

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	16th October 2014
Site address:	885 St Albans Road
Reference Number:	14/00668/FUL
Description of Development:	Part retrospective application for erection of single storey side extension and change of use from a family house to a 6 bedroom house in multiple occupation (AMENDED PLANS).
Applicant:	Mr Michael Garkov
Date received:	6th May 2014
Statutory target date:	17th October 2014
Ward:	Stanborough

SUMMARY

The proposed HMO would not result in more than 10% of the houses in the street block being converted to flats or HMOs, which complies with “saved” Policy H13(a) of the Watford District Plan 2000. Furthermore, the HMO does not unacceptably alter the character of the street block because the property appears as a residential house.

Environmental Health has commented that due to the number and location of bathrooms and WCs in the property the total occupation of the property should not exceed 6 people. A condition could be attached to any grant of planning permission to restrict the number of occupants of the HMO to 6 people. This condition would also ensure that the bedrooms would not be over-occupied. Each room would benefit from sufficient levels of natural lighting and outlook.

The single storey side extension appears subordinate to the dwelling and has no adverse effect on the character and appearance of the street scene. Moreover, it has limited impact on the light received by, and outlook from, neighbouring residential properties.

There is evidence that occupants of the HMO are currently bumping vehicles over the kerb and parking up to 4 vehicles on the hard surfacing to the front of the property. A representation has been received which states that vehicles are using the vehicular crossover of No. 883 to access the hard surfacing of No. 885. The current situation is causing some nuisance because vehicles overhang the pavement and bins and cycles are being stored to the front of the property because the side alleyway is obstructed by the parked vehicles. However, vehicles could be prevented from bumping the kerb and using the vehicular crossover of No. 883 through the provision of a low boundary wall along the side and front boundaries. The provision of a boundary wall could be secured by condition and would address the nuisance that is currently being caused by the parked vehicles.

The property previously has two un-obstructed parking spaces on-site, however, the proposed side extension has resulted in the loss of a parking space to the side of the house. Consequently, the proposed development has resulted in an increase in habitable accommodation but a decrease in on-site parking spaces. However, significant weight should be given to the fallback position that the change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation with a maximum of 6 occupants (Use Class C4) does not require planning permission. As such, the original house could have added a single storey side extension (resulting in the loss of a parking space) under permitted development and could have been converted to a 6 person HMO without needing planning permission. Taking the fallback position into account, a reason for refusal based on insufficient on-site parking could not be substantiated. However,

it would be necessary to attach a condition restricting the number of occupants to 6 people to ensure that change of use from Class C3 to Class C4 is a genuine fallback position. Moreover, it should be borne in mind that the application site is close to a designated neighbourhood centre and associated public transport and local shops.

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 relates to No. 885 St Albans Road. The property was constructed in 1894 as a two storey house. It has previously had a two storey rear extension in 1979 under reference 79/00409/FUL, which increased the number of bedrooms to four.

The property has recently been enlarged by the addition of a single storey side extension and converted to a house in multiple occupation (HMO). This development was carried out in breach of planning control and the current planning application seeks retrospective planning permission. In terms of the accommodation being provided, the four bedrooms on the first floor of the house are unaltered and the single storey side extension provides two bedrooms – the rear bedroom in the extension includes a kitchenette. The living room of the original house was converted to provide a self-contained unit, including a bedroom, living room with kitchenette and W.C. No alterations have been made to the kitchen/dining room at the rear of the property and this is a communal facility for occupants of the HMO. As such, the house was converted to provide an HMO with 7 bedrooms.

The current planning application proposes to remove the self-contained unit that is positioned in the original living room, and revert the space back to a living room that would be a communal facility for the occupants of the HMO. As such, the bedroom, W.C. and kitchenette would all be removed. The removal of the self-contained unit would therefore reduce the HMO to 6 bedrooms. In addition, the kitchenette in the rear bedroom of the extension would be removed.

Therefore, the revised layout consists of the original living room and kitchen, which would be used communally, two bedrooms in the single storey side extension, and the un-altered four bedrooms at first floor. A bathroom is located at first floor and the side extension includes a W.C. with a shower.

The single storey side extension is designed with a flat roof and the external walls are finished in pebble-dash. The frames of the front window are finished brown to match the windows on the existing house; however, the window cill is finished white.

