

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	28th August 2014
Site address:	2 Fern Way, Watford
Reference number:	14/00964/FUL
Description of development:	Single storey rear extension and double storey side extension to form 2no. 2 bed flats. Also includes alterations to existing outbuilding in rear garden.
Applicant:	Mr and Mrs V J McAndrew
Date received:	3rd July 2014
8 week date (minor):	28th August 2014
Ward:	Stanborough

SUMMARY

The application is for planning permission to erect a double storey side extension beside the existing semi-detached house. Although visually the effect would be to turn what is now a pair of semi-detached houses into a short terrace, the extension would actually contain two flats (one on each floor, each having two bedrooms). The existing house would remain as a house, and it would have a ground floor rear extension added to enlarge it.

The development will not result in the loss of a house because the existing house is to be retained. The two new flats will resemble an end house in a short terrace, and as such it will be in keeping with the character of the area, where such short terraces are very common. The room sizes comply with the minimum standards that were in place at the

time that this application was received (and most of them also comply with the new standards that were adopted on 23 July 2014. Each dwelling would have access to a garden of an adequate size, which in the case of the two flats would be shared. No significant harm would be caused to the amenity of any neighbour as a result of this development.

Each dwelling would have at least one off-street parking space and the house would have two; this is considered adequate without being excessive, and complies with saved Policy T22 of the Watford District Plan 2000.

The only change that is proposed to the existing vehicular access arrangements is a widening of an existing crossover on Briar Road that currently serves a rear gate to the site. The Highway Authority has not objected to that, but has, however, objected to the proposal for another reason, which is that an existing dropped kerb on the road junction is to be used as access for the front drive, which is considered to be a dangerous location. The H considers that the dropped kerb was originally installed for use by pedestrians crossing the road junction, rather than for vehicles accessing the drive of the house. However, as regards this dropped kerb the proposal is no different to the existing situation. Given that this dropped kerb has been used for vehicular access to the front drive for many years, it is considered that it would be unreasonable to refuse planning permission for that reason.

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

BACKGROUND

This is the second application this year for a development to create new residential accommodation on the space to the side of the existing house on this site. The previous application (14/00412/FUL) was for the erection of a new detached two storey house, and that was refused planning permission on 9 May 2014. There were six reasons for refusal

(see Planning History section, below). Since then the applicants have sought pre-application advice before submitting this second application, which is quite different to the first.

Site and surroundings

The site is a semi-detached house which dates from 1937. It is similar in style and age to most of the other houses on the Kingswood Estate (i.e. the area bounded by North Approach, Briar Road, Fern Way and the western side of Sheepcot Lane) which consists largely of short terraces and semi-detached pairs of houses. There are very few detached houses on the estate. This house has been vacant for some time, having apparently been bought by the applicants quite recently.

The site is a corner property, standing at a cross roads which is the junction of Fern Way (which it faces), Greenwood Drive, and Briar Road (which runs down the side of the site and continues on the other side of the junction). There is a private service road running down the back of this row of houses, giving access to various garages, and that is accessed from Briar Road.

