

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **16th December 2014**

Site address: **Rear of 31
Nascot Wood Road
(Access From Lingfield Way)
Watford**

Reference Number : **14/01326/FUL**

Description of Development: **The construction of 2 No. detached houses
with associated parking and landscaping.**

Applicant **Newhomes Estates Ltd**

date received: **15th September 2014**

8wk date(minor): **17th December 2014**

Ward: **NASCOT**

SUMMARY

Full planning permission is sought for the erection of two detached houses at the rear of 31 Nascot Wood Road. The houses will form an extension to the cul-de-sac of Lingfield Way.

The application is resubmission of a previously refused application for two detached houses (14/00692/FUL). The previous scheme would have resulted in harm to the amenities of occupiers at the adjacent properties Nos. 21 and 23 Wentworth Close. The previous application also failed to include a Unilateral Undertaking to secure the financial contributions sought for new residential development.

The revisions under the current scheme have included the repositioning and redesigning of plot 1 to remove any unacceptable impact to Nos. 21 and 23. The proposed dwelling on this plot would now be of a height, distance and relative position to Nos. 21 and 23 that would not create unreasonable harm to the daylight and outlook of the occupiers and would not create an overbearing impact. Plot 1 would be set in at a minimum distance of

4m to its side boundary which also forms the rear garden boundary of Nos. 21 and 23 and the side of plot 1 would also be substantially screened by the mature protected trees along the side boundary of the application site. The position, width and height of plot 1 behind and above these mature trees would not be noticeable and would not create an increased sense of enclosure over the existing situation. Plot 1 would not infringe a 25 degree line from the ground floor patio doors of No. 23, which is the nearest potentially affected window, indicating that the light and outlook from the rear of Nos. 21 and 23 would be maintained. First floor side windows are obscurely glazed to avoid any loss of privacy.

In all other respects the development is considered to be acceptable and in accordance with the Council's adopted policies and guidance. Although the development would be within back garden land, the existing access from Lingfield Way allows the two proposed properties to form a natural continuation of this development with suitable access and legibility. The form, design and scale of the detached houses is entirely in keeping with those within the street scene and along Lingfield Way. Plots 1 and 2 have on site parking provision for 4 and 3 cars respectively within garages and driveway areas thus providing ample off road parking. The proposed development would not result in harm to the amenities, light, outlook or privacy of other neighbouring occupiers.

A unilateral undertaking has been completed for this application and secures the appropriate financial contributions for community facilities to support the new residential development.

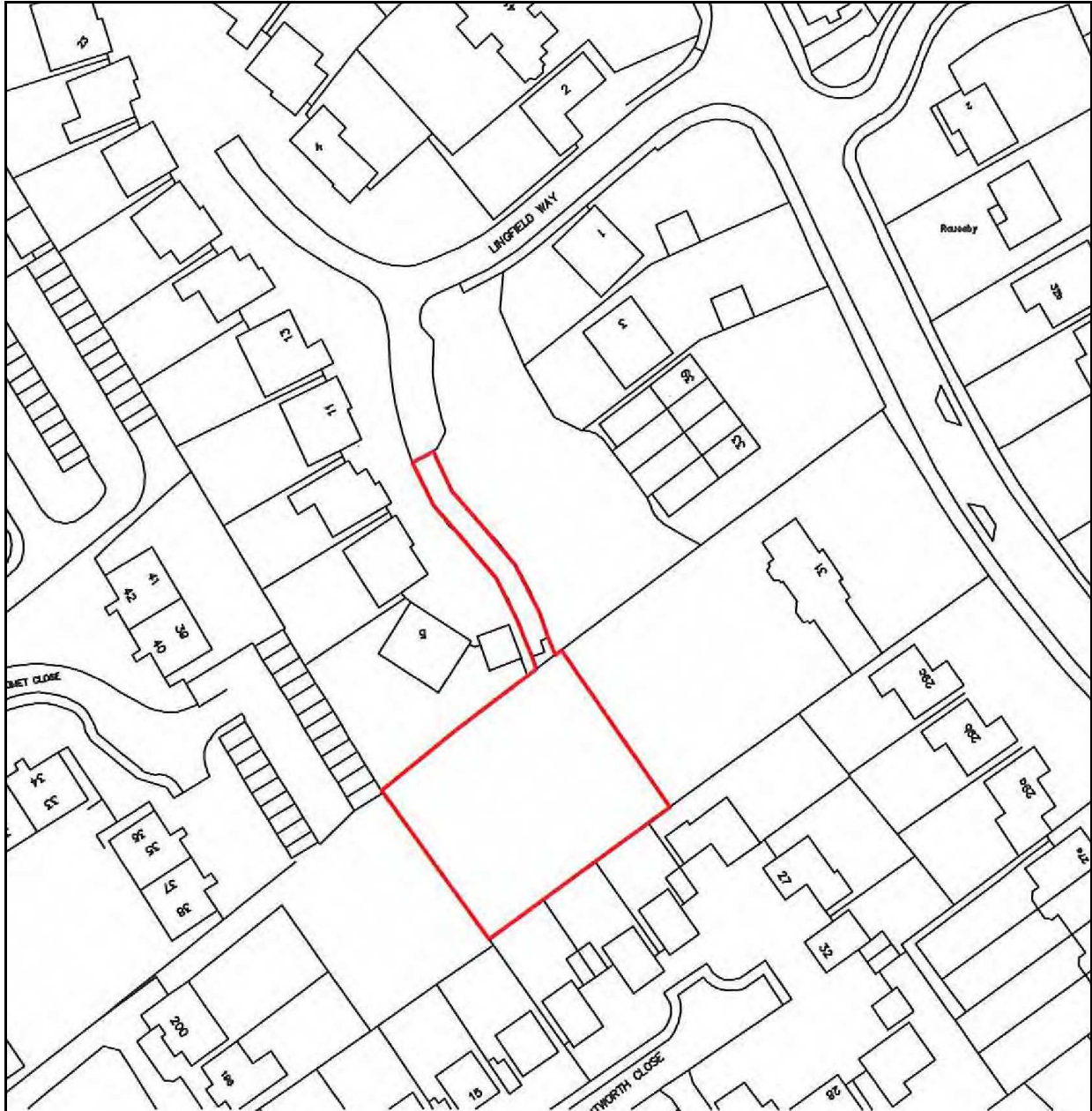
The Development Management Section recommends the application be approved, subject to the recommended conditions, as set out in the report.