A new ground floor window has been inserted in the south-western side elevation of the house. The window has white frames.

There is a small single storey addition on the south-western side of the house, which is proposed to be removed to facilitate access to the rear garden. The rear garden is fairly large.

The property is served by a vehicular crossover on to St Albans Road, which is classified as a Class A Principal Road. The nearby road junction with North Orbital Road is traffic-light-controlled. There were previously two on-site un-obstructed parking spaces; however, the proposed side extension has reduced the number of un-obstructed parking spaces to one.



House prior to conversion and extension



House after conversion and extension

The neighbouring detached property at No. 883 has an attached garage adjacent to the shared boundary. The property also has a vehicular crossover close to the boundary with the application site.

No. 887 is a detached bungalow and has an attached garage adjacent to the boundary. There is an extant planning permission at the neighbouring property (14/00959/FUL) for the erection of a two and a half storey building to provide four flats.



Aerial view of site

The application site is approximately 300m from Garston Park Parade, which is classified as a Neighbourhood Centre in paragraph 7.1.6 of the Watford Local Plan Core Strategy 2006-31. Neighbourhood centres include a range of small shops of a local nature, serving a small catchment area, typically including a small supermarket, a newsagent, a sub-post office and a pharmacy. Other

facilities could include a hot-food takeaway, a laundrette, hairdresser/beauty salon and services such as GP centre or a dentist. There is a bus stop at Garston Park Parade, which provides routes to the town centre. Garston Park is close to the application site.

The property is not listed or located in a designated conservation area.

Proposed development

The application is part retrospective and seeks planning permission for the erection of a single storey side extension and conversion of the house into a 6-bedroom house in multiple occupation (HMO). The current layout of the HMO would be altered as described in the 'site and surroundings' section of this report. The living room and kitchen of the original house would be used as a communal facility for occupants of the HMO. The single storey side extension provides two bedrooms and four bedrooms are located at first floor. There is a first floor bathroom and a W.C. in the single storey side extension.

The agent submitted amended plans on 12th September to provide escape windows to the front and rear of the side extension. The drawings also show a front and side boundary wall to prevent vehicles bumping the kerb and utilising the vehicular crossover of No. 883.

The single storey addition on the south-western side of the house would be removed to provide access to the rear garden.

Planning history

79/00409/FUL - Erection of a two storey rear extension. Conditional Planning Permission. October 1979.

79/00195/OUT - Outline application for first floor bedroom extension. Conditional Outline Permission. June 1979.

79/00163/FUL - Single storey rear extension. Conditional Planning Permission.
June 1979.

Relevant policies

National Planning Policy Framework

- 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

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

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan (saved policies)

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial strategy
- UD1 Delivering high quality design
- SD1 Sustainable Design
- SD2 Water and Waste Water
- SD3 Climate change
- SD4 Waste

HS1	Housing supply and residential site selection
HS2	Housing mix
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
T5	Providing New Infrastructure

Watford District Plan 2000

H13	Conversions
SE7	Waste Storage and Recycling in New Development
SE22	Noise
SE23	Light Pollution
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

Supplementary Planning Guidance

SPG6	Internal Room Space Standards
SPG10	Open Space Provision

Supplementary Planning Documents

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

Watford Character of Area Study Adopted December 2011

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 4 properties in the surrounding area. 5 letters of objection have been received, and a consideration of these objections is outlined below.

Statutory consultations

Hertfordshire County Council (Highway Authority)

The Highway Authority does not wish to restrict the grant of permission.

Informative

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development. Reason: In the interest of highway safety and the free and safe flow of traffic.

This is a part of retrospective planning application for construct of single storey side extension and change of use from a family house to a 6 bedroom house in Multiple occupation at 885 St. Albans Road, Watford. WD25 ONH. The applicant states that there is no new vehicle access. There are 3 existing parking spaces for the proposed site. The development site is a small scale and has good public transport accessibility level. It is near a local neighbourhood centre with shops and other local amenities. Hertfordshire County Council as the Highway Authority does not recommend refusing this application.