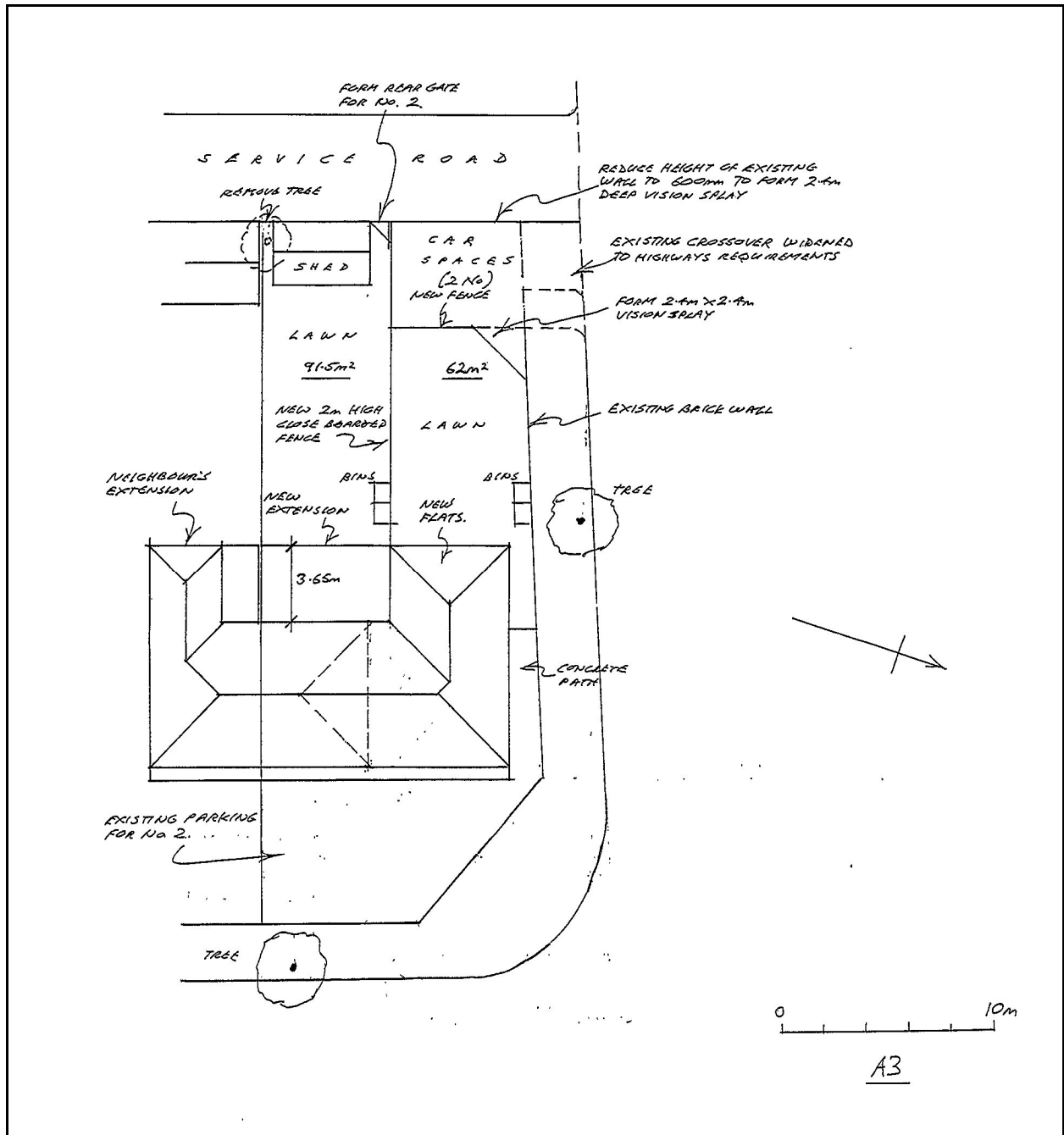
This house has a paved front drive for off-street parking, with a dropped kerb on the corner of the two streets. Although that looks like a vehicular crossover, and has apparently been used as such for many years, the Highway Authority has said that its intended purpose was for pedestrians to cross the road. In addition to the parking area on the front drive, this site also has a parking space and a brick outbuilding at the foot of the garden, and those are accessed via a gate giving onto Briar Road, which has a vehicular crossover.

The site has a side garden and a rear garden. A brick boundary wall runs along the side boundary with Briar Road. The attached neighbour at 4 Fern Way is the other half of the semi-detached pair. That house has a double storey rear extension.

This is not a nationally or locally listed building, and there are none nearby. This is not a conservation area. There are no protected trees on the site.

Proposed development

This application is for planning permission to erect a double storey extension at the side of the existing house, and it would also project to the rear. The result of the development will be that what is now a pair of semi-detached houses will take on the appearance of a short terrace of three, although the new end of terrace will actually contain two flats (each with two bedrooms) rather than being one house. The existing house will remain as a single family house (with two bedrooms); a ground floor rear extension will be added to enlarge it.



Site plan

The existing front drive and the dropped kerb that is in front of it on the corner of the road junction are to remain as they are, and they will be for the use of the existing house which has two parking spaces on the drive.

The rear garden is to be divided in two by a fence. Half is to remain as the garden of the existing house, and the brick shed at the end of the garden is to be restored and to have its roof replaced with a taller dual pitched roof. The cherry tree that has damaged that shed is to be removed (it is not a protected tree) and a new gate is to be inserted into the rear service road. The other half of the existing rear garden is to form a new shared garden for the two new flats. At the end there is already an area of hard standing for the parking of a car, which is accessed via a gate onto Briar Road, and the proposal is to make that hardstanding large enough to accommodate two cars, and to remove the gate and to remove parts of the boundary walls to create visibility splays to allow cars to drive out safely onto Briar Road.

The application is accompanied by a Design and Access Statement.