BACKGROUND

Site and surroundings

This backland site is a roughly square plot currently forming the end of the rear garden of 31 Nascot Wood Road. The site is to the rear of Nos. 19, 21, 23 and 25 Wentworth Close

which are to the south-east and to the rear of Nos. 198 and 200 Hempstead Road which are to the south-west. Adjacent to the north west boundary of the site is the side boundary of No 5 Lingfield Way.



Location plan

The access to the north west, from the cul-de-sac of Lingfield Way, is included in the application site. This access is an un-adopted and privately owned road which leads up to the boundary of the site and which currently serves Nos. 5 and 7 Lingfield Way.

The housing in Lingfield Way is itself a relatively modern development (97/00195/FUL) of 21 detached 4/5 bedroom dwellings with a new access from Nascot Wood Road. The detached dwellings occupy generous plots with garages and driveway parking spaces for 3 to 4 cars per property.

The land within the application site has a slight slope down from south to north with an increased gradient from the north-west site boundary sloping down to Lingfield Way.

The northern boundary of the site is covered by TPO 153 although the protected trees are located outside the application site.

The site is not within a Conservation Area.

Proposed development

The application proposes the erection of two detached houses, as follows:

- Access from Lingfield Way over existing private access. This will be continued to create a new private road within the site leading to the two properties.
- Plot 1:
 - 4 bedrooms
 - Two storey house:
 - Eaves: 5.3m
 - Ridge: 8.9m
 - Depth: 12.75m
 - Width: 8.7m
 - Single storey rear garden room of 3.8m depth
 - No loft accommodation
 - Detached double garage, flat roof height 2.9m
 - Double garage and 2 parking spaces on drive (total 4 spaces)

- Plot 2:
 - 6 bedrooms (including 2 loft rooms approached by stairs)
 - Two storey house:
 - Eaves: 5.3m
 - Ridge: 9.5m
 - Depth: 12.7m max
 - Width: 11m
 - Single storey rear garden room of 3.2m depth
 - Two rooms in loft space served by roof lights
 - Integral large single garage and 2 parking spaces on drive (total 3 spaces)

Planning history

86/00280/OUT Conditional Outline Permission 30.07.1986 - Erection of 2 detached bungalows and access road.

89/00353/OUT Conditional Outline Permission 23.11.1989 - Erection of two detached bungalows and access road.

90/00345/FUL Withdrawn 11.04.1991 Detached house.

01/00199/TPO TWAC 02.04.2001 To lop overhanging trees (TPO No 153)

13/00099/PREAPP Pre-application enquiry for the construction of two houses.

Advice:

- The development would form an extension to Lingfield Way so is acceptable in principle;
- It is recommended the scale of the proposed dwelling is reduced by reducing the ridge heights and amending the half-hipped roofs to hip roofs to minimise the bulk of buildings;
- Concern that there would be impact on No. 23 Wentworth Close from Plot 1, the reduction in scale should go some way to reduce this;

- Residential amenity and garden areas are all acceptable;
- An arboricultural assessment should be submitted with an application with regard to the preserved trees on site.

14/00692/FUL Erection of 2 no. detached houses with associated parking and landscaping. Refused Planning Permission 08.07.2014

Reasons:

1. The development would unacceptably harm the amenities of the neighbouring occupiers of Nos. 21 and 23 Wentworth Close. By virtue of the depth, height and proximity of plot 1 to the properties and rear gardens of Nos 21 and 23 Wentworth Close, the building would result in an unacceptable loss of daylight and outlook to the properties and present an overbearing impact to the occupiers. As such, the proposed development would adversely affect the residential amenities of the neighbouring occupiers, contrary to Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and provisions of the Residential Design Guide Volume 1: Building New Homes.
2. 3. 4. and 5. A unilateral undertaking had not been completed to secure a financial contributions towards the provision and improvement of public open space, children's play space, library facilities, education facilities, childcare facilities, youth facilities and sustainable transport as is sought for all new residential development.

Lingfield Way planning history (33-51 Nascot Wood Road):

97/0195/9 Conditional Planning Permission - Demolition of Nos. 33, 45 and 47 Nascot Wood Road. Alterations to No.41 Nascot Wood Road with new double garage. Erection of 21 new 4/5 bed detached houses with associated garages and access

Relevant Policies

National Planning Policy Framework

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 Review 2002-2016

No relevant policies.

Watford Local Plan Part 1: Core Strategy 2006-2031

SD1	Sustainable Design
SS1	Spatial Strategy
UD1	Delivering High Quality Design
INF1	Infrastructure Delivery and Planning Obligations
T4	Transport Assessments
T5	Providing New Infrastructure
HS2	Housing Mix

Watford District Plan 2000 (saved policies)

H9	Back Garden Development
L8	Open Space provision in housing development
L9	Children's Play Space
H10	Planning agreements for educational and community facilities
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development

Supplementary Planning Guidance

Residential Design Guide – July 2014 (RDG)

Watford Character of Area Study (SPD adopted Dec 2011)

SPG10 - Open Space Provision

Neighbour consultations

Letters were sent to 28 properties in Wentworth Close, Lingfield Way, Nascot Wood Road, Bromet Close and Hempstead Road. Six response have been received citing the following objections:

