

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **15th May 2014**
Site address: **96 Estcourt Road, Watford**
Reference Number: **13/01327/FUL**
Description of Development: **Change of use of existing office at first floor level in tower building to residential use to form part of existing residential flat at first floor. Reinstate cover to link bridge with double glazed units**
Applicant: **Newcrown Investments Ltd**
Date received: **20th December 2013**
8wk date(minor): **23rd May 2014**
Ward: **CENTRAL**

SUMMARY

The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building at 96 Estcourt Road, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. As such, there would be no adverse effect on the character and appearance of the Conservation Area.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure

glass below 1.7m internal floor level. These measures would reduce the perception of overlooking into 94 Estcourt Road compared to the existing situation.

The existing buildings at 96 Estcourt Road cause considerable enclosure of neighbouring gardens at Nos. 94 and 98. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook to the neighbouring gardens and windows.

The proposal would bring into use a vacant building and the residential use would be appropriate in the predominantly residential area.

Accordingly, the Development Management Section Head recommends that the application be approved as set out in the report.

BACKGROUND

Site and surroundings

The application site consists of an existing first floor 2-bed flat at 96 Estcourt Road. The ground floor of the property currently comprises a vacant office, which was subject of a separate application under reference 14/00227/COU for change of use to a 1-bed flat.

A two storey 'tower' building is located in close proximity to the rear of the frontage building. There is a timber platform between the buildings. It appears that the timber platform was previously used as a platform on top of an external staircase providing access to the first floor of the 'tower' building. The external staircase is no longer in place. The timber platform has never been used as a link between the first floor flat and the 'tower' building because there is no door opening in the rear of the first floor flat. The 'tower' building was previously used as an office and is currently vacant. There are two first floor windows in the

southern elevation of the building that afford views into the gardens of neighbouring properties to the south.

The application site is located in a high density urban area, which predominantly consists of Victorian and Edwardian terraced houses. There are industrial buildings to the rear of the site, which were historically used as part of the Clifford & Gough builders' yard. There is planning permission under reference 12/00042/FUL for demolition of the existing workshop and store buildings and the erection of 5no. 1-bed flats. The planning permission has not been implemented to date.

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 94.



Aerial view of site

98 Estcourt Road adjoins the application site. The rear garden is enclosed by the existing buildings at No. 96, which are adjacent to the rear and side boundaries. The buildings at No. 96 already cause overshadowing of the neighbouring garden. The outlook from the garden of No. 98 is impeded by the existing buildings. No. 98 has an existing single storey rear extension adjacent to the boundary. The rear window of the extension is secondary in nature as it is not a main window serving a habitable room. The principal ground floor window in the two storey rear wall is in close proximity to the side wall of the rear extension, which restricts the outlook from, and light received by, the window. The first floor rear window serves a bedroom.



Aerial view of site



Rear elevation of No. 98

No. 96 Estcourt Road is a Locally Listed Building. The property is located within the designated Estcourt Conservation Area.

Proposed development

The application proposes the erection of a glazed link between the frontage building and 'tower' building at 96 Estcourt Road and the conversion of the existing first floor office within the 'tower' building to a bedroom that would be used as part of the existing first floor flat. The number of bedrooms for the flat would therefore be increased from two to three.

There would only be minor internal alterations to the flat, involving the reduction in size of the rear bathroom to allow for a corridor to provide access to the glazed link and bedroom beyond.

The glazed link extension would be 1.2m wide and 1.5m long. The base of the extension would be 2.75m above ground level and the ridge of the extension would be 6.25m above ground level. The walls of the extension would be fitted with obscure glass.

Planning history

09/00616/FUL- Demolition of existing workshop and store to rear of site.

Renovation of existing office and construction of 5 (no.) x 1 bed flats. Refused planning permission. Appeal dismissed 22nd December 2010.

The Inspector stated that the development would comply with the relevant land-use policies relating to the use of employment land for housing. It would also enhance the character and appearance of the Conservation Area, preserve the locally listed frontage building and its setting, and would provide acceptable living conditions for neighbouring occupiers and its own future residents. However, the appeal Inspector concluded that, in the absence of any means of preventing additional pressure for on-street parking in the Controlled Parking Zone area, the development would be likely to add to the existing car parking problems in Estcourt Road. That issue could have been overcome by an obligation to meet the costs of amending the relevant Traffic Orders, but no such obligation had been entered into. Therefore, the appeal was dismissed.