Planning history

14/00412/FUL – Single storey rear extension to existing house, erection of 3 bed detached house adjacent to existing house and alterations to existing outbuilding in rear garden – planning permission refused on 9 May 2014 for 6 reasons, relating to adverse impact on the character of the area, poor design, harmful to the amenities of the adjacent property, harmful to an important street tree and inappropriate development.

14/00769/PREAPP – Pre-application enquiry regarding a proposal to erect a single storey rear extension and a double storey side extension – the latter to be used as two flats. A letter of advice was sent on 24.06.2014. The advice given was that the application was likely to be acceptable but that planning permission would be required, and that a Section 106 planning obligation would be required. The application for planning permission that is currently under consideration (14/00964/FUL) is the same design as the scheme that was submitted with this pre-application enquiry.

Relevant Policies

National Planning Policy Framework (NPPF)

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

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

No relevant policies.

Hertfordshire Minerals Local Plan (saved policies)

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 (saved policies)

SE37 Protection of Trees, Woodlands and Hedgerows

Supplementary Planning Documents

Residential Design Guide Volume 2: Extending Your Home (SPD adopted November 2008)

Watford Character of Area Study (SPD adopted December 2011)

SPG6: Internal Space Standards (SPG adopted October 2001)

Since this planning application was received on 3 July 2014 a second edition of the Residential Design Guide (RDG) has been adopted (on 23 July 2014), which is now in a single volume. It includes new internal space standards to replace those that were in SPG6. A note on the Council's web site explains how the Council is dealing with

applications that had already been submitted to the Council at the time the revised Guide was adopted. This makes clear that, for applications submitted on or after 12 May 2014 up to and including 23 July 2014, the provisions of the original version of the Residential Design Guide will be applied. As the current application was submitted on 3 July 2014, these transitional arrangements apply to it.

CONSULTATIONS

Neighbour notifications

Letters were sent to ten properties in Fern Way, Greenwood Drive and Briar Road. Five responses were received, and a summary of the points that were raised is to be found in the section of this report entitled *Consideration of Representations Received*.

Consultations

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The Highway Authority recommends refusal due to implications to highway safety and convenience as the proposals are considered prejudicial to the safe on the highway.

As far as it can be determined from the submitted details the site already enjoys a pedestrian crossover in the front of the existing dwelling. I do not consider the existing public pedestrian cross can be considered as a private vehicles access to parking spaces. In the reason, the Highway Authority the Highway Authority recommends refusal.

Arboricultural consultant

The Council's arboricultural consultant has commented that the proposals will not affect either of the highway trees located in Fern Way and Briar Road. One tree, a birch in Briar Road, is shown for removal; however, this is considered acceptable due to its location close to the property boundaries and adjacent structures.

APPRAISAL

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

- (a) *Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 2013)*
- (b) the continuing “saved” policies of the *Watford District Plan 2000*
- (c) the *Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026*
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*

Principle of the development

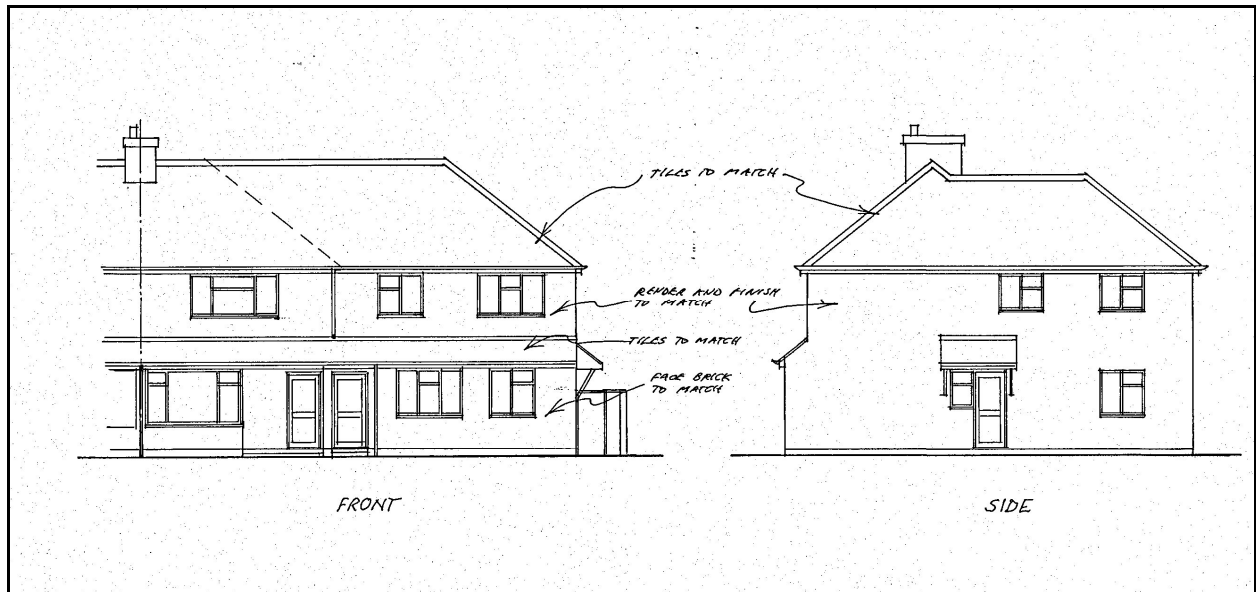
The proposal is that the existing house at 2 Fern Way will remain as a single family house (with a new ground floor rear extension), so there will be no loss of a house as a result of this development.