Impact on neighbouring properties

- The scale, height, proximity and depth of Plot 1 will impact on the daylight, sunlight and outlook of Nos. 21, 23 and 25, creating an overbearing and overshadowing impact, contrary to Policy U2 of the Core Strategy Part 1 which requires satisfactory levels of daylight and sunlight.
- Particular harm to Nos. 21 and 23 which will face mass of brickwork. The amendments to set plot 1 a further 800mm away and the reduction in height are insignificant to overcome this.
- The creation of a detached garage will not overcome the impact of plot 1 to Nos. 21 and 23. The garage is also closer to the boundary.
- The garden of No. 23 would be substantial enclosed with buildings to all sides, contrary to Policy H7 of the Watford District Plan 2000 which required no harm to nearby living conditions.
- Overbearing on Nos. 5 and 7, loss of light and outlook to No. 5 due to height and depth of dwellings. Access to airways and satellite signals will be denied to No. 5.
- Overlooking and loss of privacy to Nos. 5 and 7.
- Harm to right to quiet enjoyment of No. 7 due to additional traffic.
- The adverse impact of the development upon Human Rights of 3rd parties far outweighs the impact upon Human Rights of the applicants.
- Unfair distress to neighbours is being caused by the applications.

Access, congestion and parking

- The first plans submitted for this second application omitted the access as being within the application site. Is access proposed from Nascot Wood Road?

- The ownership and rights to the shingle path to the front of Nos. 5 and 7 Lingfield Way is questioned and will be legally challenged. The rights of Nos. 5 and 7 have not been considered and those properties have not been consulted. Planning permission should not be granted without consideration to access.
- There are no rights for lorries to access the private access.
- There is no proper access as required by Policy H9 of the Watford District Plan 2000.
- Nos. 5 and 7 have shared use of the access for parking. No alternative is proposed.
- The application forms states that no public roads and no public rights of way are to be created. This is incorrect.
- No street-lighting is proposed by the Council.
- Development would create further congestion and parking issues on Lingfield Way and prevent existing residents from accessing their properties and parking outside their properties. Contrary to the design, amenity and housing policies of PPS1 and PPS3.
- Cars at Plot 1 do not have a turning area and would be unable to leave the site in forward gear. The Highway Authority has raised this issue but not recommended refusal.
- The additional traffic will pose a danger to children playing on the green field.
- Bins left in boundaries will create a barrier to vehicles.

Other

- The development is too large in width and height for the site and context.
- Schools in the area are oversubscribed.
- The proposed development would neglect the protection of the green open space opposite Nos. 5 and 7.
- The conifer and laurel between Wentworth Close and Plot 1 would be at risk and should be retained and protected to protect neighbours amenity and to protect natural habitats.
- Due to ground level changes the site would be required to be excavated to allow for the houses at the heights shown which would destabilise the trees.

- The loft room of Plot 1 could be converted to habitable space.
- Previously approved single storey buildings (2 bungalows in 1986 and 1989) would be more suitable.
- The report for the previous refused decision (14/00692/FUL) failed to consider the impact to Lingfield Way properties.
- The Council is interested in extracting cash revenue to the detriment of residents.
- There is an ongoing boundary dispute.
- Boundary fences have not been maintained so no intruder prevention in place.

Statutory 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 does not wish to restrict the grant of permission subject to the following conditions:

1. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as an ancillary to the development. Reason: Such that adequate parking provision is made to meet the needs of the development both now and in the future.
2. 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 with the highway authority prior to commencement of the development. Reason: In the interests of highway safety and free and safe flow of traffic.
3. Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the agreed method shall be operated at all times during the period of site works. Reason: To minimise danger, obstruction and inconvenience to users of the highway.

4. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works. Reason: To minimise danger, obstruction and inconvenience to users of the highway.

INFORMATIVE:

The applicant states that there are 2 parking spaces associated with the proposal Plot 1. The Highway Authority has concerns with the manoeuvrability of vehicles within the proposed parking arrangement. From the details submitted – drawing No. 13/3286/5, the information shows that there may not be sufficient turning movement area available for vehicles to drive out the proposed site in forward gear.

Comments

The proposal is to construct of two detached houses with associated parking and landscaping at the rear of 31 Nascott Wood Road, off Lingfield Way. Lingfield Way is an unclassified road with speed limit of 30mph which it is also a cul-de-sac.

The Highway Authority does not consider the additional dwellings will materially increase traffic movements on the neighbouring roads therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The proposal results in 1x4+bed (sic) additional dwelling and the applicant should be advised that this development would attract a contribution towards but not limited to sustainable transport measures identified in the South West Hertfordshire Transportation Plan and subsequent transport plans. Under these circumstances, the Highway Authority has no objection to this proposal and recommends permission is granted subject to the completion of an Agreement to secure a financial contribution of £3,000 and subject to the conditions set out above.

Conclusion

The proposals are not considered to greatly impact upon the highway safety or capacity subject to conditions. It is considered acceptable to the Highway Authority.

Arboricultural Officer

My comments for this scheme remain the same as those for the previously refused scheme (14/00692/FUL). In fact the reduced size of plot 1 will also benefit the retention of the conifer hedge. I note that details of tree protection fencing have not been submitted with this application: submission and approval of these should be made a condition of any consent granted.

Note: The previous comments from the Arboricultural Officer were as follows: "Whilst the submitted drawing show details of protected trees on the adjacent site (part of G1 TPO 153), since the survey was done T43 & T4 have been pollarded and a much smaller root protection area is now applicable. The loss of non-protected trees (G9 on submitted plans) is considered acceptable as they are in poor health, with many showing crown die-back and are not readily visible from outside the site. The location of the tree protection fencing as shown on the submitted drawing is also considered acceptable."

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 (adopted January 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*; and
- d) the Hertfordshire Minerals Local Plan Review 2002-2016.

Layout, siting and design

The development would constitute backland development; however, the proposed access via the existing private road at Lingfield Way would allow the two properties to form a natural continuation of this cul-de-sac with suitable access and legibility.