09/00618/FUL - Erection of a new 2 bed dwelling house (at 104 Estcourt Road).

Refused planning permission. Appeal dismissed 22nd December 2010.

The appeal Inspector concluded that the proposed dwelling would cause unacceptable harm to living conditions at the adjoining property, No. 106 Estcourt Road, due to overshadowing and loss of outlook and, in addition, it would exacerbate local car parking and safety problems.

12/00042/FUL - Demolition of existing workshop and store building at the rear of the site, renovation of dilapidated office building plus construction of 5 new one bed flats. Conditional planning permission 9th March 2012. Unilateral Undertaking completed.

The application was a resubmission following the dismissal of application 09/00616/FUL at appeal. The applicant completed a unilateral undertaking to remove parking permit entitlement for future occupiers, thereby overcoming the Inspector's reason for dismissing the previous appeal. As stated above, the Inspector considered the design of the scheme and the impact on neighbouring properties to be acceptable.

13/01321/FUL - Change of use from office use on ground and basement to residential flat to include minor internal alterations. Refused planning permission. February 2014. A unilateral undertaking to remove parking permit entitlement for future occupants was not completed, therefore the application was refused planning permission because the proposal would exacerbate parking problems in the area.

14/00227/COU - Change of use from office use on ground and basement to residential flat to include minor internal alterations. Conditional planning permission. April 2014.

Relevant policies

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006 - 31

SS1 Spatial strategy

UD1 Delivering high quality design

UD2 Built Heritage Conservation

SD1 Sustainable Design

SD2 Water and Waste Water

SD3 Climate change

SD4 Waste

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

Watford District Plan 2000

SE22 Noise

U15 Buildings of Local Interest

U17 Setting of Conservation Areas

U18 Design in Conservation Areas

Supplementary Planning Guidance

SPG6 Internal Room Space Standards

Supplementary Planning Documents

Residential Design Guide Volume 1. Building New Homes Adopted November 2008

Residential Design Guide Volume 2. Extending Your Home. Adopted November 2008.

Watford Character of Area Study Adopted December 2011

CONSULTATIONS

Neighbour consultations

A notice was posted outside the site on 18th February 2014.

A notice was posted in the Watford Observer on 7th February 2014.

Letters were sent to a total of 60 properties in the surrounding area. 6 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

Statutory consultations

Design and Conservation team

The property is a Locally Listed Building and is located in the Estcourt Conservation Area. We have no objection to the proposed change of use. The glazed walkway element is broadly similar to that which was previously approved at appeal. The new element is set back from the building line and is of a basic design. Subject to materials being acceptable, which should be covered by an appropriately worded condition, we do not have an objection to the proposal.

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 *Watford Character of Area Study* was approved by the Council’s Cabinet as a Supplementary Planning Document on 5th December 2011 and is a material consideration of significant weight in the determination of planning applications.

The *Residential Design Guide, Volume 1 – Building New Homes* was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens*, *SPG8 – Extensions* and *SPG14 – Designing for Community Safety*.

The *Residential Design Guide, Volume 2 – Extending Your Home* was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides advice on acceptable, and unacceptable, forms of extensions and alterations to residential properties in the Borough. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens* and *SPG8 – Extensions*.

SPG6 was prepared in accordance with paragraphs 3.15 to 3.18 of PPG12: Development Plans and gives guidance further to the policies of the Watford District Plan 2000. The consultation process was as follows: two 6 week periods of public consultation (19th – 30th June 2000 and 11th May -22nd June 2001); notices in Watford Observer and London Gazette; publicity in Watford Today, Watford Council website and in One Stop Shop at the Town Hall; all statutory consultees, residents' groups and local interest groups informed of consultations. The SPG was adopted by the Planning and Highways Committee on 11th October 2001.