The new development that will be attached to its side will resemble an end of terrace house but it will actually contain two new flats, one on each floor. This is acceptable in principle because flats are residential properties and this is a residential area. The fact that the area consists mainly of houses is not in itself a reason to reject two flats, particularly given that there is to be no loss of the existing house, and given that the development will look like a house.

Design and character of the area

The new building would be attached to the side of 2 Fern Way, thereby making what is now a pair of semi-detached houses into a short terrace. This will be appropriate to the character of the area because this section of Fern Way is characterised mainly by houses that are arranged in short terraces. Indeed, on this first section of Fern Way (from the cross roads to the bend) all the properties except numbers 2 (this site) and 4 (its attached neighbour) are terraced houses.

There is a good example of a similar development that was carried out successfully a few years ago not far from this site at 135 Sheepcot Lane, where a new house was built onto the side of a semi-detached house, turning what was a semi-detached pair into a short terrace of three. It demonstrates how a well designed and well executed scheme of this type can blend in well with the character of the area.



Proposed front and side elevations

The new development will look like a house when seen from the front, and it will have a front door facing Fern Way (serving the first floor flat). The strange absence of a front door on Fern Way had been a problem with the previous application but it has been rectified in this one. The fact that it will also have another door in the flank (for the ground floor flat) will not be a problem because that will be on the side elevation, where it will be read separately and where it will add visual interest to a flank elevation that might otherwise have been bland. It will not necessarily detract from the attempt to make the development look like an end of terrace house because there is nothing unusual about a house having a side door as well as a front door.

In some locations a proposal to add a side extension to a corner property at a cross roads might be problematic because it could result in even building lines being broken. However

in this case evenly aligned building lines are not a feature on this junction. For instance, the flank wall of the opposite house at 1 Fern Way is not currently in line with the flank wall of the house at 2 Fern Way.

Impact on rear windows

In the previous application there was concern about the “tunnelling effect” that could have been caused by the double storey rear element of the development making some of the rear windows feel hemmed in. However, in the current scheme there is plenty of space retained to the left of the double storey element, and a line at an angle of 45 degrees has been kept clear with respect to the rear first floor bedroom window to demonstrate that it will not be harmed. The rooflights in the ground floor element at the rear will ensure that sufficient daylight reaches the kitchen and dining area below.

Ground floor rear extension to the existing house

The proposed ground floor extension of the existing house would be the same depth as that of its attached neighbour. It would be a simple design with a lean-to roof. It is considered acceptable in design terms, and it would cause no harm to the amenity of the neighbour. It would have a pair of rooflight windows to bring natural light into the house, which would help to ensure that the extension would not make the rear of ground floor rooms of the existing house unduly dark.

Works to the outbuilding

The proposal is to renovate the existing brick shed and to replace its roof with a slightly taller, dual-pitched roof. It seems that a cherry tree that is growing within the site has damaged the outbuilding, and that tree is to be removed. The tree could be removed anyway without the need for permission because it is not protected by a Tree Preservation Order and the site is not in a conservation area.

The proposed works to the outbuilding will increase its height to 3.1m at the ridge, and because that exceeds the limit of 2.5m under Permitted Development regulations,

planning permission is required. However the increased height will cause no harm to any neighbour, and a shed that is 3.1m tall will not appear excessively large or obtrusive.

Room sizes

Until recently the Council's minimum room size requirements were set out in the supplementary planning guidance document SPG6, but that was replaced on 23 July 2014 when a new version of the Residential Design Guide supplementary planning document was adopted that now includes a new set of (generally more stringent) internal space standards. However, under the transitional arrangements referred to above, this application falls to be assessed under the standards in SPG6 that were in force at the time the application was submitted.

