

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	19th September 2013
Site address:	11 The Pippins, Watford
Reference Number:	13/00861/FULH
Description of Development:	Erection of single storey rear conservatory
Applicant:	Mr Kosta Zinchenko
Date Received:	14th August 2013
8 week date (minor):	9th October 2013
Ward:	Stanborough

SUMMARY

The proposal relates to the erection of a single storey rear extension to a two storey house. The proposal is an acceptable form of development within the curtilage of a dwellinghouse. It is of an appropriate scale and design and, having regard to the relationship of the existing dwelling with neighbouring properties, the proposed development will not result in significant harm either to the character and appearance of the area or the living conditions of the occupiers of those properties.

The Development Management Section Head recommends the application be approved as set out in the report.

BACKGROUND

Site and surroundings

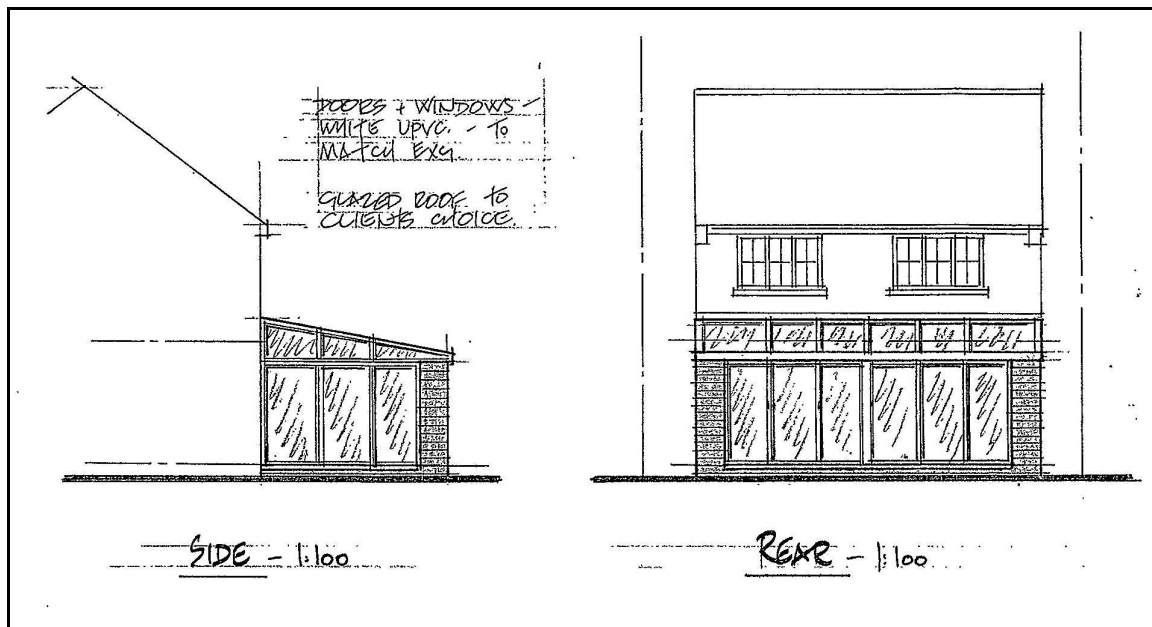
The application site comprises a detached two-storey single dwelling house located at the end of a cul-de-sac. Planning permission for this house and its four neighbours in The Pippins was granted on 3 July 2009. This recent development lies to the rear of 11 to 17

Garston Drive, although access is taken from The Pippins. Planning permission had previously been refused in respect of two earlier schemes, the later of which was also dismissed at appeal because of concerns, inter alia, about loss of privacy to the neighbouring dwellings in Rother Close.

The five dwellings in the extension to The Pippins are relatively uniform in terms of their design, with a consistent appearance to the properties. The application property has not been extended since it was built. There is a car parking space to the front of the property as opposed to the other houses which benefit from garages and front car parking spaces. The gardens of the five dwellings are generally of equal widths, but the depths of the middle three dwellings are 14m whereas the end two are 16m deep. This increased depth is because the two end houses are set forward from the three middle ones, giving them a slightly larger rear garden.