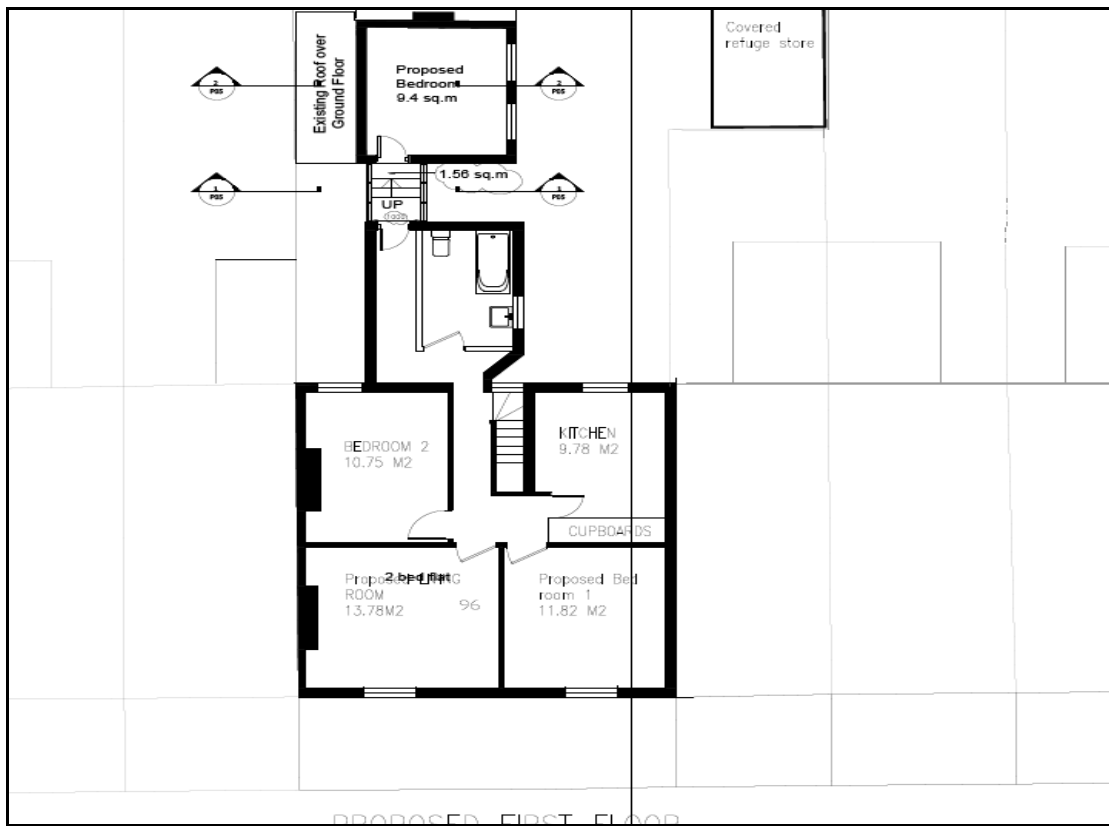
Land use

The loss of the first floor office in the 'tower' building is acceptable given that the site is not located in a designated employment area. There is an extant planning permission under reference 12/00042/FUL to redevelop the workshops and outbuildings at the rear of the site to provide 5 flats; consequently, the existing office would be in isolation from other employment uses.

Moreover, the Inspector in determining the appeal in respect of planning application 09/00616/FUL commented that the prospect of securing a viable future for the site based on acceptable employment-generating commercial uses has been shown to be negligible. The site is located in a primarily residential area where proposals for residential purposes are acceptable in principle.