The requirements in the following table are based on an assumption that a main bedroom will accommodate a couple, with the other bedrooms being occupied by one person, so there will be one more occupant than the number of bedrooms. There is no need to assess the room sizes of the existing house as that will remain as it is except for the fact that its lounge / kitchen / diner will be extended.

Room	Required	Proposed	Acceptable?
GF flat main bedroom	SPG6: 11m ² New RDG: 11m ²	12.2m ²	Yes
GF flat single bedroom	SPG6: 6.5m ² New RDG: 8m ²	7.6m ²	Complies with old SPG6 standard but not new RDG.
GF flat bath room	SPG6: WC, bath & basin (new RDG has no requirement)	WC, bath & basin	Yes
GF flat Kitchen / lounge / diner	SPG6: 20.5m ² New RDG: 23m ²	24.4m ²	Yes

FF flat main bedroom	SPG6: 11m ² New RDG: 11m ²	12m ²	Yes
FF flat single bedroom	SPG6: 6.5m ² New RDG: 8m ²	7.6m ²	Complies with old SPG6 standard but not new RDG.
FF flat bath room	SPG6: WC, bath & basin (new RDG has no requirement)	WC, bath & basin	Yes
FF flat Kitchen / lounge / diner	SPG6: 20.5m ² New RDG: 23m ²	24.3m ²	Yes

As the table above indicates, as well as satisfying the standards in SPG6, the proposal does also meet the new RDG requirements, save only in two instances where the floorspace of the second bedroom falls short of the new standard by 0.4m². This small difference would not be sufficient to found a reason for refusal of planning permission, particularly as the rooms in question exceed the SPG6 requirement by 1.1m².

Garden sizes

Garden size requirements were until recently to be found in the first edition of the Residential Design Guide. However in this case the change makes no difference: the first edition of the RDG required a minimum of 50m² regardless of the number of bedrooms, and the second edition requires 50m² for homes that have one or two bedrooms (larger gardens are now required for homes with more bedrooms, but in this case all three homes would have only two bedrooms). The house will have a rear garden of 91.5m² and the two flats will have a shared garden of 62m².

Both rear gardens will have bin stores so that rubbish and recycling bins can be kept out of sight of the street. The flats will be able to take their bins out to the street via the existing access at the foot of the garden. The house will have a new gate inserted in its

rear wall so that bins can be taken out via the rear service road. A condition should be applied to ensure that the gate is installed as shown because otherwise the bin store would be unusable and the result would be bins stored in the front garden, where they would be harmful to the street scene.

The house will have the use of the restored brick shed in which bicycles could be kept (a new taller roof with a dual pitch is to be added). No bicycle store has been proposed for the flats, but there is sufficient space in that garden for the occupants to be able to place small weather-proof and secure bicycle storage units that can be bolted to the ground. There are examples of such units outside the rear entrance of the Town Hall, where there is a row of black plastic bicycle storage boxes with padlocks. In this case it is not considered necessary to require a shed for the purpose of storing bicycles, as that would reduce the amount of garden space in a garden that is modestly sized as it is.

Parking

Two parking spaces are proposed at the foot of the shared garden for the two flats. As there is already a crossover and a gate there, that is considered acceptable. The gate is to be removed and the walls on each side lowered or partially removed so as to create safe visibility splays.

A note on drawing 14/VM-6B states that the crossover that serves the existing rear gate is to be made wider. That would require the consent of the Highway Authority. However, if such consent were refused it would not necessarily make it impossible for the developer to create two parking spaces. That is, firstly, because the crossover appears to be quite broad already (it serves not only the gate but also the rear service road), and, secondly, because an alternative arrangement might be possible in which the parking spaces would be at right angles to the rear service road and accessed from that service road – that has not been proposed, but it would probably be acceptable if an appropriate application were to be made.

It is proposed that the existing area of hardstanding at the end of the rear garden should be made wider. That new hardstanding should be permeable, or else it should have a drain and a soak-away, so as to prevent rainwater run-off onto the highway. That can be controlled by a condition.

The two parking spaces at the end of the rear garden would be for the two new flats. The existing house would continue to use the front drive for parking. That drive already has a dropped kerb on the corner of the road junction. For reasons of highway safety such a corner location would not be allowed if the proposal were to create a new crossover there, but the crossover has clearly been there for a very long time and the proposal will be to continue using it in the way that it has long been used. The Highway Authority has commented that the intended purpose of that dropped kerb on the corner was originally for pedestrians (e.g. with wheelchairs, buggies etc) to cross the road junction, and that it was not intended for use as a vehicle crossover. However, it has the appearance of a vehicular crossover, and it has clearly been used as one for many years. Although the Highway Authority does not approve of the intention to continue using it as such, it would be unreasonable to refuse planning permission on the issue of the crossover because the application does not propose any change to this aspect of the existing arrangements – the applicant is merely proposing that the house's occupants will continue to use the dropped kerb in the same way that they have been using it for many years.

