

<b>Committee date</b>	Tuesday, 7 <sup>th</sup> March 2023
<b>Application reference</b>	22/01188/FULH, 8 Armand Close, Watford, WD17 4SQ
<b>Site address</b>	
<b>Proposal</b>	Erection of a 2 bedroom self-contained garden annexe
<b>Applicant</b>	Mr Ryan Smith
<b>Agent</b>	Mr Ryan Smith
<b>Type of Application</b>	Full Planning Permission
<b>Reason for committee Item</b>	Over 5 objections received
<b>Target decision date</b>	9 <sup>th</sup> December 2022
<b>Statutory publicity</b>	None
<b>Case officer</b>	Kate Pickard, kate.pickard@watford.gov.uk
<b>Ward</b>	Nascot

## 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 subject site includes a detached dwelling which sits to one side of the head of the cul-de-sac of Armand Close. The majority of the boundary of the site with the neighbouring property at 6 Armand Close runs at an angle, the site widens significantly towards the rear. The site has a generous rear garden which extends to the south east of the dwelling towards adjacent woodland known as Rounton Wood.
- 2.2 Rounton Wood is protected by a woodland Tree Preservation Order, and is identified as ancient woodland by Natural England's Ancient Woodland Inventory mapping system.
- 2.3 The property is not located in a designated conservation area or other Article 2(3) land and is not a listed building. None of the trees within the site are protected by a tree preservation order.

### Summary of the proposal

## 3. Proposal

Application for the construction of a detached 2 bedroom self-contained garden annexe. The annexe would be for the use of the applicant's elderly

parents. It would be 2.85m in height, and 18m wide. It would be 4m in depth on the east flank with a single window. It would have a 1m step out and be 5m in depth on the west flank., comprising 2 bedrooms, a kitchen / living area, small bathroom and 4 windows in the south elevation. The building would be clad in a natural timber finish, have a flat roof with a sedum roof covering, and anthracite grey double glazed windows.

3.1 Following a request from the case officer the location of the proposed annex was changed to the east boundary to face towards the rear of the main dwelling.

### 3.2 **Conclusion**

The proposed 2 bedroom self-contained garden annexe would be ancillary to the host dwelling, and would provide acceptable living conditions for occupiers of the site in respect of privacy and amenity space. The character and appearance of the host dwelling and surrounding area would not be harmed, and the amenity of neighbouring dwellings would not be impacted. There are considered to be no adverse effects that outweigh the benefits of the proposal, therefore it is recommended that the application should be approved 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.

## 5. **Relevant site history/background information**

5.1 19/00838/FULH Conditional Planning Permission 30.09.2019 Erection of a two storey rear and side extension.

21/00409/PREAPP 19.04.2021 Householder Pre-application advice for erection of self-contained garden annexe for parents

21/00673/FUL 31.08.2021 Refused Planning Permission Construction of a 2 bedroom self-contained garden annexe

Refusal for reason:

1. Although described as an annexe, having regard to the physical detachment, size and free-standing, self-contained nature of the

development, the proposed building is considered comprise a detached, self-contained, 2 bed dwelling within the rear garden of a residential property. The building would not satisfy the standards required for a separate unit of accommodation and, by virtue of its scale and location, would be inappropriate back land development that would cause harm to the character and appearance of the area. This is contrary to the Residential Design Guide 2016, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and Section 12 of the NPPF.

The application was subject to an appeal Ref: APP/Y1945/VV/21/3286327. Whilst the appeal was dismissed due to the effects of the proposal on the ancient woodland, the inspector found that annexe development would be an ancillary use to the host dwelling, this is a material consideration in the assessment of this application and carries significant weight.

- 5.2 The application was submitted on 11<sup>th</sup> October 2022. Amendments have been made to the proposal in line with officer requests.
- 5.3 The location was revised as Officers were concerned over the degree of separation between the location of the garden annexe as originally proposed, and the existing house. The site has an extant permission for a double storey rear and side extension application: 19/00838/FULH. The L-shaped annex as proposed would have been within 1m of the rear of the extended dwelling, and would have given rise to an inappropriate design and relationship with the host dwelling.

## **6. Main considerations**

- 6.1 The main issues to be considered in the determination of this application are:
  - (a) Use of the outbuilding
  - (b) Impact on the residential amenities of neighbouring properties
  - (c) Impacts on trees
- 6.2 (a) Use of the outbuilding

Garden outbuildings are generally appropriate in residential areas when their uses are incidental to the use of the dwellinghouse. Non incidental uses would include, but are not limited to, independent business premises or independent dwellings. These non-incidental uses can create unacceptable habitable accommodation, harm to the built form of an area and harm the amenities of

the neighbouring occupiers. Determining the nature of the non-incidental use is a case by case matter considering factors such as the size and location of the building, its relationship to the main dwelling, its facilities, its amenities and the intended use by the current occupier.