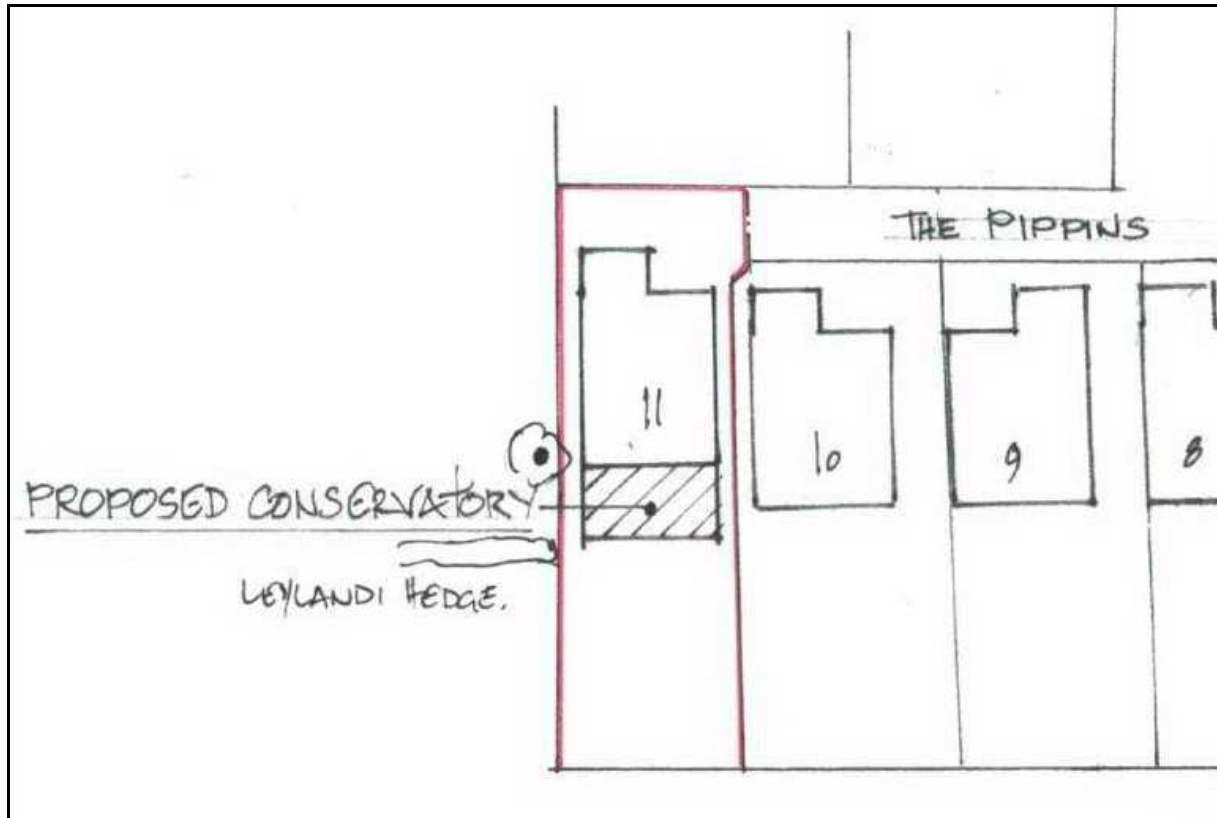
Proposed development

Full planning permission is sought for a single storey conservatory extension across the full width the rear of the property.



Rear and side elevations

It will have a depth of 4 m, and will be 7.3 m wide. It has a pitched lean-to roof with an eaves height of 2.5 m and a maximum height of 3.5 m.



Relationship of conservatory to neighbouring property

Because the application property is set forward of its neighbour, the conservatory will extend less than 2 m beyond the rear elevation of 10 The Pippins. The remaining back garden of 11 The Pippins measures 12 m, and it is surrounded on all sides by a close boarded fence with a minimum height of 1.8 m.

Planning History

- 07/00933/FUL Erection of five dwellings – Planning permission refused September 2007
- 07/01645/FUL Erection of five dwellings – Planning permission refused January 2008 and appeal dismissed 24 October 2008.
- 09/00359/FUL Erection of five dwellings – Planning permission granted July 2009.
- 13/00662/FULH Erection of a rear conservatory – Withdrawn July 2013

Relevant Policies

National Planning Policy Framework

Section 7 Requiring good design

Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

Watford District Plan 2000

No relevant saved policies.