The Highway Authority has indicated that instead of using the existing dropped kerb at the corner, the house could have a new crossover created further away from the road junction, which is considered to be a safer location. However, that was a proposal that formed a part of the previous application, which was refused recently on the grounds that the excavations involved in creating a new crossover would be likely to cause grave harm to the roots of a mature Box Elder tree in the street, which could cause its death. The loss of that street tree would be harmful to the street-scene.

Currently the Council's adopted policy on parking is saved Policy T22 of the Watford District Plan 2000 (supported by Appendix 2 and Map 7) which sets a *maximum* limit of

1.5 spaces per 2-bedroom dwelling in this area of the borough (Zone 3). The policy does not set a minimum limit; but in a location such as this, which is not close to the town centre, it is clear that residents are likely to want to own cars, and so some provision must be made for them on the site because otherwise they would park on the street. In this case the parking provision that is proposed (two spaces at the front for the house and two at the rear - one for each flat) is considered adequate to meet the needs of the residents, without being excessive.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Watford Local Plan Part 1 Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Saved policies L8, L9, and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision* recognise that cumulative small developments within the urban area of Watford can produce significant additional demands for services and facilities in the same way that a smaller number of larger developments would. However, unlike larger developments which can often accommodate some provision of these services and facilities within the site, smaller developments are clearly unable to do so and it would be unreasonable to expect them to. It is therefore reasonable to expect the applicant in such cases to make a financial contribution towards improved services and facilities within the Borough.

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council, the County Council and the Primary Care Trust to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the National Planning Policy Framework.

The contributions in the case of the development proposed in this application are set out below. As these contributions have been calculated in accordance with the Hertfordshire County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant policies of the Watford District Plan 2000, they are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to those policies. Accordingly, the requirement for such contributions meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application.

Primary education	£816 x 2	= £1,632
Secondary education:	£444 x 2	= £888
Nursery education:	£195 x 2	= £390
Child care:	£57 x 2	= £114
Youth facilities:	£13 x 2	= £26
Library facilities:	£129 x 2	= £258
Sustainable transport:	£750 x 2	= £1,500

Total to Herts County Council: £4,808

Public open space:	£1,236 x 2	= £2,472
Children's play space:	£985 x 2	= £1,970
CPZ amendment:	Not applicable as this is not a controlled parking zone	
Monitoring fee:	£350 x 1 (this is not per flat but per undertaking)	

Total to Watford Borough Council: £4,792

The applicants have entered into a Section 106 planning obligation by means of a unilateral undertaking, which they completed on 4 August 2014.

Consideration of representations received

Five responses have been received: one was from a representative of the Kingswood Residents Association, and the others were from residents of Fern Way. The following table contains a summary of the points that were raised.

Points Raised	Officer's Response
<p>The Kingswood Estate is characterised by houses that are semi-detached or in short terraces. One objector writes that because of this the proposed development would be out of keeping with the character of the area.</p>	<p>Although it will contain two flats, the proposed development will resemble an end of terrace house. It is true that the area is characterised by semi-detached pairs and by short terraces, and it is also true that the development will turn an existing semi-detached pair into something that will resemble a short terrace; so it is difficult to see how it could be regarded as being out of character with the area.</p>
<p>Because the development would turn what is currently a pair of semi-detached houses into a short terrace it would devalue the neighbouring property at 4 because that would no longer be able to describe itself as a semi-detached house.</p>	<p>It is worth noting that Fern Way consists mainly of short terraces, and always has done. Moreover issues relating to the value of neighbouring properties are not material planning considerations. This has been established by case law, notably in <i>Brewer v Secretary of State for the Environment</i> [1988] JPL 480. It is also noted in National Planning Policy Guidance (at paragraph 21b-008-20140306) that "the courts ... have taken the view that planning is concerned with land use in the public interest, so that protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations".</p>

The proposed creation of four parking spaces will add to an existing problem of parking congestion on the local streets.

The application form states that there are currently 4 parking spaces on the site, and the proposed number of spaces is also 4. This seems to be based on the assumption that there are currently 2 on the drive, 1 in the “garage” and 1 on the hard standing at the foot of the garden. It seems unlikely that the brick shed is large enough to serve as a parking garage, so 3 spaces is probably a more realistic figure for the current situation; but even so the proposal would only involve an increase of one space.