- 6.3 In this case by fact and degree, it is considered that the building would have a non-incidental use since it will be used as living accommodation, however, it would have a functional dependency of the main dwelling. The outbuilding would sit within the existing garden with no private garden of its own. There are no proposals to form a separate curtilage around the building. Although the outbuilding would be detached, it would face towards the main house with windows overlooking its garden, and would have a reasonably close physical relationship with the host dwelling. Moreover, the annexe would not have parking provision or access separate from the host property. The case officer considers that the sharing of the garden, access and parking would intrinsically connect the outbuilding to the host dwelling, moreover the annexe would not be readily severable from the host property. Notwithstanding the internal living accommodation that would be provided, it is considered that the annexe would have a functional dependency on the host property and as such the principle of the use is acceptable in this case.
- 6.4 The applicant has agreed to enter into a personal condition that would specify named persons, a limited time frame, and a use specific to the applicant. This permission for use would cease if the property was no longer occupied by the named applicants or was not used as specified. It is considered that the use of the building as an independent dwelling in this location would be inappropriate.
- 6.5 It is considered that there would be a suitable relationship between the outbuilding annexe and host dwelling that would afford suitable standards of privacy and access to amenity space for both buildings, and in this regard would ensure acceptable living conditions for the occupiers of the site.
- 6.6 (b) Impact on the residential amenities of neighbouring properties
- The adjoining properties potentially affected by the proposed annexe would in this case be Nos.10 and 6 Armand Close, and the rear gardens of Nos. 14, and 16 Birch Tree Walk.
- 6.7 The building is a single-storey height that would not be viewed from the front street scene. Hedging, trees and boundary treatments would provide

additional screening at the rear. The proposal includes a sedum roof, which would help to mitigate the visual impacts of the flat roof.

The use of the building as residential accommodation ancillary to the main dwelling, has been established in paragraph 6.2 of the report and is not considered to create unreasonable harm to neighbours or result in a loss of neighbour amenity.

- 6.8 In respect of No. 10, the properties share a common boundary and this property does not have any extensions. The proposed annexe would be sited around 15m away from the rear of the dwelling and set in from the side boundary by 2.5m at the rear and 2.8m at the front. Given the positioning of this development, it is considered that the building would not impact neighbour amenity or result in a loss of light, outlook or privacy when viewed from the habitable rear windows or garden area. The building as proposed exceeds permitted development height for an outbuilding by 0.35m, and it is not considered that this additional 0.35m would introduce additional neighbour harm.
- 6.9 In respect of No. 6, the properties share a common boundary and this property is orientated at a ninety degree angle relative to the subject site, and the main habitable windows of No.6 face away from the proposed annexe location. Given the separation distance and orientation, the proposed building would be suitably sited and would not adversely affect the level of amenity enjoyed by the current and future occupiers of the property.
- 6.10 In respect of the rear gardens of Nos. 14, and 16 Birch Tree Walk, the properties adjoin the rear boundary of the site adjacent to the revised annexe location. Given the distance between the rear of the proposed building and the rear of No.14 and No.16 is around 28m it is not considered that the siting would adversely harm the amenities of the occupiers of the adjoining properties.

Moreover, the presence of fencing, outbuildings, trees and shrubbery in the respective gardens provides additional screening from the building. There are no rear facing windows in the building. Overall, the proposal would not result in any unacceptable overbearing or oppressive effects on privacy or outlook that should weigh against it. On this basis, the proposal is deemed acceptable in terms of residential amenity.

- 6.11 (c) Impacts on trees

Local Plan Policy NE9.1: The Natural Environment, states amongst other things that the Local Plan will support the conservation and enhancement of the natural and local environment. Development proposals will be required to demonstrate a positive impact on Watford’s natural environment by protecting and enhancing Watford’s natural environment assets and seeking to ensure that all new development minimises impacts on biodiversity and achieves a measurable biodiversity net gain where possible.

- 6.12 None of the trees within the site are protected by TPO, however the site borders ancient woodland protected under TPO 15 (Woodland W1) that abuts the south east fence line of the property.