Supplementary Planning Guidance Notes and Supplementary Planning Documents

Residential Design Guide Volume 1: Building New Homes

Residential Design Guide Volume 2: Extending Your Home

CONSULTATIONS

Neighbour consultations

Seven properties in The Pippins, Garston Drive and Rother Close were notified of the application. 5 responses have been received and a summary of the points raised is given below in the section of this report entitled *Consideration of objections received*.

The Committee will be advised of any additional representations received after the date this report was written.

Statutory consultations

None were necessary in this case.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Volumes 1 and 2 of the *Residential Design Guide* were approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. The guide is a material consideration in the determination of planning applications and replaced the Council’s previous Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens* and *SPG8 – Extensions*.

National Planning Policy Framework guidance

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was

published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

In Section 7, at paragraph 56, the NPPF explains that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 57 makes it clear that this advice applies to “all development, including individual buildings”.

Paragraph 59 points out that local planning authorities’ design policies “should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”. At paragraph 64 it is emphasised that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”, but, in line with the over-arching presumption in favour of sustainable development, paragraph 14 makes clear that permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Local design policies – the Residential Design Guide

The key relevant principles in Residential Design Guide Volume 2: Extending Your Home are:

- GP1 Harmony with the Host Building
- GP3 Neighbourliness
- DG1 Rear Extensions

GP1 states that “extensions must respect the character and scale of the host building” by giving proper consideration to such matters as size and shape, roof pitch, materials, the scale of windows and doors and architectural details. GP3 and DG1 set out guidance for

rear extensions. GP3 sets out the general principle that an extension must not adversely affect the amenity of neighbouring properties. The detailed guidance at DG1 advises that single storey rear extensions should not normally exceed a depth of 3.5m for detached houses; although this criterion applies principally to Victorian/Edwardian terraced housing and inter-war semi-detached housing, “it can be applied to other forms of housing in the Borough where similar conditions arise”.

In considering the depth of an extension, the guidance at DG1 points out that “a single storey extension should be subordinate to the original house” and the principal consideration should be “the impact on the existing property and neighbouring dwellings”. GP3 points out that impact on amenity is assessed in relation to:

- (a) a reduction in levels of daylight and sunlight to a neighbour’s windows;
- (b) a reduction in sunlight to a neighbour’s garden;
- (c) infringements of a neighbour’s privacy;
- (d) increase in the sense of enclosure experienced within a neighbour’s house or garden.

GP3 gives guidance on making assessments of ‘neighbourliness’, for example by demonstrating compliance with the 45° rule and the privacy arc, the minimum separation distance of 27.5 m between directly facing first floor windows and a minimum distance of 10 m between upper windows on a rear elevation and the rear boundary.

Design assessment

Relationship with the host building

The existing building has a depth of 11.7 m and a height of 8.5 m; the proposed single storey rear extension would be 4 m deep with a maximum height of 3.5 m. Therefore, given the size and scale of the existing building, the proposed extension will appear subordinate and will not be out of proportion with the house. The proposed extension would have a light weight appearance because the pitched roof is glazed and the external walls are predominantly glazed. Given the design of the existing roof, the pitched roof of the new extension is an appropriate design approach. Overall, therefore, the proposed

rear extension will respect the modern character of the house and will integrate with it satisfactorily. The proposal therefore accords with GP1.

Depth of rear extension

The proposed rear extension will be 4m deep; this is not fully in accordance with GP3 and DG1 which refer to a maximum depth of 3.5 m for detached properties. However, planning permission should not be refused simply because a proposal fails to comply with some provision of planning policy. In order to justify a refusal of planning permission, it has to be shown that the development, if permitted, would be harmful in some way.

In addition, as paragraph 14 of the NPPF indicates, the harm likely to be caused by a proposed development must not only be 'significant' but, if a refusal of planning permission is to be justified, it must be supported with strong evidence of the likely adverse effects in order to pass the test that the harm demonstrably outweighs the benefits.

