

Committee date	Tuesday, 7 June 2022
Application reference	22/00518/FUL 63 Lower Paddock Road Watford
Site address	Hertfordshire WD19 4GU
Proposal	Subdivision of the site involving the erection of 1 no. 1 bedroom unit with separate access from Avenue Terrace, off road parking, associated amenity and landscaping.
Applicant	Mrs Josephine Morgan
Agent	Mr Michael Lynskey
Type of Application	Full Planning Permission- Minor Development
Reason for committee Item	Over 5 objections received
Target decision date	15 June 2022
Statutory publicity	Site Notice and Paper Advertisement, expiry 13 May 2022
Case officer	Alice Reade, alice.ream@watford.gov.uk
Ward	Oxhey

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 is currently garden area to the rear (south west) of 63 Lower Paddock Road which backs onto the cul de sac of Avenue Terrace to the south west. The plot widens to include an area to the rear of 65 Lower Paddock Road.
- 2.2 To the south east of the site is the detached bungalow of 69 Lower Paddock Road which sits behind the main street of Victorian terraces. To the north west of the site is the rear garden of 61 Lower Paddock Road including its outbuilding immediately adjacent to the proposed development location.
- 2.3. The site does not included any listed or locally listed buildings. The site is within the Oxhey Conservation Area.

3. Summary of the proposal

3.1 Proposal

- 3.2 Erection of a single storey detached building to comprise a 1 bedroom dwelling with access from Avenue Terrace.

3.3 Conclusion

- 3.4 The proposed development would provide a high quality and well designed new home with good amenity for future occupiers. This accords with local and national policy which supports the delivery of high quality new dwellings.
- 3.5 Within the conservation area, the development would be read independently to the Victorian terraces of Lower Paddock Road which form the identified character of the area. The modest scale and height of the development would have only minimal presence onto Avenue Terrace, maintaining the character of this street. Within its context on to Avenue Terrace, the dwelling would sit comfortably adjacent to the larger detached bungalow at 69 Lower Paddock Road and the modern houses of Avenue Terrace.
- 3.6 The previously proposed development for this site was found to be unacceptable due to the adverse harm to the light and outlook of the windows of No.69 and the potential overbearing impact to the garden of No.61. The relationships to both neighbouring properties have been significantly improved following the previous refusal and following further advice sought from officers. The relationships to the neighbouring properties are now found to be compliant with the guidance in the Council's Residential Design Guide (sections 7.3.13 and 7.3.16). The submitted sunlight and daylight assessment also demonstrates that the development would comply with the guidelines of the British Research Establishment's guidelines for sunlight and daylight. Therefore, although neighbours would see some change to the area, this would prevent the reasonable enjoyment of the homes and gardens at No.69 and No.61.
- 3.7 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 2021 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

- 5.1 20/01476/PREAPP Subdivision of the site involving the erection of a new property to the rear of Lower Paddock Road with 2 no. units, separate access from Avenue Terrace, associated amenity and landscaping.
- 5.2 21/00549/TCA Remove 3no. trees causing damage (Oxhey Conservation Area) Granted.
- 5.3 21/00720/FUL
Proposed subdivision of the site involving the erection of 1no. 2 bedroom family dwelling with separate access from Avenue Terrace, off road parking, associated amenity and landscaping. (AMENDED PLANS AND DESCRIPTION)
Refused Planning Permission- Reason:

- 1. By virtue of the position, height and depth of the development, it would unacceptably harm the amenities of the neighbouring occupiers. The building would result in an unacceptable loss of daylight and outlook to the side windows of No.69 Lower Paddock Road creating adverse impact to two bedrooms and the dining room of the property. The building would also create an adverse overshadowing and overbearing impact to the garden area of occupiers of No.61 Lower Paddock Road, significantly undermining their enjoyment of the garden. As such, the proposed development would adversely affect the residential amenities and living environments of the neighbouring occupiers, contrary to Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31, section 7.3 of the Residential Design Guide 2016, 'saved' Policy H9 of the Watford District Plan 2000 and paragraphs 11, 130 (f) and 185 of the NPPF 2021. The planning benefits achievable from the development, including the provision of 1 dwelling, do not outweigh the identified harm, meaning that planning permission should be refused pursuant to para 11 (d) (ii) of the NPPF.*

- 5.4 22/00042/PREAP2
Pre-application enquiry for the subdivision of the site involving the erection of 1 no. 1 bedroom unit with separate access from Avenue Terrace, off road parking, associated amenity and landscaping

6. Main considerations

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

- (a) Principle of residential development
- (b) Layout, scale and design
- (c) Impact on surrounding properties.
- (d) Residential amenity
- (e) Trees and landscaping
- (f) Access, parking and Highway matters
- (g) Bin and bicycle storage

6.2 (a) Principle of residential development

The Core Strategy and NPPF support the sustainable development of new homes in principle. Although the Final Draft Watford Local Plan does not yet have the full weight of adopted policy, it is noted that this also seeks more efficient use of land for new homes. The proposed development of a new dwelling in a residential area therefore accords with the principles of local and national policy for new homes.