Design and layout

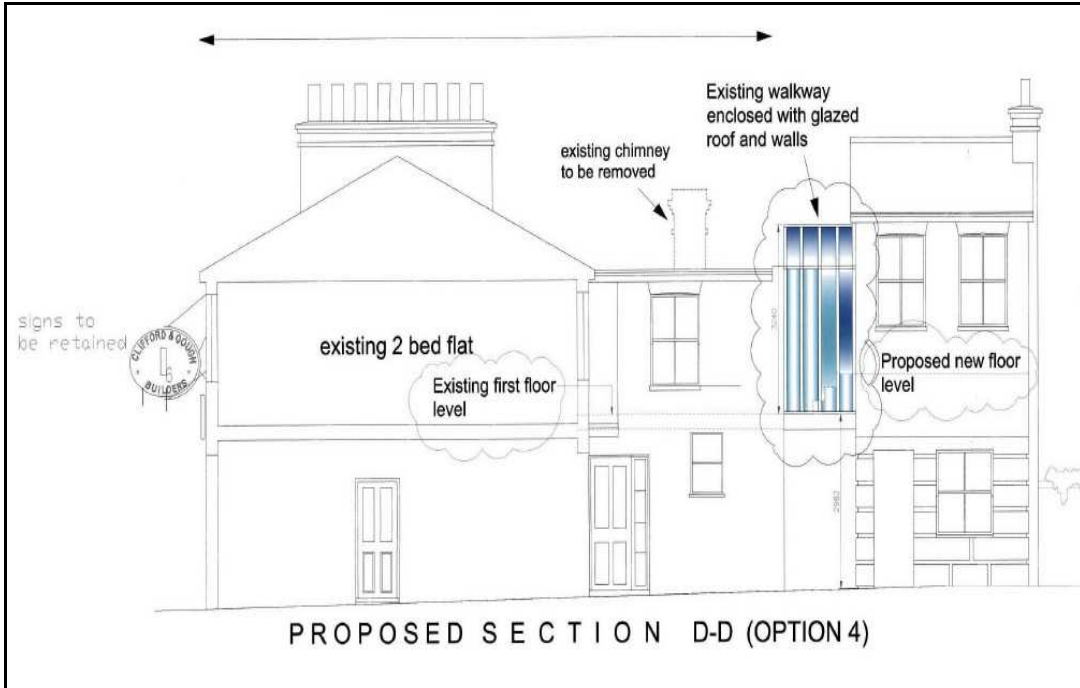
The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. In addition, the structure would only be 1.2m wide and would therefore be set in from the northern and southern walls of the 'tower' building, thus aiding readability.



