

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	<b>16<sup>th</sup> December 2014</b>
Site address:	<b>1 Richmond Drive</b>
Reference Number:	<b>14/01466/FUL</b>
Description of Development:	<b>Part retrospective application for demolition of existing dwelling and erection of two detached five bedroom dwellings (amendments to planning permission 12/00815/FUL)</b>
Applicant:	<b>Stratford Developments Ltd</b>
Date received:	<b>8th October 2014</b>
Statutory target date:	<b>7th January 2015</b>
Ward:	<b>PARK</b>

**SUMMARY**

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. The eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The relatively small increase in height will have no adverse effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission ref: 12/00815/FUL, and therefore the spacious character of the street scene would be maintained.

The size and style of the windows would be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance would be achieved on the elevations because of a more appropriate use of materials.

The proposed amendments will have no adverse effect on the residential amenities of neighbouring properties. The small increase in eaves and ridge heights will not have a significant impact on light and outlook. Furthermore, the new windows in the side elevations of the proposed houses will not cause a significant loss of privacy to neighbouring properties because a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

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

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## **BACKGROUND**

### **Site and surroundings**

1 Richmond Drive has conditional planning permission under reference 12/00815/FUL for the demolition of the original bungalow and erection of 2no. detached 5-bed houses. The bungalow has been demolished and the framework of the proposed houses has been erected, although the external surfaces of the dwellings have not been constructed and internal fittings have not been installed. Discharge of condition applications for Conditions 3, 4, 5, 7, 8, 9, 11, 12 and 13 of planning permission 12/00815/FUL were submitted to the Local Planning Authority for approval; however, the submitted details could not be approved because the work carried out on site and drawings submitted with the discharge of condition applications were not in accordance with the approved drawings for

planning application 12/00815/FUL. Accordingly, the Local Planning Authority advised the applicant that a new planning application was required for the amendments.

The proposed amendments are detailed in the 'proposed development' section of this report. The most notable change is the increase in ridge height from 8.4m to 8.65m. The agent has explained that the increase in ridge height is needed to provide sufficient internal floor height for the habitable accommodation in the roof space.





The houses in Richmond Drive are predominantly two storey detached properties, although there are some semi-detached dwellings and detached bungalows. The roof forms in the street are varied; however, roofs are mainly hipped or pitched away from the side boundaries. This, combined with the gaps between houses at upper floor level, provides viewpoints of mature vegetation to the rear. These gaps and viewpoints contribute towards the spacious character of the area. The houses on the southern side of the road generally appear more closely spaced at upper floor level than the properties on the northern side.

Two storey front projections are a feature of the street scene. The houses in the street are finished in brickwork or render. There are examples of tile hanging on bay windows. No. 9 has tile hanging at first floor on the front elevation. The adjacent houses in Langley Way and some properties at the end of Richmond

Drive have a 'mock Tudor' style, incorporating white render and half-timbering at first floor. These properties have detailing including steeply pitched projecting gables, jettied first floors and oriel windows.

There is a fairly consistent building line in this part of Richmond Drive. The houses are set back from the road and several properties have hard surfacing in the front gardens that provides on-site parking spaces. A large proportion of dwellings have single storey attached garages.

The north-western side boundary of the application site borders the rear gardens of Nos. 85-93 Langley Way. These neighbouring properties are mainly semi-detached houses and the two storey rear walls are approximately 20.5m from the boundary. No. 93 has a detached outbuilding adjacent to the boundary with the application site.

The south-eastern side boundary borders No. 3 Richmond Drive. This adjacent house has an attached garage adjacent to the boundary. The first floor window in the side elevation of the dwelling serves an internal staircase and is therefore secondary in nature.

No. 1 Richmond Drive has an existing dropped kerb.

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

### **Proposed development**

The application proposes amendments to planning permission 12/00815/FUL for the demolition of the bungalow and erection of 2no. detached 5-bed houses. The application is part retrospective because the framework of the houses has been constructed. However, the external surfaces have not been finished and internal fittings have not been installed.