- 6.3 'Saved' Policy H9 of the District Plan states that back garden development will only be granted where there is a proper and safe means of access and the development is appropriate in design and quality. Paragraph 5.31 of the supporting text states that 'In assessing such proposals particular regard will be given to means of access, design and layout, development density, integration with the character of the local area, security, traffic generation and general effects on nearby residential amenities.' As discussed in the relevant sections of the report, the proposed development is considered to accord with the policy objectives for back land development and so is considered to be acceptable in principle.

6.4 (b) Layout, 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. Policy

UD2 also states that development should preserve or enhance heritage assets.

- 6.5 As 'back land' development, the development would not follow the typical street layout of the area nor follow the form of the terrace houses which contribute to the character of the Conservation Area. It is noted that the adjacent site contains the back land addition of a bungalow at No.69. As this was not granted planning permission under current policy or guidance, this does not set a direct precedent and does not directly determine that development at this site is acceptable in principle. It does, however, form part of the context within which the proposed development layout and design is assessed and is a material consideration in the determination of the current planning application.
- 6.6 The adjacent 'back land' bungalow at No.69 is accessed from Lower Paddock Road meaning that the proposed access to this development from Avenue Terrace would not accord or relate to the neighbour in this way. It is, however noted that this provides a suitable access and the the additional new entrance and new frontage to Avenue Terrace would not therefore be incongruous in this context.
- 6.7 Within the form of the streetscene of Avenue Terrace, there is also a more varied building typology with modern houses rather than Victorian terraces as seen on Lower Paddock Road. The proposal for the one, single storey building would be a modest and appropriate visual addition to this already mixed context. The single storey massing of the proposed building would also be appropriate in visual terms in respect of the existing backland bungalow at No.69 and would not be visually prominent in the streetscene context. The contemporary architectural approach with contemporary materials would also be appropriate in principle subject to high quality material, detailing and landscaping which are to be secured by conditions recommended.
- 6.8 The siting, scale and design of the proposed development is therefore considered to have an appropriate visual relationship to the context and would not harm the character and appearance of the Conservation Area.
- 6.9 (c) Impact on surrounding properties
As set out in section 7.3 of the Residential Design Guide (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. The impact to existing neighbours is considered as follows:
- 6.10 *69 Lower Paddock Road*

The detached bungalow at No.69 includes 3 clear glazed, ground floor side windows set in between 1.4m and 1.5m from the boundary treatment as follows:

- Window 1- sole window to dining area, partitioned off from the main lounge area
- Window 2- Sole window to bedroom
- Window 3 – 2nd window to bedroom which also has a front window.

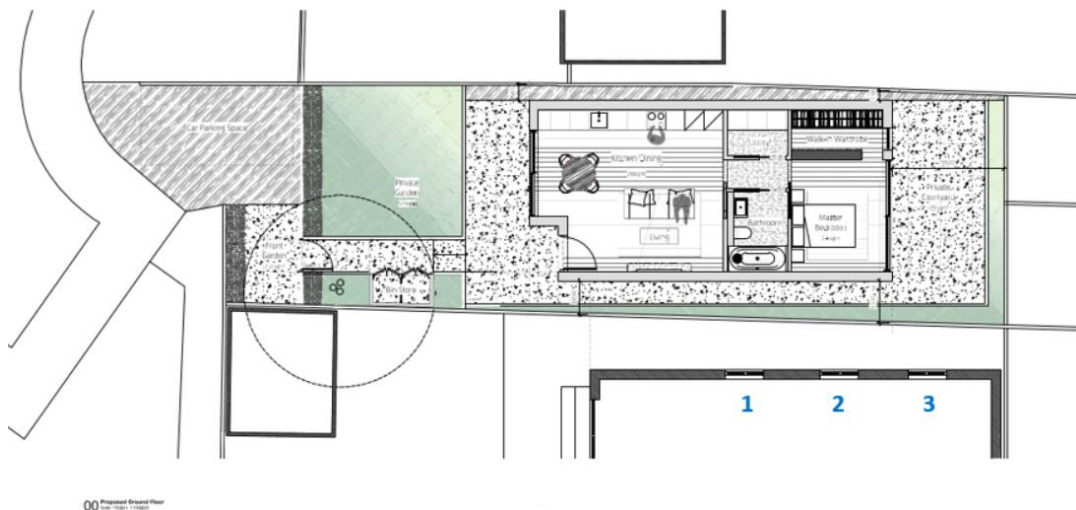


Figure 1: Extract of proposed ground floor plan with windows of No.69 identified.