One objector writes that provision of 4 parking spaces would cause an increase in congestion on the street – perhaps he has misunderstood and believes that the parking spaces would be on the street; in fact they would be within the site.

Another objector fears that one space per flat is insufficient, and that the residents could own more cars and park them on the street. Currently the Council’s adopted policy on parking is T22 of the Watford District Plan 2000 (supported by Appendix 2 and Map 7) which sets a *maximum* limit of 1.5 spaces per 2-bedroom dwelling in this area of the borough (Zone 3).

<p>During construction works the builders would be likely to park vehicles near the road junction, which would result in reduced visibility for children crossing the road to use the nearby Kingswood Nursery, which could lead to road accidents.</p>	<p>There are double yellow lines around the road junction. The possibility that someone might park illegally is not a material planning consideration but rather a matter for Parking Enforcement.</p>
<p>One objector writes that since the last occupant died in 2012 the house has been un-lived in. Therefore the new owners must have bought it with the intention of developing it, rather than to use it as a family home. Another objector writes that he suspects that the current owners have been mowing the grass and tidying up to make it appear that the property is lived in.</p>	<p>Most homes stand empty for some time after a previous owner dies or leaves. 2 Fern Way is currently a single family house, and the proposal is that it will remain a single family house. The two new flats that are proposed are in addition to the house, not replacing it. If the property has been standing empty then a proposal to put it to use is to be welcomed.</p> <p>Whether a developer makes a profit is not a material planning consideration. If it were not possible to make a profit from building homes there would be very few homes in Watford, or indeed anywhere else.</p> <p>It is not often that the Council receives objections on the grounds that owners of properties are mowing the grass and tidying the site. It is difficult to see why this should be regarded as a problem.</p>

<p>The proposal includes making an existing crossover on Briar Road (level with the foot of the garden) wider, and removing parts of the boundary walls to improve the visibility for cars driving out onto Briar Road. This is unnecessary as the parking area at the foot of the garden could have been designed differently so that it was accessed from the rear service road instead. The proposed arrangement with access directly onto Briar Road could be dangerous given that the local streets are used as a short-cut by some traffic, and when cars are parked near the junction - as sometimes happens during busy times when parents are taking children to or from the nearby nursery.</p>	<p>It is true that the parking area could have been designed with its access from the service road, but the fact that an alternative design was possible (even if that alternative would have been better) is not in itself sufficient reason to justify the refusal of planning permission. If it were considered that the proposed widening of the crossover on Briar Road was unacceptable, planning permission could be granted with a condition requiring that details of an alternative scheme for parking with access from the rear service road be submitted for approval. However it should be noted that the Highway Authority has not objected to the proposed rear parking area and its access. As regards the removal or lowering of parts of the existing boundary wall, that could be done at any time without the need for planning permission.</p>
<p>Some works that were undertaken at the site some years ago caused damage to the attached neighbour at 4. It may be necessary to carry out further repairs to make good the damage that was done in the past.</p>	<p>The structural integrity of the building and the quality of the construction work are issues that would be controlled by Building Control, rather than being Planning considerations.</p>

<p>The development will spoil the outlook from 7 Fern Way, and it would reduce daylight and sunlight to that property.</p>	<p>7 Fern Way is on the other side of the street, and it is not directly opposite the site but at an angle to it. It is approximately 28m away from the proposed development. It would be difficult for the occupants of 7 to see the development from their front windows, although they would see it if they stood on their front drive. There is a difference in planning terms between an <i>outlook</i> and a <i>view</i>. It is not considered that any significant harm would be caused to either the outlook or the levels of natural light affecting 7 Fern Way.</p>
<p>The Kingswood Estate has been excessively developed already.</p>	<p>The Kingswood Estate consists mainly of two storey houses from the 1930s. There have been a few more recent developments, but compared to other parts of Watford it is not particularly heavily developed.</p>

Conclusion

The application is for planning permission to erect a double storey side extension beside the existing semi-detached house. Although visually the effect would be to turn what is now a pair of semi-detached houses into a short terrace, the extension would actually contain two flats (one on each floor, each having two bedrooms). The existing house would remain as a house, and it would have a ground floor rear extension added to enlarge it.