Environmental Health

Occupation of ground floor bedrooms

Due to their size, both ground floor bedrooms can only be occupied by 1 person in each room

Escape windows

Due to their location off a high fire risk room (the kitchen) both bedrooms must be fitted with windows which are suitable as a means of escape:

- The window must have an unobstructed openable window area that is at least 0.33msq with at least the width or height dimension being a minimum of 450mm.
- Side hung opening lights are recommended.
- The bottom of the openable area (window cill level) must be not more than 1100mm, and not less than 800mm above floor level.
- The ground below the windows must be flat and free from hazards (low walls, railings etc).
- Where security is provided on windows, means of opening must be readily available within the room.

Bathroom facilities

Due to the number and location of bathrooms and WC's in the property the total occupation of the property should not exceed 6 people.

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 2013;*
- (b) *the continuing "saved" policies of the Watford District Plan 2000;*
- (c) *the "saved" policies of the Hertfordshire Waste Local Plan 1995-2005; and*
- (d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

A revised version of the Residential Design Guide has been produced by the Council and was subject to a public consultation from Monday 4 November until Monday 16 December 2013. The revised document was adopted on the 23rd

July 2014 and replaces the original version of the Residential Design Guide and SPG6. There is a transitional arrangement for applications that had already been submitted to the Council at the time the revised Residential Design Guide was adopted. The transitional arrangement is 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 and SPG6 will be applied. The current application was made valid on 23 July 2014, and therefore the transitional arrangement apply.

Housing

“Saved” Policy H13 of the Watford District Plan 2000 states that proposals to sub-divide existing dwellings, including the creation of housing in multiple occupation (HMO) or the conversion of non-residential buildings to dwellings will be acceptable in principle provided:

- (a) they do not result in more than 10% of the existing residential frontage in a street block consisting of a mix of conversions, HMO or guest houses;
- (b) they do not affect the residential frontage in a street block so as to unacceptably alter the character of that street block or the immediate neighbourhood;
- (c) car parking associated with the scheme is provided on-site or nearby in off-street facilities so as not to add to congestion, cause problems of highway safety or adversely affect the quality of the surrounding environment (see Policies T22 and T24); and adequate amenity space and facilities for refuse storage are provided.

The western side of St. Albans Road in the immediate vicinity of the application site does not have a strong residential frontage because it includes a McDonald’s restaurant, two purpose built blocks of flats at Nos. 863 and 865, and a restaurant at No. 859. As such, for the purposes of Policy H13, the properties between Nos. 877 – 887 (odds) and Nos. 998 – 1026 (evens) should be viewed

as the “street block”. The street block consists of 22 properties and only No. 881 St. Albans Road has been converted to flats or HMO. Therefore, taking into account the existing HMO at No. 885, 2 of the 22 properties in the street block have been converted to flats or HMO, which equates to a conversion rate of 9%. The proposal therefore complies with the 10% threshold in “saved” Policy H13(a).

The HMO at No. 885 does not unacceptably alter the character of the street block because the property appears as a residential house – as can be seen from the photographs above. The proposed HMO therefore complies with “saved” Policy H13(b).

Car parking provision is assessed in the ‘Traffic generation and parking’ section of this report.

Design and layout

The proposed HMO would have a ground floor living room and kitchen which would be used communally by occupants. The single storey side extension provides two bedrooms and a WC and the first floor consists of four bedrooms and a bathroom. Environmental Health comments that, due to the number and location of bathrooms and WC’s in the property, the total occupation of the property should not exceed 6 people. A condition could be attached to any grant of planning permission to restrict the number of occupants of the HMO to 6 people.

The communal living room and kitchen are of good sizes and each of the bedrooms is large enough to be occupied by one person. A condition limiting the number of occupants of the HMO to 6 people would ensure that the bedrooms would not be over-occupied. Each room would benefit from sufficient levels of natural lighting and outlook.

The rear garden exceeds 50sqm in area and would provide a usable outdoor amenity area for occupants.

The single storey addition to the south-western side of the house is to be demolished to provide an external access between the front and rear gardens. Bin and cycle storage could therefore be provided in the rear garden. A condition should be attached to any grant of planning permission to require details of the siting, size and design of refuse, recycling and cycle storage to be submitted to the Local Planning Authority for approval.

The single storey side extension appears subordinate to the original house because of its modest width and single storey height. The extension is designed with a flat roof, which is acceptable. Several properties in the area have side garages or side extensions designed with flat roofs, and therefore the extension does not appear out of keeping in the street scene.