The amendments to planning permission 12/00815/FUL are as follows:

#### Plot 1

- Ridge height increased from 8.4m to 8.65m.
- Eaves height increased from 4.8m to 5.025m.
- Gable height increased from 7.3m to 7.5m.
- Chimney moved sides.
- Window openings altered.
- New first floor side window and 2no. roof lights facing rear of Langley Way houses.
- Dormer larger in height, width and depth.

#### Plot 2

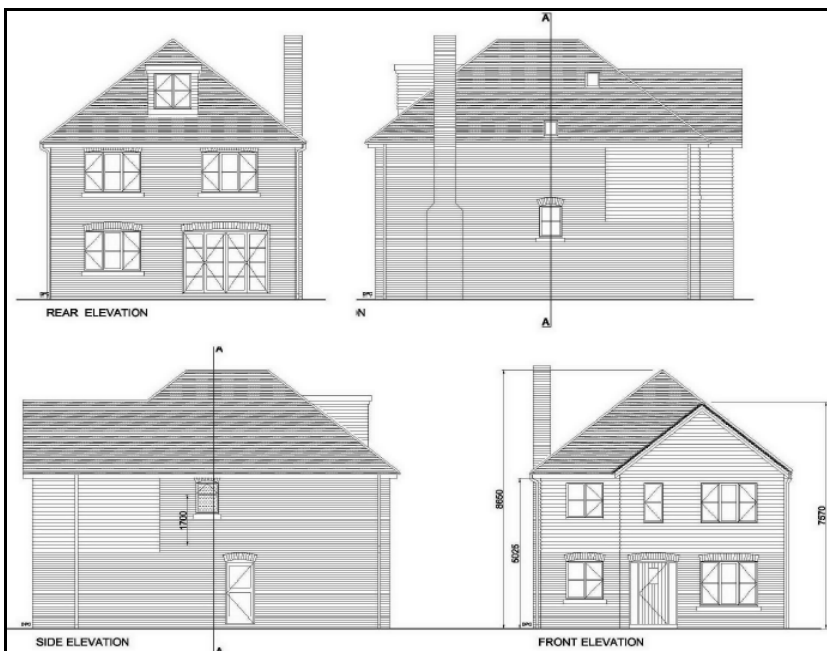
- Ridge height increased from 8.4m to 8.65m.
- Eaves height increased from 4.8m to 5.025m.
- Hipped front projection increased in height from 7.3m to 7.5m.
- Front projection had two first floor front windows, now reduced to one.
- Window openings altered.
- New roof light facing 3 Richmond Drive.
- Dormer larger in height, width and depth.

The internal layout of the houses would be altered slightly. The most notable change is that the kitchen would be moved to the rear and the living room moved to the front.

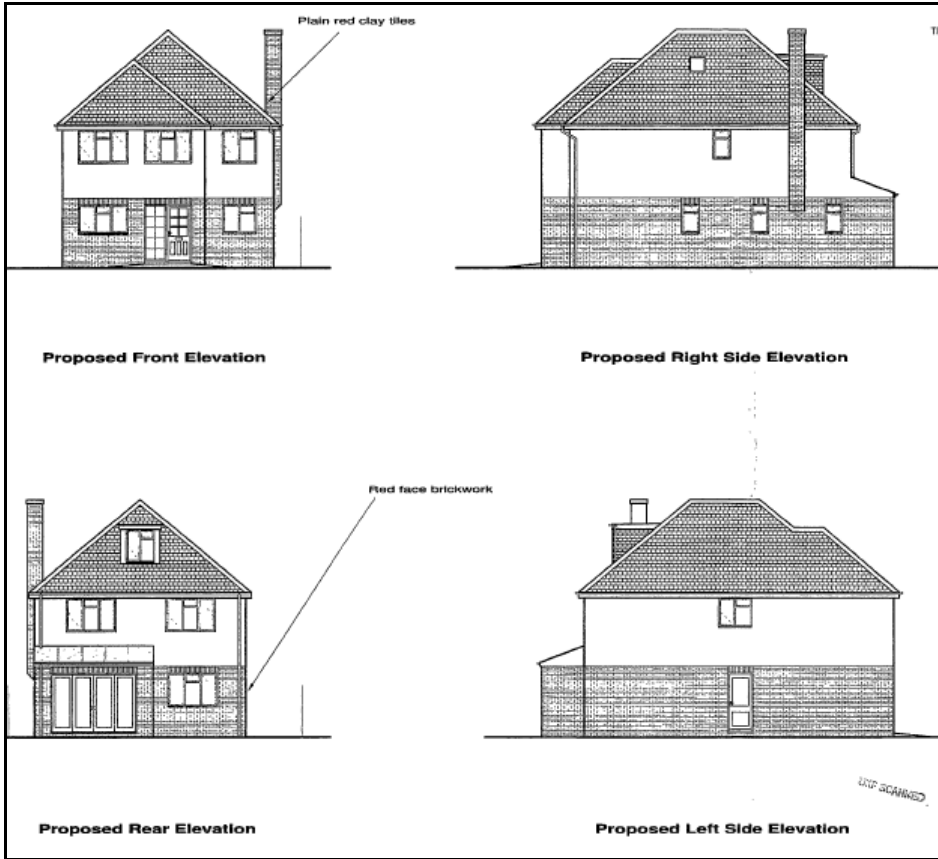
Single storey rear extensions have been partially constructed; however, these do not form part of the current planning application and the agent has said that they will be removed.