- 6.11 As seen on the officer's site visit, windows 1 and 2 of No.69 rely on the north-west aspect for daylight and outlook. This includes a 1.4m to 1.5m gap within the boundary of No.69 and onto a 1.5m high fence beyond. The previously refused development was abutting this boundary with a building height of 3m. This would have infringed the 25 degree line from all 3 of the side windows of No.69 and it was found that this would create unreasonable loss of light and outlook to these windows.
- 6.12 This revised application has significantly improved this relationship. Firstly, the depth of the building has also been repositioned and reduced meaning that window 3 of No.69 is now not affected. In respect of windows 1 and 2, the building is now set in a minimum of 1.15m from the boundary with No.69 and the relative height of the building has been reduced from 3m to 2.7m. The proposed development would now sit below the 25 degree line taken up from windows 1 and 2 of No.69. This relationship is now compliant with the guidance of section 7.3.13 of the RDG and the Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2011). Although there would be some reduction in

light and outlook to windows 1 and 2, by virtue of the increased distance and reduced height, these windows would retain light and outlook reasonable for the living conditions of the property.

6.13 The proposed development now includes windows on the side elevation facing No.69, however, as these are high level windows, with an internal height of 1.7m above floor level, in accordance with section 7.3.16 of the RDG, this is an acceptable relationship and would not allow for unreasonable overlooking to No.69.

6.14 The development would therefore not unreasonably harm the amenity of the dwelling at No.69.

6.15 *61 Lower Paddock Road*

The dwelling at No.61 has a generous 32m deep garden, however, due to the form of this area, the garden width of between 3.2m and 3.8m is particularly narrow. As found on the officer's site visit, the garden is laid out to include zones of different uses along its length which contribute to the amenity of the occupiers.

6.16 The previously refused development proposed a 12.4m deep dwelling sited between 15cm and 40cm from the boundary with No.61 at 3m in height. This proximity, orientation, height and bulk would have created a significant overbearing and overshadowing impact to the garden of No.61.

6.17 This revised scheme has improved the relationship to the garden of No.61 with the repositioned and reduced depth of the building and increased set in from the boundary. The proposed dwelling would now sit forward of the shed at No.61 by only 5m which is reduced from the 7m projection previously proposed. The minimum distance to the boundary has also increased from 150mm to 318mm. Although this section of the garden would still experience some impact of the new development, it is considered that with the amendments, this impact is less severe and would not constitute unreasonable harm to the overall amenity of the garden and home at No.61.

6.18 The proposed development now includes windows on the side elevation facing the garden of No.61, however, as these are high level windows, with an internal height of 1.7m above floor level, in accordance with section 7.3.16 of the RDG, this is an acceptable relationship and would not allow for unreasonable overlooking to No.61.

6.19 *No63 and 65 Lower Paddock Road*

Nos. 63 and 65 back onto the application site from the north east. The

development includes ground floor windows only with a set in of 3.5m to the end garden boundaries of Nos. 63 and 65 and a 23m distance to these dwellings. The ground floor windows of the development would therefore be sufficient spaced from the houses and would not create overlooking. The 3.5m set in from the boundary of the gardens would also avoid an adverse impact to the amenity of the gardens.

6.20 *Avenue Terrace properties*

The development would have a minimum distance of 22m to the nearest neighbours at Avenue Terrace and would be single storey. Although the proposed access is from Avenue Terrace, this is for the use of one car for one residential property and would not be incongruous or harmful to the amenity of the area or the Avenue Terrace neighbours.

6.21 (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 1 bed 2 person dwelling over 1 storey should have a minimum GIA of 50sqm of which 1.5sqm should be built in storage. The dwelling proposed at 51sqm would be compliant with this requirement. The open plan kitchen, living, dining room would have good light and outlook. The rear bedroom would face onto a 3.5m deep terrace with a boundary fence. Although this is a limited aspect, the large patio doors of the bedroom would maximise light and would allow the dwelling to be dual aspect.

6.22 The dwelling would include outdoor amenity space of 25sqm to the rear terrace and 52sqm of garden space at the front. Although the larger area is at the front, the boundary treatment to Avenue Terrace would be appropriate to create privacy to this garden and would not be harmful to the Avenue Terrace streetscene.