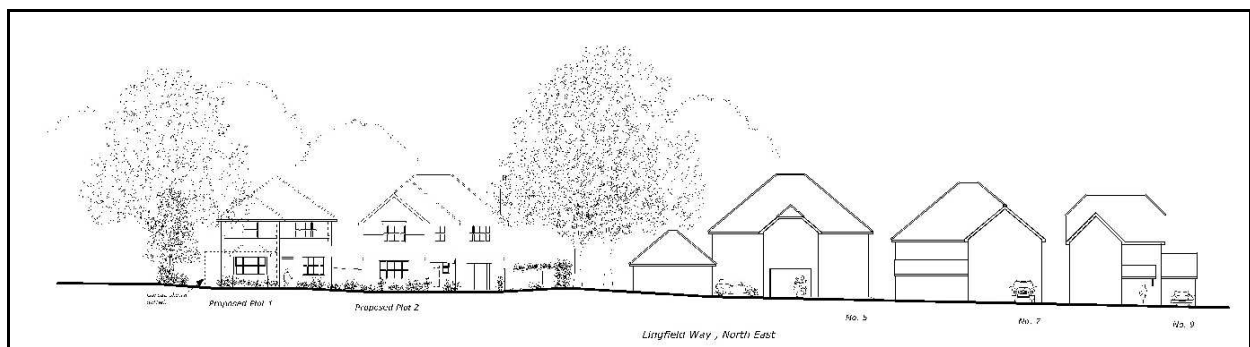


Site plan

The current end property of Lingfield Way, No 5, does create some visual end punctuation to the group by virtue of its angled orientation and its detached single garage acting as an end focal point. However, the existing access road does continue past No. 5 allowing for

the natural continuation of the development. The garage of Plot 1, being at the head of the extended cul-de-sac, would create the new end focal point for this branch of the cul-de-sac.

The form, layout, siting, proportions, roof design and design detailing of the two houses would be very similar to those of the existing Lingfield Way properties, which would serve to emphasise the natural continuation of the street scene. The substantial detached houses on generous plots would entirely reflect the housing type and density of the street scene and surrounding area. Indeed the spaces between Plots 1 and 2 and between Plot 2 and the existing No. 5 are more generous than the spaces between the existing Lingfield Way properties. The height and roof mass of the proposed dwellings have been reduced from the proposal that was submitted at the pre-application stage, in order to achieve a suitable design in this visual context. The height, depth and bulk of the house on Plot 1 has also been further reduced from the previously refused scheme.



Street scene

The ground level from Lingfield Way rises up to the application site; however, because the height of the proposed dwellings is less than the height of No. 5 Lingfield Way, the result will be an approximately level ridge height. The building heights, the space between buildings and the angled relationship between No. 5 Lingfield Way and the dwelling on Plot 2 address the change in levels well, thus ensuring that the new properties are not raised up or unduly prominent in the street scene.

Impact on neighbouring properties

Impact on Wentworth Close properties

The properties at Nos. 19, 21, 23 and 25 Wentworth Close are adjacent to the south east boundary of the application site. Nos. 21 and 23 back onto the site where the dwelling on Plot 1 is proposed and will face towards the side elevation of that house.

In the previously refused scheme (14/00692/FUL) the relationship of the proposed house on Plot 1 would have been at a distance and relative position that would have resulted in an overbearing impact on Nos. 21 and 23 and would have unacceptably reduced the outlook and daylight at these properties and within their rear gardens. The house at Plot 1 has been amended successfully to overcome the severity of these impacts by increasing the distance of the house from the shared boundary, reducing the height of the ridge, reducing the depth and, overall, reducing the bulk of the proposed dwelling as seen from the rear of Nos. 21 and 23.

The rear gardens of Nos. 21 and 23 are comparatively shallow; following a rear extension, the minimum rear garden depth of No. 23 is 8.9m. The rear garden depth of No21 is 12.5m. The house on Plot 1 is set at a minimum distance of 4m beyond the rear boundary of No. 21 and a minimum distance of 4.3m beyond the rear boundary of No23.

The proposed houses are to the north of the Wentworth Close properties, which means that there would not be an overshadowing impact or any loss of direct sunlight. It is therefore not appropriate to use the full guidance of the BRE guidance document "Site Layout Planning for Daylight and Sunlight: Good Practice" (1991). The "25 degree rule" of the BRE guidance and as set out in section 7.3.13 of the Residential Design Guide is, however, an appropriate indicator of an acceptable relationship between new development in the proximity of existing homes. Applying this test to No. 23, which is the nearest and potentially the most affected property, from the centre point of the rear patio doors of No. 23 a 25 degree line from the horizontal at that point will not be infringed by the proposed house on Plot 1. This confirms that there will be an acceptable relationship between the two properties and that the daylight and outlook to the rear of No. 23 would

not be unacceptably harmed. This is unlike previous application where the 25 degree line from the rear of No. 23 was infringed by the proposed development.

The proposed development will also avoid creating an undue overbearing impact on the rear gardens of Nos. 21 and 23. The garden at No. 23 is particularly enclosed at present due to its shallow depth and the garage of No. 25 sited along the north east boundary of the rear garden. The previously refused scheme proposed a two storey house on Plot 1 spanning the full width of the rear boundary of No.23 which would have resulted in the total of the rear garden. The depth of the two storey element of the house at Plot 1 under this revised scheme has been reduced, along with the height. The distance to the boundary has also been increased. The bulk, width and proximity of the house on Plot 1 has been therefore been substantially reduced such that it will not result in an unacceptably overbearing or enclosing impact on either No. 21 or No. 23.

There is also considerable natural screening along the south east boundary of the site, adjacent to the Wentworth Close properties, which is afforded by the row of Leyland Cypress. As existing, these trees not only have a notable impact on the light and outlook to the rear of Nos. 21 and 23 but will also provide a substantial screen to the side wall of the house on Plot 1 when viewed from Nos. 23 and 25. The two storey house, being 4m minimum away from the common boundary, would not be significantly visible above and behind these trees, such that the proposed development would not result in any significant change to the existing situation. These trees will be retained within the proposed development and appropriate conditions can ensure the protection of the trees during the period of construction works.