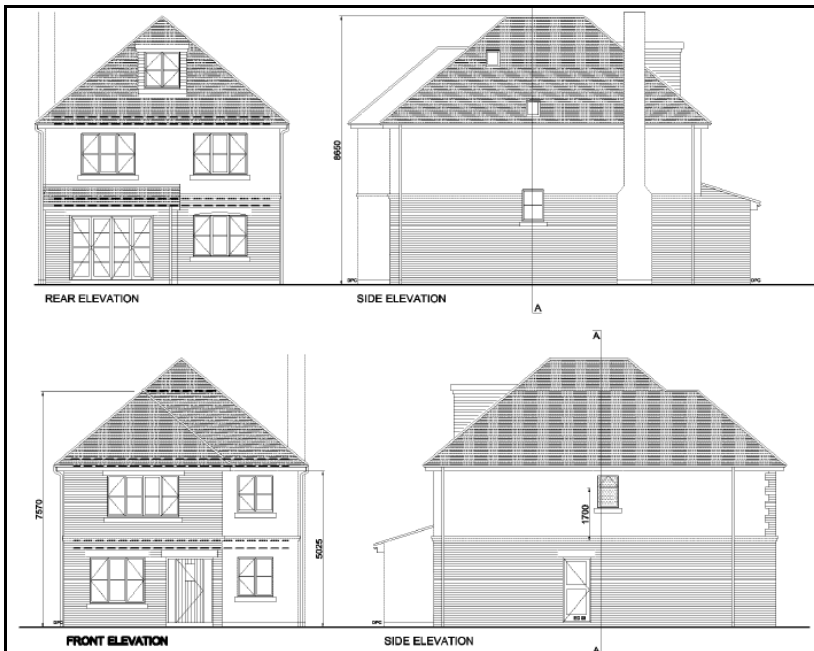
Plot 1 elevations approved under planning application 12/00815/FUL.



Plot 1 elevations proposed under current planning application.



Plot 2 elevations approved under planning application 12/00815/FUL.



Plot 2 elevations proposed under current planning application.



### **Planning history**

12/00815/FUL- Demolition of existing dwelling and erection of two detached five bedroom dwellings. Conditional Planning Permission. October 2012.

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 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, 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 buildings, 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 in accordance with the provision of PPS1 "Delivering Sustainable Development" and the requirements of Policies U1, U2 and U3 of the Watford District Plan 2000.

4. No work shall commence until details of all hard landscaping and surfacing materials 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.

Reason: In the interests of the visual appearance of the site in accordance with Policy U3 of the Watford District Plan 2000.

5. No work shall commence until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out no later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing 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.