6.23 (e) Trees and landscaping

As identified in the Council's Tree Manager's comments, the trees are protected under the conservation area designation and there is already consent for the felling of 3 trees. The tree to be retained will require protection measures and this is recommended to be secured by condition. Full landscaping details are also recommended to be secured by condition.

6.24 (f) Access, parking and Highway matters

Although on street parking in this area is limited, the area is not subject to a controlled parking order. The parking entitlement for the future occupiers cannot therefore be restricted. The development does, however, include 1 on-

site parking space created from its access from Avenue Terrace. The Highway Authority have not objected to the access arrangement to this space. The provision of 1 space for the 1 bed dwelling in this location is fully compliant with adopted parking standards which seek for a maximum of 1.5 car spaces for a dwelling of this size in this location. The development would therefore be acceptable in highway terms

6.25 (g) Bin and bicycle storage

The site layout and access would afford opportunities for appropriate, secure bin and bicycle storage on site and this could be secured by condition to a planning permission if relevant.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Site notice and newspaper advert placed in respect of the application with overall expiry date of 13.05.2022.

7.2 Internal Consultees

Consultee	Comment Summary	Officer Response
Highway Authority	No objections and no conditions requested	Noted
Waste and recycling	No comment	Noted
Tree Manager	3 trees already have consent for removal under 21/00549/TCA. One tree to be retained will require protection to be secured by condition.	Noted

7.3 Interested parties

Letters were sent to 15 properties in the surrounding area. Responses in objection have been received from 12 properties. The main comments are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Overpopulating an area that should be protected as Conservation Area	The Conservation Area is a matter for consideration, however, does not prevent all development. New homes are required in all areas of Watford as set out in local and

	national planning policy.
The insertion of back land development would set a precedent.	The development is assessed on its own merits in respect of the relevant back land policies detailed in the report. It is however also noted that the existing large bungalow at No.69 which is a back land building and sets a context within which the proposed dwelling is considered to be appropriate.
Design/flat roof is out of keeping with the area and the Conservation Area	The design approach is contemporary, however, this maintains a modest scale and bulk by virtue of the flat roof. Due to the location of the site, away from the main terraces of Lower Paddock Road, this layout and design is not visible from Lower Paddock Road and is not considered harmful to the Conservation Area.
Insufficient parking in the area	The development proposes 1 on site car parking space which is within the maximum adopted parking standards.
There is no dropped kerb access to the parking space	This would need to be arranged with the Highway Authority at Hertfordshire County Council, however, it is noted that they have not objected to the application and have not requested conditions.
Loss of trees is unacceptable	The loss of trees in a Conservation Area can only be refused if the trees are of a value that warrants full protection under a TPO. The trees previously assessed under the Conservation Area tree works application were found not to be of a quality/value that would justify the creation of a new TPO. Three trees therefore already have the relevant consent for removal. The remaining tree is shown to be retained and is subject to protection

	during construction. New tree planting will be expected as part of the re-landscaping of the site and is secured by the recommended landscaping condition.
Loss of light, outlook and privacy to neighbours' homes and gardens.	This is discussed in full in sections 6.9 to 6.20 of this report. It is found that the revised scheme significantly improves the relationship to No.69 and the garden of No.61 would not create adverse impact that would warrant refusal of the application.
The site is not maintained and concerns for fly tipping and rats.	Although noted, this is not a material planning consideration.
Construction work and vehicles would cause traffic and disturbance	Although noted, this is not a material planning consideration.

8. Recommendation

Grant full 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:

- 008-SO1_P11 Existing Site Plan
- 008-SO2_P11 Proposed Site Plan
- 008-EXGARF_P11 Existing Roof Level Plan
- 008-EXGS01_P11 Existing Cross Section
- 008-GA00_P11 Proposed Ground Floor
- 008-GARF_P11 Proposed Roof Plan
- 008-GE01_P11 Proposed Elevations (Front and Rear)
- 008-GE02_P11 Proposed Elevations (Sides)

008-GS01_P11 Proposed Cross Sections

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

3. 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 details are secured prior to commencement to ensure 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 prior to commencement of development

4. 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 there are measures in place prior to commencement 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.

5. 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 the parking area is installed in accordance with the approved drawings.

6. Bin storage

No part of the development shall be occupied until the refuse and recycling facilities shown on the approved drawings and in the Design and Access

Statement have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with saved Policy SE7 of the Watford District Plan 2000.

7. Hard and Soft 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, 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.

8. 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 dwelling 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 saved Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

9. Permitted Development rights removed

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, 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 character and appearance of the proposed development, the character and appearance of the Oxhey Conservation Area and will not prove detrimental to the amenities of adjoining occupiers, in accordance with Policies UD1 and UD2 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