The side elevation of the house on Plot 1 includes two first floor windows that would face the rear of the Wentworth Close properties. However, these serve bathrooms and the landing and are shown to be obscurely glazed. A condition can be imposed to ensure that the obscured glazing is retained and that any opening element is restricted so as to protect the properties in Wentworth Close from overlooking or loss of privacy.

The other properties in Wentworth Close, namely Nos. 19 and 25, would not be affected due to the relative position of the development to these properties and their gardens.

Impact on other surrounding properties

The house on Plot 2 would be located adjacent to and to the south east of No. 5 Lingfield Way. It is, however, set roughly in line with No. 5, with a 5m gap to the shared side boundary and a 13.5m distance to the side of No. 5. The habitable room windows and rear garden of No. 5 would be unaffected. There may be some loss of light and outlook for the side garden of No. 5 and behind their garage; however, this would be minimal and the windows and main rear garden of Nos. 5 and 7 would be unaffected. The position of the house on Plot 2 would be within the 'privacy arc' as set out in the RDG guidance and would not result in overlooking of No. 5.

The two proposed properties have minimum rear garden depths of 14.6m and back to back distances of well over 27.5m are maintained ensuring that the development would not create overlooking to the rear of Nos. 198 and 200 Hempstead Road. There is a minimum 46m distance between the fronts of the proposed properties and the rear of No 31 Nascot Wood Road and a minimum 10m distance to the shared boundary, in accordance with the RDG, which will ensure no loss of privacy to this property.

The development of two houses, within what is currently an area of garden, would clearly represent a change for surrounding neighbours. However, due to the design, position, orientation and distance of the two proposed houses in relation to all surrounding properties, there would be no unacceptable harm to the light, outlook, privacy or other amenities of the surrounding neighbours.

Residential amenity

The proposed dwellings would provide substantial living accommodation well in excess of the minimum standards. The 2nd floor 'attic space' and 'store' of Plot 2 are accessed by a stair case from the first floor, so it is to be expected that these rooms would be used as habitable space. The rooms have limited floor space of a suitable internal height and no

outlook, served only by roof lights; however, as the house has 4 substantial en-suite bedrooms at the first floor, the limitations of the loft rooms would not be at all detrimental to the living environment provided by the property.

The rear garden sizes and depths are well in excess of the minimum RDG guidance. Due to the relative distances and positions of properties and trees, the proposed dwellings would have suitable privacy and amenity.

Trees and landscaping

The trees shown to be retained would ensure that the treescape and visual amenity of the site would be maintained. Some cypress trees and shrubs not included in TPO 153 are shown as to be removed to allow for the development. However, their removal would not have an adverse impact on visual amenity or the amenity of neighbours occupiers. The Arboricultural Officer has no objection to the removal of these trees as they are in poor health, with many showing crown die-back and are not readily visible from outside the site.

An appropriate condition can require full details of the tree works proposed, together with tree protection measures as recommended by the Arboricultural Officer.

Access, parking and highway implications

The existing private access way is proposed to serve to development and to allow access to the publicly adopted highway of Lingfield Way. The private access is an area of un-tarmaced road; however, it is suitable to serve as a private access to the two proposed dwellings as well as the two existing properties at Nos. 5 and 7 Lingfield Way. Indeed, this is the same arrangement that can be seen at the end of the northern branch of Lingfield Way where there is a similar un-adopted and privately owned road, in that case serving six properties.

It is noted that the private access is not within the same ownership as the main development site. Consequently, the appropriate rights or ownership will need to be secured in order to carry out the development. However, the access is suitable in planning

and highway terms and the fact that the part of the application site containing the access is not owned by the applicant does not affect or prevent the grant of planning permission. Indeed, none of the application site is currently owned by the applicant, but this does not prevent the applicant from applying for permission to develop the land, because a grant of planning permission does not override ownership rights.

The house on Plot 1 has two off-road parking spaces and a double garage (total 4 spaces). The house on Plot 2 has two off-road spaces plus a large single garage (total 3 spaces). This provision is more than sufficient to meet the needs of the dwellings in this location and accords with the Council's adopted policies on maximum parking standards. This level of provision is also consistent with the parking provision for the existing Lingfield Way properties which have 3 to 4 spaces per dwelling including garages and driveway spaces.

As noted by the Highway Authority, following the amendments to create a detached single storey garage on Plot 1, the current proposal does not include an area for vehicles at Plot 1 to turn around in order to leave the site in forward gear. The access itself is not wide enough to allow for such a manoeuvre. As presently shown, vehicles at Plot 1 would need to reverse down the full length of the private access to the adopted part of Lingfield Way in order to turn around. Although this is unacceptable as currently proposed, the problem can be easily overcome as there is sufficient space at the front of Plot 1 to allow for hard standing to be created for a turning area. An appropriate condition is recommended to secure the provision and retention of such an area, as well as the provision and retention of all parking areas proposed within the development.

Refuse, recycling and cycle storage

There is sufficient access and space for refuse, recycling and cycle storage to be included without harm to the street scene and this can be secured by condition.

New housing provision

The scale, form and tenure of housing would be consistent with the character of housing in the area. The proposed dwellings would contribute towards the provision of housing pursuant to Policies HS1 and HS2 of the Core Strategy 2006-2031.

Section 106 planning obligation (unilateral undertaking)

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.

In November 2014, the Government amended the National Planning Practice Guidance (NPPG) relating to planning obligations. This Guidance now suggests that "due to the disproportionate burden of developer contributions on small scale developers, for sites of 10 units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions." 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 tariff based contributions, as referred to in the amendment to the NPPG. However, the Government's changes are only to 'guidance'; there has been no change to the National Planning Policy Framework nor, more importantly, does this change affect or override the policies in the development plan by which the Council requires such contributions to be made. Moreover, in this case, a unilateral undertaking has already been completed in respect of this proposed development, as set out below.

The contributions sought 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 the Council's adopted 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.