Environmental Health has commented that both the bedrooms in the side extension must be fitted with windows that are suitable to be used as a means of escape because of their location off a high fire risk room (the kitchen). Among other things, Environmental Health require that the window cill of the windows are not more than 1100mm, and not less than 800mm, above floor level. The agent submitted amended plans on 12th September to show escape windows to the front and rear of the side extension. The drawing shows that the window cills would be 800mm above floor level.

The new ground floor window in the south-western side elevation has white frames, which does not reflect the brown frames of the other windows. However, given that the window is located at ground floor level in the side elevation it would not be noticeable in the street scene. As such, the window would not have a significant harmful impact on the character and appearance of the area.

The front window of the side extension has brown frames to match the existing windows. The window cill is white; however, this is not particularly noticeable and it does not have a significant impact on the appearance of the area.

Impact on neighbouring properties

The single storey side extension has minimal impact on the light received by, and the outlook from, neighbouring properties. No. 887 has an attached garage adjacent to the boundary and the extension is a sizeable distance from principal habitable windows.

The new ground floor window in the side elevation of No. 885 faces the garage of No. 883 and, therefore, it has not resulted in a loss of privacy to the neighbouring property. In any case, a ground floor side window could be installed under permitted development rights.

A representation has been received from the occupants of No. 883 St. Albans Road, pointing out that the occupants of the HMO 'bump the kerb' and park up to four vehicles to the front of the house. It is also stated that the occupants of the HMO are utilising the vehicular crossover of No. 883 to access the hardstanding to the front of No. 885. It is accepted that this has the potential to cause nuisance to the occupants of No. 883. However, the agent submitted amended plans on 12th September to include the provision of a 1m high boundary wall that would be positioned along the side boundary with No. 883 and along the front boundary of the site, which would prevent vehicles 'bumping the kerb' and utilising the vehicular crossover of No. 883. The provision of a low boundary wall would address the nuisance being cause to the occupiers of No. 883 and a condition should be attached to require the boundary wall to be provided in accordance with the submitted details and retained at all times thereafter.