The development will not result in the loss of a house because the existing house is to be retained. The two new flats will resemble an end house in a short terrace, and as such it will be in keeping with the character of the area, where such short terraces are very common. The room sizes comply with the minimum standards that were in place at the

time that this application was received, and most of them also comply with the new standards that were adopted on 23 July 2014. The slight shortfall in two cases is not significant and could not, in any event, form the basis for a refusal of planning permission. Each dwelling would have access to a garden of an adequate size, which in the case of the two flats would be shared. No significant harm would be caused to the amenity of any neighbour as a result of this development.

Each dwelling would have at least one off-street parking space and the house would have two, which complies with saved Policy T22 of the Watford District Plan 2000.

The only change that is proposed to the existing vehicular access arrangements is a widening of an existing crossover on Briar Road that currently serves a rear gate to the site, to which there is no highway objection. Although the Highway Authority objects to the continued use of the existing access at the crossroads, the proposal is no different to the existing situation. Given that this dropped kerb has been used for vehicular access to the front drive for many years, and may well be lawful in planning terms, there is no justification for refusing planning permission for that reason.

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, in consequence of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 (as amended) having been entered into to secure the contributions set out in this report, 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. No windows or doors, other than those shown on the plans hereby approved, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (volume 2 Extending Your Home, section 3.3.1c) as referenced in paragraph 12.1.5 supporting Policy UD1.

4. The walls shall be finished in render to match the colour, texture and style of the existing building. If the render of the existing building (which is currently unpainted) were to be painted, the render of the development shall be painted the same colour unless otherwise approved in writing by the Local Planning Authority. The roof tiles shall resemble those used on the existing house. The window frames (except

those of the proposed roof-lights) shall be white to resemble those of the existing house.

Reason: In the interests of the visual appearance of the site and the character of the area, pursuant to Policy UD1 of the Watford Local Plan Part 1.

5. The rear gardens shall be arranged as shown on drawing 14/VM-6B. The two flats shall both have access to the shared rear garden and to the 2 parking spaces at the end of that shared garden. The new fence that is to separate the two rear gardens shall not exceed 2m in height, nor shall the existing brick boundary wall have its height increased to more than 2m. The proposed new gate connecting the rear garden of the house to the rear service road shall be installed as shown on drawing 14/VM-6B and its height shall not exceed 2m.

Reason: In the interests of the visual appearance of the site and the character of the area, pursuant to Policy UD1 of the Watford Local Plan Part 1, and also to ensure that each of the three dwellings on the site will have access to an adequately sized garden and to an off-street parking space, so as to minimise the likelihood of cars being parked on the street. It is necessary that the rear gate from the house's garden to the service road be installed as shown because otherwise it would be impossible to take rubbish and recycling bins from the proposed bin store to the street, in which case those bins would have to be stored in the house's front garden, which would be harmful to the street-scene.

6. The new section of hardstanding that is to form the parking area at the foot of the rear garden shall be constructed in such a way that any rain water falling on the hardstanding shall soak away into the soil within the site, and shall not run off onto land outside the site, nor enter public drains or sewers.

Reason: To avoid localised flooding of the highway, nuisance to neighbours, or overloading of public sewers and sewage treatment works during periods of heavy

or prolonged rainfall, pursuant to Policy SE27 (Flood Prevention) of the Watford District Plan 2000.

7. The flats shall not be occupied until the two parking spaces have been created as shown on the drawings hereby approved, including the lowering or partial removal of boundary walls to create visibility splays as shown on drawing 14/VM-6B.

Reason: To ensure that the occupants of the new flats are able to park off the street so as to avoid causing congestion, and to ensure that they are able to drive from the parking spaces into Briar Road safely, with unobscured sight lines.

Informatives

1. The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk, where it is to be found as an appendix to the agenda of the meeting of the Development Control Committee of 28 August 2014. Alternatively a copy can be provided on request by the Regeneration and Development Department.
2. 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. The applicant was provided with pre-application advice.

3. The applicant is reminded that this planning permission does not obviate the need to obtain the separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called “The Party Wall Etc Act 1996: Explanatory Booklet” is available on the website of the Department for Communities and Local Government.
4. This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and their successors in title. It obliges the owners to make certain contributions to local services and infrastructure when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Co-Ordinator in the Planning department.
5. The development will involve the creation of addresses for new properties. The applicant must apply to the Council to allocate a street number or name. This is a requirement of the Public Health Act 1925. Applications for this purpose should be made to the Local Land and Property Gazetteer Officer at Watford Borough Council, Town Hall, Watford, WD17 3EX.

Drawing numbers

Site location plan; 14/VM-1; 14/VM-3; 14/VM-4A; 14/VM-5A; 14/VM-6B.

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