For the development proposed, the following contributions have been sought:

Primary education:	£8413
Secondary education:	£10085
Nursery education:	£1004
Childcare:	£443
Youth facilities:	£187
Library facilities:	£506
Sustainable transport:	£3000

Total payable to Hertfordshire County Council: £23638

The Unilateral Undertaking also secures the provision of fire hydrants, if required.

Public open space:	£4944
Controlled Parking Zone	£0
Children's play space:	£1970
Monitoring fee:	£350

Total payable to Watford Borough Council: £7264

A Unilateral Undertaking has been entered into by the owners of No. 31 Nascot Wood Road and is dated 2nd December 2014. This secures the contributions to support the new homes as set out above.

The access at Lingfield Way is included in the application site. However, it is under separate ownership to the main part of the site at 31 Nascot Wood Road. Following advice from the Council's solicitor, it is not considered necessary for the owner of the access to be a party to the Unilateral Undertaking.

Consideration of objections received

Objections	Officer's response
<i>Impact on neighbouring properties</i>	
<p>The scale, height, proximity and depth of Plot 1 will impact on the daylight, sunlight and outlook of Nos. 21, 23 and 25, creating an overbearing and overshadowing impact, contrary to Policy U2 of the Core strategy Part 1 which requires satisfactory levels of daylight and sunlight.</p>	<p>As discussed in the report, it is not considered that the amenities of neighbouring properties would be affected. The distance, orientation and position of the proposed houses in relation to neighbours would not create unacceptable harm to light or outlook.</p>
<p>Particular harm to Nos. 21 and 23 which will face a mass of brickwork. The amendments to set Plot 1 a further 800mm away and the reduction in height are insignificant to overcome this.</p>	<p>The view of the side of the house on Plot 1 is substantially screened by the existing trees which will be retained. Over and beyond the trees, the amended house on Plot 1 will not create undue harm or result in dominance to these properties. The amendments to the height and distance of the house on Plot 1 have ensured that a 25 degree line from the rear ground floor patio doors of No. 23 are not infringed. This is unlike the previous scheme. The depth of the two storey building has also been reduced to minimise any sense of enclosure to No. 23, as discussed above.</p>

<p>The creation of a detached garage will not overcome the impact of the house on Plot 1 to Nos. 21 and 23. The garage is also closer to the boundary (1m away).</p>	<p>The creation of a detached garage and other amendments to Plot 1 have substantially reduced the bulk and width of the main two storey property as viewed from No. 23. The garage may be closer to the boundary; however, a 1m gap is maintained and the garage is single storey with flat roof at 2.9m high. This would therefore be barely visible through the trees along this boundary.</p>
<p>The garden of No. 23 would be substantially enclosed with buildings to all sides, contrary to Policy H7 of the Watford District Plan 2000 which requires no harm to nearby living conditions.</p>	<p>It is noted and discussed in the report that there is a significant degree of enclosure to the rear garden of No. 23 as existing due to the extension at No. 23, the shallow depth of its rear garden (8.9m), the trees along the full width of the rear boundary and the tall garage of No. 25 which is positioned along the north east side boundary. The amended house on Plot 1 would be of a height, width and distance from No. 23 that would not create any significant change to this existing situation. In particular, any view of the new house above and behind the trees would be minimal. Policy H7 of the Watford District Plan 2000 is superseded by the Core Strategy; however, the same principle applies in terms of the impact on living conditions.</p>
<p>Overbearing on Nos. 5 and 7, loss of light and outlook to No. 5 due to height and depth of dwellings. Access to airways and satellite signals will be denied to No5</p>	<p>Plot 2 would lie to the south east of No. 5 and would be set to the same front and rear building lines of No. 5. There would however be a distance of 5m from the side of the house on Plot 2 to the shared side boundary and a 13.4m minimum distance between the house on Plot 2 and the side of No. 5. This is a more generous distance between buildings than is seen within Lingfield Way. Any</p>

	<p>loss of light or outlook would be to the side of No. 5 only. Any change in light or outlook would be very minor and would not be detrimental to the overall living environment of the property. The distances and the relationship between the house on Plot 2 and No. 5 will ensure that the main front and rear habitable room windows and the rear garden of No. 5 would be entirely unaffected. Indeed, the house on Plot 2 would have a substantially lower impact on No. 5 than arises from the existing relationship between No. 5 and No. 7, because of the relative depth and proximity of No. 5 to No. 7. The depth of the house on Plot 2 adjacent to No 5 is in fact less than the depth of No. 5 itself. The heights of the new houses are also less than the height of No 5.</p>
<p>Overlooking and loss of privacy to Nos. 5 and 7</p>	<p>Side windows would be obscurely glazed and fixed closed by condition. The rear windows of the house on Plot 2 would overlook their own rear garden with only angled views to the garden of No. 5 as is common in a suburban area. Indeed the rear garden of the house on Plot 2 would be overlooked more by No. 5 than vice versa.</p>
<p>Harm to right to quiet enjoyment of property (No. 7) due to additional traffic.</p>	<p>The use of the access road to the front of Nos. 5 and 7 to serve an additional two dwellings will create additional movements. However, the number and frequency of these additional movements are not likely to give rise to substantial harm. It is also noted that planning permissions (granted in 1986 and 1989) for the development of two dwellings at the application site were in place prior to the</p>

	<p>permission, construction and occupation of the houses in Lingfield Way. The access in front of Nos. 5 and 7 leads past No. 5 to the application site suggesting that it was intended to be extended to the site where planning permission had previously been granted. The omission of Nos. 1 and 3 in the street numbering of Lingfield Way also suggests that the future development of this site with two properties was taken into account.</p>
<p>The adverse impact of the development upon Human Rights of 3rd parties far outweighs the impact upon Human Rights of the applicants.</p>	<p>This is not agreed. The assessment of the development against the relevant planning policies and guidance indicates that there would be no unacceptable harm to neighbours. Consequently, a refusal of planning permission on such grounds would be unreasonable and challengeable on appeal.</p>
<p>Unfair distress to neighbours is being caused by the applications.</p>	<p>Whilst this is appreciated, there is nothing to prevent anyone from submitting applications for planning permission which the Council is under a legal duty to consider. Neither this nor the fact that any development will result in a change in the locality constitute reasons for refusing planning permission.</p>
<p><i>Access, congestion and parking</i></p>	
<p>The first plans submitted for this second application omitted the accessway as being within the application site. Is access proposed from Nascot Wood Road?</p>	<p>The access from Lingfield Way is the only proposed access to the two houses. The original site location plan for this application did not include the access as part of the application site, but this was amended by the submission of a new site location plan dated 14th October 2014.</p>