However, because of the relative positions of 10 and 11 The Pippins, the house at No.10 will not be adversely affected by the proposed extension. Firstly, there is a gap between the two houses of approximately 2 m. Secondly, because No.10 is set back from No.11 by some 2 m, the conservatory proposal will only extend approximately 2 m beyond the line of the rear wall of No.10. This distance is well within the 3.5 m guidance depth for two adjacent properties with the same rear building line. Consequently, it could not be argued that the proposed conservatory would have a harmful effect on the amenities of the neighbouring property at 10 The Pippins.

The west side of the application site is bordered by the bottom of the garden of 19 Garston Drive. The proposed development would have no adverse impact on the amenities of this property.

Daylight and sunlight

The proposed single storey extension will not infringe the 45 degree line taken from the nearest ground floor window on the rear elevation of the adjoining property at No. 10. As noted above, issues of daylight and sunlight are not relevant as regards the neighbouring property at 19 Garston Drive. Thus, the proposal accords with GP3 and DG1, and there are no grounds to object to the proposal in terms of loss of daylight or sunlight to neighbouring properties.

Privacy

The five objections that have been received all come from properties in Rother Close and all raise concerns regarding loss of privacy. GP3 indicates that “a minimum separation distance of 27.5 m should be achieved between rear elevations ... when unobscured and directly facing habitable windows are at first floor level”. GP3 also provides that “a minimum direct distance between upper level habitable rooms on a rear elevation and rear boundaries of 10 m should be achieved in order to minimise overlooking of private gardens”. There are no such minimum standards in respect of ground floor extensions, which is why DG1 (which only relates to single storey extensions) is silent on the matter.

The existing dwelling complies with the requirements of GP3, and this will not change as a result of the proposed conservatory extension. The proposed rear conservatory does not contravene either of the distances specified in GP3. In any event, so far as the distance from the conservatory to the rear boundary is concerned, the minimum distance referred to in GP3 is, in fact, exceeded by 2 m. Moreover, any potential for loss of privacy by overlooking is mitigated by a difference in ground levels, as the site of the proposed extension is at a lower level than the properties to the rear in Rother Close. In addition, views between the application site and the properties in Rother Close are obstructed by existing buildings beyond the rear boundary of No.11.

In the absence of any contravention of the guidance in GP3, and taking account of the other material considerations referred to above, there are no grounds to refuse planning permission in terms of an adverse impact on the privacy of neighbouring properties.

Consideration of objections received

5 responses have been received and a summary of the points raised is set out below.

Several of the letters were identically worded.

Representations	Officer response
Invasion of privacy due to breach of 27.5m space between rear of houses and extension will lead to loss of amenity space for occupiers of No11 The Pippins. An issue raised by the Planning Inspector in 2007.	The reference in the RDG to a distance of 27.5m relates only to first floor habitable windows. The amount of garden retained exceeds 50m ² . The approved scheme of 2009 has larger gardens than those proposed in the scheme that was refused in 2007. The site is in an urban area where a degree of mutual overlooking is to be expected, but, as this application is for a ground floor extension only, there would only be limited views into neighbouring properties.
The owner of 11 The Pippins started building without planning permission.	This does not affect the assessment of the planning application.
If allowed, this will lead to precedence.	Every case is dealt with on its own merits.
Trees and bushes have been cut down which has reduced the screening.	It is understood that the boundary vegetation was removed at the time the five houses were built. The present proposal has to be considered in the light of the circumstances currently existing on the site.
There will be protrusion into my property and therefore I will lose privacy from my garden.	The proposed conservatory is at ground floor level and, because of the existing boundary treatment and differences in land levels, it will have very little impact on views into neighbouring properties.

Conclusion

The proposal is an acceptable form of development within the curtilage of a dwelling house. It is of an appropriate scale and design and, having regard to the relationship of the existing dwelling with neighbouring properties, the proposed development will not result in significant harm either to the character and appearance of the area or the living conditions of the occupiers of those properties.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 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 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

- 3 All the external surfaces of the extension shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

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 the requirements of Policy UD1 of the Watford Local Plan, Core Strategy (2006-2031) adopted 2013.

Informative

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

1008/1; 1008/2; 1008/3; Site Location Plan

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