategy 2006-2031 and the Residential Design Guide 2016.

10. Refuse, recycling and bicycle storage

The refuse, recycling and cycle 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 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.

11. Permitted Development Rights removed

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E or F 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 openness of the Green Belt, the character and appearance of the proposed development, and will not prove detrimental to the amenities of adjoining occupiers, in accordance with the National Planning Policy Framework and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability
7. IN915 – Highway Works – HCC agreement required