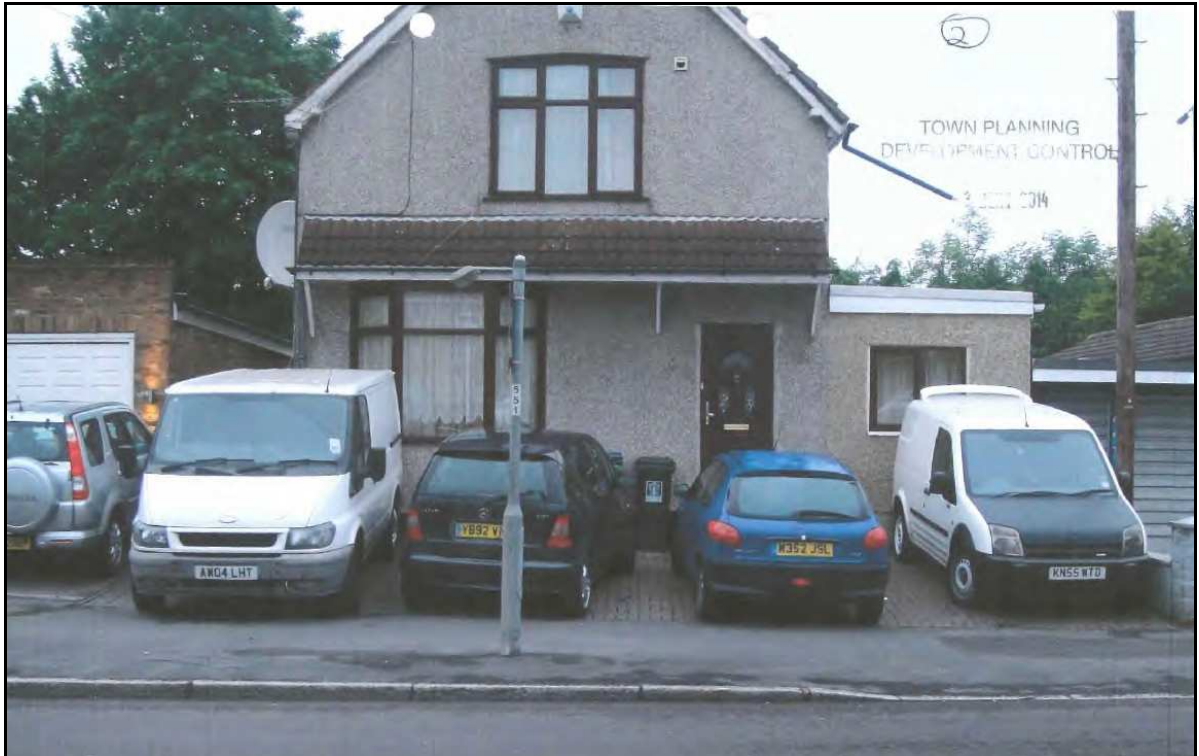
Traffic generation and parking

The Highway Authority has commented that the development is small in scale and has good accessibility to public transport. It has highlighted that the site is near a local neighbourhood centre with shops and other local amenities. In these circumstances, the Highway Authority has commented that it does not object to the proposed development and does not wish to restrict the grant of planning permission.

The property previously had two un-obstructed parking spaces on-site; however, the side extension has resulted in the loss of a parking space to the side of the house. Consequently, the proposed development has resulted in an increase in habitable accommodation but a decrease in on-site parking spaces. However, significant weight should be given to the fallback position that a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation with a maximum of six occupants (Use Class C4) does not require planning permission (being permitted development under Class I of Part 3 to Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended). This means that planning permission would not have been required for the conversion of the original house to an HMO occupied by up to six people; in addition, an HMO continues to benefit from the permitted development rights granted to dwellinghouses generally, so that the construction of the single storey side extension (which has resulted in the loss of a parking space) also constitutes permitted development, Class A of Part 1 to Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended). Taking the fallback position into account, a reason for refusal based on insufficient on-site parking could not be substantiated. However, it would be necessary and appropriate to attach a condition restricting the number of occupants to no more than six people, in order to ensure that change of use from Class C3 to Class C4 is a genuine fallback position. If the HMO were to be occupied by more than six people it is likely that this would lead to an

unacceptable impact on the surrounding area due to parking and traffic generation.

Moreover, it should be borne in mind that the application site is close to a designated neighbourhood centre and associated public transport and local



Photograph showing four vehicles parked at the front of the property



Photograph showing vehicles overhanging the footway and a bicycle chained to the lamp post

shops. The Council's parking standards are maximum standards, which seek to dissuade people from using cars and instead encourage the use of sustainable transport. The proposed development would not exceed the maximum parking standard in Appendix 2 of the Watford District Plan 2000, which is acceptable.

As discussed earlier in the report, there is evidence that occupants of the HMO are 'bumping the kerb' and parking up to four vehicles on the hard surfacing to the front of the property. As a result, vehicles overhang the pavement and bins and cycles are stored to the front of the house due to the obstruction of the access to the side of the house (see photographs above). Consequently, the current situation has an adverse impact on highway safety, it detracts from the appearance of the area, and it is causing a nuisance to neighbours. However, the impact arising from vehicles 'bumping the kerb' and parking to the front could be prevented by the erection of the low boundary wall, which could be secured by condition.

“Saved” Policy T10 of the Watford District Plan 2000 requires the provision of secure and weatherproof cycle storage in new developments. The policy highlights that people may be encouraged to cycle if appropriate storage facilities were provided. Cycle storage is indicated on the proposed drawings. The provision of secure and weatherproof cycle storage could be secured by condition.

Consideration of representations

Neighbour’s Objection	Officer’s Response
<p>Currently there are 5 cars belonging to the residents. 4 parked in front of the house, of which 1 is a commercial vehicle and overhangs the pavement with its bonnet and front wheels.</p> <p>The 5th vehicle has taken up residence on the grass verge to the other side of my property which belongs to the Council. This is also the place where visitors to the property park as well as on the pavement outside 885.</p> <p>Currently the 4 vehicles when parked side by side block the side access to the back of the property preventing residents getting their bicycle in and out of the cycle store. Therefore at least one bike is regularly chained to the Dual Carriageway signage at the front of the house. I have registered my concern that the largest white transit van parks straight on the drive over a full kerb and is 4.8 mtrs long on the drive of 3.8 mtrs. This vehicle extends a full metre over the pavement which whether the house is residential or an HMO is hazardous. Although having remained so for many months nothing has been done about advising the owner.</p> <p>Site plan 802/E shows cross over for 885 and 887 and states that they are shared. I dispute this statement. Each cross over has only ever serviced its own property. 887 has a low brick wall on the boundary line of the driveway and it is impossible to enter or exit 885 frontage using 887 cross over.</p>	<p>The provision of a low boundary wall along the side boundary with No. 883 and along the front boundary would prevent vehicles bumping the kerb and parking inappropriately to the front of No. 885.</p> <p>This would stop vehicles using the vehicular crossover of No. 883 and it would prevent vehicles overhanging the pavement and causing danger to pedestrians. Obstruction to the side alleyway would be prevented which means that bins and cycles could be stored in the rear garden.</p>