<p>The ownership and rights to the accessway to the front of Nos. 5 and 7 Lingfield Way is questioned. The rights of Nos. 5 and 7 have not been considered and those properties have not been consulted. Planning Permission should not be granted without consideration to access.</p>	<p>The ownership, rights and responsibilities relating to this access are legal and civil matters and are not material planning considerations. In planning and highway terms the access is acceptable to serve the two properties. However, a grant of planning permission does not override property rights; if the necessary ownership or rights over this access cannot be achieved for whatever reason, then any planning permission that may be granted cannot be implemented.</p>
<p>There are no rights for lorries to access the private access.</p>	<p>This is not a material planning consideration.</p>
<p>There is no proper access as required by Policy H9 of the Watford District Plan 2000.</p>	<p>The access is suitable in planning and highway terms. It allows for a natural continuation of Lingfield Way, and it is of a suitable width and surface for the number of properties that it will serve. Indeed, it is the same arrangement as is seen at the northern branch of Lingfield Way where a similar private road serves six properties. Securing the necessary rights to the access to enable the development to be carried out is a legal matter and does not affect a decision on whether to grant planning permission.</p>
<p>Nos. 5 and 7 have shared use of the accessway for parking. No alternative is proposed.</p>	<p>Any such arrangement for parking on private land would be a civil matter between the land owners. Nos. 5 and 7 each have double garages and large driveways which together allow for a minimum of four parking spaces for each property.</p>
<p>The application forms states that no public roads and no public rights of way are to be created.</p>	<p>The access as existing is not adopted by the Highway Authority and is privately owned. It is therefore not a public road. There is no indication</p>

<p>This is incorrect.</p>	<p>within the application that it is proposed to change this arrangement; consequently, there is no error on the application form.</p>
<p>No street-lighting is proposed by the Council.</p>	<p>The access as existing is not adopted by the Highway Authority and is privately owned. Hertfordshire County Council is the authority responsible for street lighting in relation to public roads. The owner of the access can decide whether or not to provide lighting but there are no planning reasons arising from the proposed development to require this to be done.</p>
<p>Development would create further congestion and parking issues on Lingfield Way and prevent existing residents from accessing their properties and parking outside their properties, contrary to the design, amenity and housing policies of PPS1 and PPS3.</p>	<p>The proposed dwellings are shown to have two driveway spaces each plus a double garage for Plot 1 and a single garage for Plot 2. The provision of four and three spaces respectively adequately meets the parking needs for the development, in accordance with the Council's adopted parking policy. The provision of two additional dwellings in a cul-de-sac of 14 properties represents a very small increase and, as the Highway Authority has concluded, it is not likely to result in any significant impact on the safety and operation of the adjacent highway.</p>
<p>Cars at Plot 1 do not have a turning area and would be unable to leave the site in forward gear. Hertfordshire Highways have raised this issue but not recommended refusal.</p>	<p>This is agreed. The parking area for the house on Plot 1 and the width of the access would not be sufficient to allow for vehicles to turn round. As discussed in the report, there is sufficient space to provide a turning area, and this can be required by a planning condition.</p>

<p>The additional traffic will pose a danger to children playing on the green field.</p>	<p>This open area, which owned and maintained by the Council, is situated adjacent to the existing road and access. The additional traffic movements associated with two new houses will not make a significant difference to the existing situation. However, the lack of a turning area for vehicles at the house on Plot 1 would be likely to result in cars reversing down the access which is likely to be a risk to highway safety. However, this can be resolved by requiring a turning area to be provided.</p>
<p>Bins left on boundaries will create a barrier to vehicles.</p>	<p>Adequate provision is made in the proposed development for refuse and recycling storage.</p>
<p><i>Other</i></p>	
<p>The development is too large in width and height for the site and context.</p>	<p>The scale of the houses, their proportions, garden sizes and spaces between buildings would be very similar to the existing development in Lingfield Way. The density, width, height and form is therefore in keeping with Lingfield Way. Moreover, as has been noted above, the spaces between the proposed houses and between the house on Plot 2 and No. 5 Lingfield Way are more generous than those on the existing development in Lingfield Way.</p>
<p>Schools in the area are oversubscribed.</p>	<p>The Unilateral Undertaking contains financial contributions from the developer to Hertfordshire County Council for the provision of education facilities.</p>
<p>The proposed development would neglect the protection of the green open space opposite Nos. 5 and 7.</p>	<p>The area of open space is outside of the application site and would not be affected by the development. The existing access is shown to be retained and lengthened, but not widened.</p>