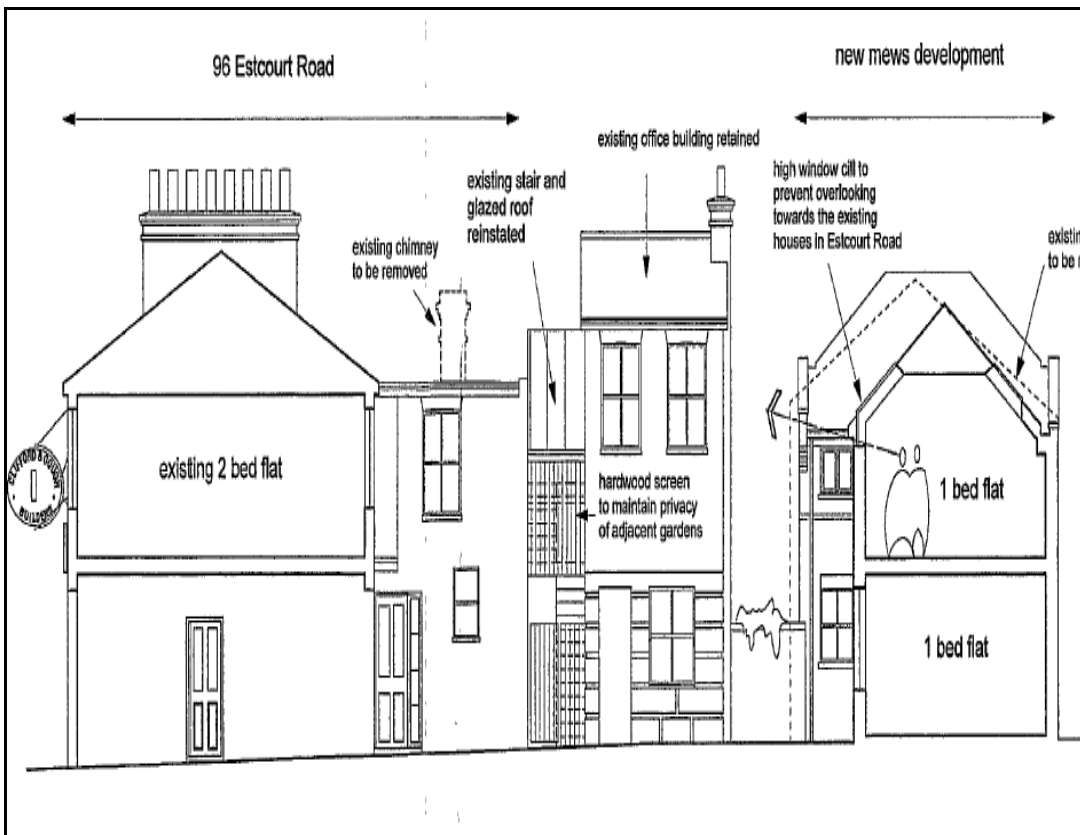
Proposed first floor plan

The proposed extension would not have a greater impact than the external staircase, hardwood screen and glazed roof approved under planning application 12/00042/FUL (see approved drawing below). The Inspector for the appeal in respect of planning application 09/00616/FUL considered that the design details for the scheme were acceptable.

A condition should be attached to any grant of planning permission to require details and samples of the external surfaces of the development to be submitted for approval to ensure that high quality materials are used.



Proposed side elevation



Approved side elevation

There would be only minor internal alterations. The existing living room and bedroom would be swapped to increase the size of the living room from 11.82sqm. to 13.78sqm. and to reduce the size of the front bedroom from 13.78sqm. to 11.82sqm (the partitions would not be moved). The increase in the size of the main living area is sensible given that an additional bedroom would be provided. The reduction in size of the front bedroom would still leave a relatively large room.

There would be no alterations to the existing rear bedroom or kitchen. The bathroom would be reduced in size to create a corridor leading to the new link extension; however, the resulting bathroom would remain large in size. As such, the proposed layout is acceptable.

Impact on neighbouring properties

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 92.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. It is likely that the office use would only be occupied during normal working hours, whereas the residential use would lead to occupation at evenings and weekends. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking compared to the existing situation because obscure glass would be fitted rather than the clear glass that is currently in place.

The proposed plans show that the external walls of the link extension would be fitted with obscure glass. This should be secured by condition to prevent overlooking into Nos. 94 and 98.

The existing buildings at 96 Estcourt Road cause a sense of enclosure to No. 94. The proposed link extension would be set in 1.9m from the existing southern elevation; therefore, in comparison to the existing situation, there would not be a significant loss of outlook or daylight to the garden and windows of No. 94. The link extension would be to the north of No. 94, and therefore it would not cause overshadowing to that property.

The existing buildings at 96 Estcourt Road cause considerable enclosure of No. 98's garden. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook. The link extension is lower than the 'tower' building and the length of the extension (at 1.5m) is small. Furthermore, the extension would be a sizable distance from the principal windows in the two storey rear wall of No. 98.

The proposed glazed link extension would not have greater impact than the staircase, timber screen and glazed roof approved under planning application reference 12/00042/FUL. As such, the proposal would have no adverse effect on the living conditions of neighbouring properties.

Consideration of representations

Neighbour's Objection	Officer's Response
Loss of light to 98 Estcourt Road	The existing buildings at 96 Estcourt Road cause considerable enclosure of No. 98's garden. In comparison to the existing buildings, the proposed link extension would not cause a significant

	<p>loss of light. The link extension is lower than the 'tower' building and the length of the extension (at 1.5m) is small. Furthermore, the extension would be a sizable distance from the principal windows in the two storey rear wall of No. 98.</p> <p>The proposed glazed link extension would not have greater impact than the staircase, timber screen and glazed roof approved under planning application reference 12/00042/FUL.</p>
<p>Both cherished old buildings and old boundary walls will have a modern structured walkway added to them, in contravention of the rules of this Conservation Area.</p>	<p>The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. In addition, the structure would only be 1.2m wide and would therefore be set in from the northern and southern walls of the 'tower' building, thus aiding readability.</p>
<p>Newcrown Investment's workers have removed the greenery on both garden walls already, and without my consent, and left it hanging in an awful mess over my garden.</p>	<p>This is a civil matter and not a material planning consideration.</p>