<p>Site Plan 001/D shows cross over at my property, 883 and states that this is shared with 885. My cross over has never been shared with 885. My own vehicles occupy my drive and are positioned on my boundary line with 885 making it impossible for those vehicles to enter or exit via this drop kerb.</p> <p>The plans show parking for 2 vehicles on the frontage of 885. The vehicle positioned across the front of the property will have great difficulty entering and exiting with a vehicle parked in the designated space. The vehicles drawn on the plans are shown as cars when in fact the reality is that these vehicles are quite likely to be large vans and will obscure the windows of the house and overhang on to the pedestrian footpath.</p> <p>There is no mention on the plans of the advisory Dual Carriageway signpost that is situated approx 4m from No. 883 cross over in front of the proposed parking for the second vehicle at 885 - this makes entering and exiting No. 885 frontage even more difficult.</p> <p>Given that so many vehicles are linked to people renting this property my feeling is that this will not change. Together with a constant flow of visitors vehicles parked, very often on the pavement outside No. 885, on occasion on my actual driveway and as I have recently discovered on the drive of 887, this property cannot safely support this many vehicles. My question would be how will these vehicles be monitored and prevented from just continuing all this haphazard parking if permission is granted for on HMO. The vehicle collecting the machinery is a works van and often leaves dust and mud on the pavement where it has parked again a pedestrian hazard.</p> <p>The vehicles are causing danger to pedestrians.</p>	
<p>Large amounts of rubbish are starting to be generated and to date no extra facilities have been made for waste and recycle bins. There is no mention on the plans for the provision and storage areas for any extra bins and how they would be accessed.</p>	<p>A bin store could be provided in the rear garden, which would be accessed from the alleyway to the side of the house. Details of the bin storage facilities could be secured by condition.</p>

<p>The white pvc window that was cut in to the south facing wall at the time of the alterations is not in keeping with the brown pvc windows of the original house. This window is haphazardly installed.</p>	<p>The new ground floor window in the south-western side elevation has white frames, which does not reflect the brown frames of the other windows. However, given that the window is located at ground floor level in the side elevation it would not be particularly noticeable in the street scene. As such, the window would not have a significant harmful impact on the character and appearance of the area.</p>
<p>The ground floor layout shows an arrow denoting demolish to the south facing side – not very clear but am guessing this refers to the side lean-to being removed to allow bicycle access to the rear of the garden store. My comment would be that 6 bicycles would seem to be a little over ambitious as I have only seen 1 bicycle used at the property.</p> <p>The lean-to does, however appear to house some heavy machinery that is collected in the morning by various workmen and returned at the end of the day, unloaded from various large white vans parking up on the pavement outside on a regular basis. The plans do not mention where this machinery will now be housed and where the works vehicles will load and unload.</p>	<p>The single storey addition on the south-western side elevation of the house would be demolished to allow access to the rear garden. There is no objection to cycle storage for 6 bicycles because this would encourage sustainable transport.</p> <p>The storage of machinery is not a material consideration for the current planning application for an HMO. A separate enforcement investigation may be necessary if a business is being operated from the premises.</p>
<p>The proposed plan of the internal layout of 885 shows that a very large living room will be made available for the use of the renters where there was none before. My feeling is that if permission is granted for an HMO this space in time will be divided up again into one or possibly two further bedrooms making the house 8 bedrooms.</p>	<p>It is suggested that a condition be attached to any planning permission to prevent more than 6 people occupying the HMO. Any proposal for additional occupants would then require a new planning application.</p>

Conclusion

The proposed HMO would not result in more than 10% of the houses in the street block being converted to flats or HMOs, which complies with “saved” Policy H13(a). Furthermore, the HMO does not unacceptably alter the character of the street block because the property will continue to appear as a residential house.