The applicant has included an arboricultural impact assessment and a tree survey. A revised tree protection plan drawings was submitted following the request to move the location of the annexe. The Arboricultural Officer has provided a revised consultation based on the new annexe location, and has no objection on tree grounds.

- 6.13 The applicant has proposed a tree planting plan comprising native trees to mitigate for the loss of trees and to augment the woodland edge. This should be secured by condition to ensure the future amenity value of the site and tree scape is maintained.

## 7. Consultation responses received

### 7.1 Statutory consultees and other organisations – None

### 7.2 Internal Consultees

Name of Internal Consultee	Comment	Response
WBC Waste And Recycling	No comments	
WBC Arboricultural Officer	Require an updated Tree Protection Plan drawing with the tree data of neighbouring trees in the rear gardens of 12, 14 & 16 Birch Tree Walk	Revised drawings submitted, officer re-consulted, no objection.

### 7.3 Interested parties

Letters were sent to 16 properties in the surrounding area. Nine responses were received. The main comments are summarised below, the full letters are available to view online:

<b>Comments</b>	<b>Officer response</b>
Inappropriate back land development	Discussed in paragraph 5.1 of this report. The allowed appeal is a material consideration and carries significant weight.
Use of the annexe as a separate unit of accommodation and conditions to maintain the use as ancillary.	The principle of use has been established at appeal, the Inspector considered the use of the annex could be controlled though planning conditions and remain ancillary to the dwelling. A personal condition has been agreed by the applicant.
Conformance to space standards	The building does not need to conform to the Nationally Described Space Standards, as it is not considered a separate dwelling in its own right.
Conformance to building regulations	This is not a planning matter the Buildings Act 1984 provides control outside the planning system.
Scale and design	The annexe is an outbuilding and is considered appropriate in scale and design.
Creates a precedent for further back garden development	Each application is determined on its own merits and within the constraints and context of the site.
Covenant on the property	Restrictive covenants are not considered in applications for planning permission. These are civil matters. Equally, planning permission does not quash any restrictions on title. Landowners must both obtain planning permission, and comply with restrictive covenants, in order for development to be carried out.
An additional dwelling for free-market rental, and future use	The annexe is for uses ancillary to the main dwelling and would have a

	functional dependency on it. The planning conditions proposed are enforceable and prevent the building being used as a wholly independent dwelling or as a rental property.
Additional garden buildings	The property has Permitted Development rights and could construct an outbuilding without the need for planning permission. In this case, the proposed use and height of the building requires an application for planning permission.
The building will create noise nuisance, air pollution, and light pollution.	This is an unfounded assertion. Within a residential area, it is reasonable to expect residential activities to take place at properties. Should any activity at any property create unreasonable disturbance, this is an Environmental Health matter.
Loss of light and privacy	Discussed in paragraph 6.7 of this report.

## 8. Recommendation

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

### Conditions

#### 1. Time limit

The development to which this permission relates shall be begun within a period of 3 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:

Site location SP REV 2

GA/ Elevation 5

GA/Plan V5

Tree method statement provides by Haden's 10034-D-AIA dated 19/01/2023  
Tree Survey, Arboricultural Impact Assessment. Arboricultural Method Statement &  
Tree Protection Plan, prepared by Hayden's Arboricultural Consultants. Project No  
10034 dated 20.01.2022.

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

### 3. Materials

All the external surfaces of the development shall be finished in materials as  
specified in approved drawing no.GA/Elevation 5 dated 01/11/22.

Reason: In the interests of the visual appearance of the site and the character and  
appearance of the surrounding area, pursuant to Policies QD6.2 and QD6.4 of the  
Watford Local Plan 2021-2038.

### 4. Personal Occupation Condition

The use of the outbuilding hereby approved as ancillary residential accommodation  
shall only be used for ancillary residential accommodation in conjunction with the  
occupation of the main dwelling by the applicant, Mr Ryan Smith. When the main  
dwelling ceases to be occupied by the applicant, the outbuilding shall only be used  
for purposes incidental to the enjoyment of the main dwellinghouse and not as  
residential accommodation.

Reason: The siting of the outbuilding is inappropriate for occupation as an  
independent dwelling, it would have an inadequate internal floor area and would  
cause harm to the amenities of the existing and adjoining occupiers and to the  
character and appearance of the area.

### 5. Trees and landscaping

The approved landscaping scheme on drawing No. 10034-D-AIA dated 19/01/2023  
shall be carried out not later than the first available planting and seeding season  
after completion of 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 the wider area, in  
accordance with Policy NE9.1 of the Watford Local Plan 2021-2038.

### Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN912 – Hours of Construction