<p>The conifer and laurel between Wentworth Close and Plot 1 would be at risk and should be retained and protected to protect neighbours amenity and to protect natural habitats.</p>	<p>This can be protected by conditions attached to any grant of planning permission.</p>
<p>Due to ground level changes the site would be required to be excavated to allow for the houses at the heights shown which would destabilise the trees.</p>	<p>The Arboricultural Officer is satisfied that, subject to the provision of tree protection fencing during construction works, the proposed development will not have an adverse impact on any of the trees which are to be retained.</p>
<p>The loft room of Plot 1 could be converted to habitable space.</p>	<p>Many residential properties make use of roof space in this way and it is not, in principle, unacceptable. However, appropriate conditions can be imposed on any planning permission to ensure that no windows or dormers are inserted, other than roof lights, to ensure there is no overlooking.</p>
<p>Previously approved single storey buildings (2 bungalows in 1986 and 1989) would be more suitable.</p>	<p>There is no objection to the principle of two storey houses set in the context of existing two storey houses. The proposed houses have been designed so as to avoid unacceptable harm to neighbouring properties.</p>
<p>The report for the previous refused decision (14/00692/FUL) failed to consider the impact to Lingfield Way properties.</p>	<p>All points of objections raised were discussed in the previous report. Having regard to the Council's adopted planning policies and guidance, the proposed houses will not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties.</p>
<p>The Council is interested in extracting cash revenue to the detriment of residents.</p>	<p>Where new residential development is proposed, it is the policy of the Council to seek appropriate financial contributions towards the provision of local</p>

	infrastructure and services in order to support the development and future occupants. This approach is set out in detail in this and the previous report (14/00692/FUL).
There is an ongoing boundary dispute.	This is a legal and civil matter and is not a material planning consideration. A grant of planning permission does not override property rights.
Boundary fences have not been maintained so no intruder prevention in place.	Boundary fences within and around the development are shown and their provision can be required by a condition. Other boundary treatments between private properties outside of the application site are the owners' responsibility.

Conclusion

The two properties would successfully create a natural continuation of the Lingfield Way development with suitable access and legibility. The form, design and scale of the detached houses is entirely in keeping with those within the street scene and along Lingfield Way. The development will provide two substantial detached properties with generous proportions, garden areas and living environments. Plots 1 and 2 have on site parking provision for 4 and 3 cars respectively within garages and driveway areas thus providing ample off road parking.

The revised scheme has successfully overcome the objections of the previously refused scheme. The proposed dwelling on Plot 1 is now of a height, and at a distance and relative position to Nos. 21 and 23, that would not create unacceptable harm to the daylight and outlook of the occupiers and would not create an overbearing impact. The house on Plot 1 would be set in at a minimum distance of 4m from its side boundary, which also forms the rear garden boundary of Nos. 21 and 23, and the side of the house on Plot 1 would also be substantially screened by the existing mature trees along the side boundary of the application site. Because of its position, width and height, little of the

house on Plot 1 would be noticeable behind and above these trees. Moreover, the house as now proposed would not create an increased sense of enclosure, as was the case with the previous scheme. The house on Plot 1 would not infringe a 25 degree line taken from the ground floor patio doors of No. 23, which is the nearest potentially affected window, indicating that the light and outlook from the rear of Nos. 21 and 23 would be maintained at an acceptable level. First floor side windows are obscurely glazed to avoid any loss of privacy. The proposed development would not result in harm to the amenities, light, outlook or privacy of other neighbouring occupiers.

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 and other provisions 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 work shall commence until details and samples of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, 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 area.

4. No work shall commence until full details of both hard and soft landscaping works, including details of all existing trees to be retained, trees and soft landscaping to be planted, any other arboricultural works to be carried out, details of any changes to ground levels around the building, all pathways, all hard surfacing, amenity areas/paving and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the approved drawing number 13/3286/5, the hard standing for the access and driveways shall include a turning area for vehicles within Plot 1. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. Any proposed planting shall be completed not later than the first available planting and seeding season after completion of the

development. Any new trees or plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site, to safeguard trees, to ensure the provision of suitable car parking and turning areas, to ensure suitable screening is maintained or provided between the site and neighbouring occupiers in accordance with saved policies T21 and SE37 of the Watford District Plan 2000.

5. No work of demolition or development shall be commenced until an arboricultural impact assessment and tree protection plan have been submitted to and approved by the Local Planning Authority. The protection measures approved shall be put in place before any work of demolition or development commences and shall be retained throughout the development, unless otherwise approved in writing by the Local Planning Authority. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside the tree protection areas. No excavations shall be carried out, no hardstanding shall be laid, and no underground cables, pipes or services shall be installed in the areas designated as tree protection areas unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the trees, which represent an important visual amenity and a privacy screen, in accordance with saved Policy SE37 of the Watford District Plan 2000 and in accordance with the duty imposed on Local Planning Authorities by section 197 of the Town and Country Planning Act.

6. No work shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the storage facilities have been installed in accordance with the approved details. 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.

7. No work shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of contractors' parking, arrangements for the delivery and storage of materials, any temporary access/egress points to adjoining highways, measures to mitigate noise and dust, and wheel washing facilities for vehicles exiting the site. The Plan as approved shall be implemented throughout the construction period.

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

8. No dwelling shall be occupied until the respective vehicle parking accommodation within garages and on the driveway areas, as shown on the approved plans, has been provided and made available for use. This parking accommodation shall be permanently retained and shall not be used for any other purpose than the parking of vehicles.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their visitors in the interests of highway safety and to accord with Policies T22 and T24 of the Watford District Plan 2000.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development, and will not prove detrimental to the amenities of adjoining occupiers, in accordance with Policies UD1 (Delivering High Quality Design) and SD2 (Water and Waste Water) of the Watford Local Plan Part 1 Core Strategy.

10. The first floor windows in the north-west side and south-east side elevations of the houses both Plots 1 and 2 shall be obscure-glazed and shall be non-opening other than those parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be installed and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent overlooking from and between the properties and to prevent 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 the Residential Design Guide (July 2014)

11. The development hereby permitted shall be carried out in accordance with the following approved drawings:

13/3286/5; 13/3286/6; 13/3286/7; 13/3286/8; Site Plan 1:1250 received 14th October 2014

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

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.
2. The grant of planning permission does not override any property rights that may exist. As such, ownership of the access or rights over the access would need to be secured in order to implement this planning permission.
3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions to Hertfordshire County Council and Watford Borough Council for the provision or improvement of community facilities to support the new residential properties.

Drawing numbers

13/3286/5

13/3286/6

13/3286/7

13/3286/8

Site Plan 1:1250 received 14th October 2014

Case Officer: **Alice Reade**
Email: **alice.reade@watford.gov.uk**
Tel: **01923 278279**