Environmental Health comments that, due to the number and location of bathrooms and WCs in the property, the total occupation of the property should not exceed 6 people. A condition could be attached to any grant of planning permission to restrict the number of occupants of the HMO to 6 people. This condition would also ensure that the bedrooms would not be over-occupied. Each room would benefit from sufficient levels of natural lighting and outlook.

The single storey side extension appears subordinate to the dwelling and has no adverse effect on the character and appearance of the street scene. Moreover, it has limited impact on the light received by, and outlook from, neighbouring residential properties.

There is evidence that occupants of the HMO are currently bumping vehicles over the kerb and parking up to 4 vehicles on the hard surfacing to the front of the property. A representation has been received which states that vehicles are using the vehicular crossover of No. 883 to access the hard surfacing of No. 885. The current situation is causing some nuisance because vehicles overhang the pavement and bins and cycles are being stored to the front of the property because the side alleyway is obstructed by the parked vehicles. However, vehicles could be prevented from bumping the kerb and using the vehicular crossover of No. 883 through the provision of a low boundary wall along the side and front boundaries. The provision of a boundary wall could be secured by condition and would address the nuisance that is currently being caused by the parked vehicles.

The property previously has two un-obstructed parking spaces on-site, however, the proposed side extension has resulted in the loss of a parking space to the side of the house. Consequently, the proposed development has resulted in an increase in habitable accommodation but a decrease in on-site parking spaces. However, significant weight should be given to the fallback position that the change of use from a dwellinghouse (Use Class C3) to a house in multiple

occupation with a maximum of 6 occupants (Use Class C4) does not require planning permission. As such, the original house could have added a single storey side extension (resulting in the loss of a parking space) under permitted development and could have been converted to a 6 person HMO without needing planning permission. Taking the fallback position into account, a reason for refusal based on insufficient on-site parking could not be substantiated. However, it would be necessary to attach a condition restricting the number of occupants to 6 people to ensure that change of use from Class C3 to Class C4 is a genuine fallback position. Moreover, it should be borne in mind that the application site is close to a designated neighbourhood centre and associated public transport and local shops.

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 alterations shown on drawing No. MG/002/F Rev F, received by the Local Planning Authority on 12th September 2014, including the removal of kitchen units, internal bedroom partition walls, W.C. and shower room; demolition of the single storey addition on the south-western side of the house; and provision of escape windows to front and rear elevations of the side extension hereby approved, shall be implemented by 16th December 2014.

Reason: To ensure that a satisfactory standard of accommodation is provided and to ensure that the proposed house in multiple occupation would not adversely effect the amenity and appearance of the surrounding area.

2. Unless otherwise agreed in writing by the Local Planning Authority, a 1m high brick boundary wall shall be erected adjacent to the side boundary with No. 883 St. Albans Road and adjacent to the front boundary, as shown on drawing No. MG/801/B Rev B received by the Local Planning Authority 12th September 2014. The boundary wall shall be erected by 16th December 2014 and shall be retained at all times thereafter.

Reason: To prevent vehicles bumping the kerb and utilising the vehicular crossover of No. 883 St. Albans Road, to protect the amenity and appearance of the surrounding area, and to avoid an adverse effect on highway safety.

3. The property shall not be occupied by more than 6 people.

Reason: To ensure that the accommodation has sufficient amenities to meet the needs of the occupants; to prevent over-crowding of bedrooms; and to limit the impact on the surrounding area, including parking and traffic generation.

4. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturday, 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.

5. Details of the siting, size and design of refuse, recycling and cycle storage shall be submitted to the Local Planning Authority for approval by 16th November 2014. The storage facilities shall then be installed in accordance with the approved details within one calendar month of the written approval of the Local Planning Authority. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and to ensure that sustainable transport objectives are met.

6. This permission shall relate to the plans and application form as amended by the drawings received by the Local Planning Authority on 12th September 2014.

For the avoidance of doubt as to what has been permitted.

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.

Drawing numbers

MG/001/D Rev D; MG/002/F Rev F; MG/701/A Rev A; MG/801/B Rev B;
MG/802/E Rev E

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