Overdevelopment.	The proposal is not an overdevelopment of the site. The glazed link extension is small in size and would not adversely effect the character and appearance of the building or significantly affect the living conditions of neighbouring properties. The proposal makes effective use of a vacant office building which is no longer economically viable.
My home will be devalued.	This is not a material planning consideration.
Loss of privacy to No. 98.	The proposed plans show that the external walls of the link extension would be fitted with obscure glass. This can be secured by condition to prevent overlooking into Nos. 94 and 98.
Loss of security to the back of No. 98.	The proposed link extension would be at first floor level. It would have no impact on the security of No. 98.
Should permission be granted, works should be carried out in accordance with the conditions imposed with the rest of the development (12/00042/FUL) i.e. that building works are only carried out Mon to Fri and not on Saturdays, as this is a densely residential area with limited road access to the site entrance, and the noise and traffic disturbance would be detrimental to the quality of life of residents.	It would be appropriate for the hours of construction condition to be compatible with planning permission 12/00042/FUL, which prevents work on Saturdays.

The proposed extra bedroom being added to the flat in the tower building would look directly into my back garden and back bedroom. This would invade on my privacy.

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 92.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. It is likely that the office use would only be occupied during normal working hours, whereas the residential use would lead to occupation at evenings and weekends. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking compared to the existing situation because obscure glass would be fitted

	rather than the clear glass that is currently in place.
The proposed bridge would block light to No. 94.	The existing buildings at 96 Estcourt Road cause a sense of enclosure to No. 94. The proposed link extension would be set in 1.9m from the existing southern elevation; therefore, in comparison to the existing situation, there would not be a significant loss of daylight to the garden and windows of No. 94. The link extension would be to the north of No. 94, and therefore it would not cause overshadowing to the neighbouring property.
<p>The proposed flat shows no furniture, no storage, except for some storage in the incompletely planned kitchen .</p> <p>In this situation where room sizes are small surely Watford needs to avoid producing a potentially cramped 3 bedroom apartment in which up to 2 persons might well be squeezed into each bedroom. Each room needs circulation space, furniture and storage space.</p> <p>In the event that rooms have internal insulating dry-linings added then room sizes might reduce further. There is no proof yet that the bedrooms are</p>	<p>There would be only minor internal alterations. The existing living room and bedroom would be swapped to increase the size of the living room from 11.82sqm. to 13.78sqm. and to reduce the size of the front bedroom from 13.78sqm. to 11.82sqm (the partitions would not be moved). The increase in the size of the main living area is sensible given that an additional bedroom would be provided. The reduction in size of the front bedroom would still leave a relatively large room.</p> <p>There would be no alterations to the existing rear bedroom or kitchen. The bathroom would be reduced in size to</p>

actually viable.	create a corridor leading to the new link extension, however the resulting bathroom would remain large in size. As such, the proposed layout is acceptable.
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Conclusion

The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. As such, there would be no adverse effect on the character and appearance of the Conservation Area.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking into 94 Estcourt Road compared to the existing situation.

The existing buildings at 96 Estcourt Road cause considerable enclosure of neighbouring gardens at Nos. 94 and 98. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook to the neighbouring gardens and windows.

The proposal would bring into use a vacant building and the residential use would be appropriate in the predominantly residential area.

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, and not at all on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed.

3. No work shall commence until details and samples of the materials to be used for all the external finishes of the development hereby approved 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 Conservation Area.

4. The glazed walls of the first floor glazed link extension hereby approved shall not contain any openings and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Before the proposed bedroom is taken into use, any parts of the two first floor side windows in the southern elevation of the building which will serve the proposed bedroom that are below 1.7m above the internal floor level of the room shall be fitted with obscured glass and shall be permanently fixed closed below. The obscured glazing shall be retained and the windows shall remain fixed closed at all times thereafter.

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

Informatives

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, by undertaking discussions with the applicant's agent during the application process.

Drawing numbers

Location plan; 21308-P01 Rev A; 21308-P04 Rev C; 21308-P05 Rev D; 21308-P06 Rev B; 21308-P07 Rev C; 21308-P08 Rev A

Case Officer: Chris Osgathorp
Email: chris.osgathorp@watford.gov.uk
Tel: 01923 278968