Reason: In the interests of visual appearance of the site pursuant to Policy U3 of the Watford District Plan 2000.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, D, and 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 and having regard to the availability of amenity space for the dwellings in accordance with Policies H8 and U2 of the Watford District Plan 2000.

7. The proposed first floor windows in the side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policies U2 and H7 of the Watford District Plan 2000.

8. No work shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site, in accordance with Policies U1, U2 and U3 of the Watford District Plan 2000.

9. No work shall commence until details of the layout and construction of the new vehicular crossover to serve Unit 2 has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. No dwelling shall be occupied until the vehicular crossover has been laid out and constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

10. No dwelling shall be occupied until the scheme for parking has been laid out in accordance with drawing Nos. 3236/2F and 3236/4F (or any subsequent amendment agreed in writing with the Local Planning Authority). The parking area shall be retained at all times thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways in accordance with Policy T22 of the Watford District Plan 2000.

11. No work shall commence until details of the disposal of surface water from the parking areas have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users.

12. No demolition of the existing house or construction of the development shall commence within the site 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 the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. 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 adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

13. No works shall commence on site until a detailed survey of the site has been undertaken to assess the existing ground conditions and the extent of any land contamination and if necessary appropriate measures shall be incorporated into the development to ensure adequate protection for future occupants of the development and occupiers of existing adjoining premises from contamination. The survey shall be agreed in writing by the Local Planning Authority prior to the commencement of the development and any remediation measures shall be carried out in full before the first occupation of the development.

Reason: To ensure that suitable investigative measures are carried out on site to ensure that a suitable living environment is provided for future occupiers of the development and neighbours and to ensure that the proposal will result in no adverse impact on the environment in accordance with Policy SE24 of the Watford District Plan 2000.

11/01178/FUL- Demolition of existing dwelling and erection of two detached five bedroom houses. Refused Planning Permission. March 2012.

1. The houses in Richmond Drive benefit from a generous level of separation at first floor level. The hipped or pitched roofs of the houses further emphasise the gaps between the dwellings. This enables viewpoints of mature vegetation to the rear, which contributes to the spacious character of the area. The gap between the proposed dwellings, at 2m, would be significantly less than the spacing of neighbouring houses in the street. The gable-ended flanks of the roofs would further restrict the

spacing between the dwellings. As such, the proposed dwellings would have a harmful impact on the spacious character of the area. Furthermore, the proposed dwellings would be higher than the neighbouring houses in Richmond Drive and would appear dominant and cramped in the street scene. The proposal would therefore be detrimental to the character and appearance of the area.

2. The design of the proposed dwellings would fail to maintain the character and appearance of the area. The roofs of the proposed houses appear bulky and top-heavy, and, second floor front dormer windows are not an established feature of the street. Furthermore, the alignment of the windows in the front elevations are disjointed. The front garage and porch, by reason of its width, depth and provision of crown roofs, appears as a bulky and incongruous feature. The design of the proposed houses fails to reflect design features of neighbouring properties. The provision of half-timbering on the front elevation appears to be an attempt to reflect the mock-Tudor houses in the area. However, the mock-Tudor houses have detailing including steeply pitched projecting gables, jettied first floors and oriel windows. The proposed houses display none of these design features and the half-timbering on the front elevations appears contrived. As such, the design of the proposed houses fails to respond to the context of the area, which would have a detrimental impact on the character and appearance of the street scene.

3. The proposed kitchen windows, by virtue of their close proximity to the opposing two storey wall and boundary fence, would not receive sufficient levels of daylight and sunlight, and, would also have a poor outlook. The proposal would therefore fail to provide a high standard of residential amenity.

4. The proposed vehicular crossover serving Unit 2 would be in close proximity to a highway tree, which is likely to have a harmful impact on the tree. The loss of the highway tree would be detrimental to the visual amenity of the street scene.

5. The proposed development fails to make provision for public open space and children's play space in the form of on-site works or commuted payments, and as such is contrary to Policies L8, L9 and IMR2 of the Watford District Plan 2000 and Supplementary Planning Guidance 10.

6. The proposed development fails to make provision by way of a contribution towards community facilities including education, childcare, library, youth and health facilities and as such is contrary to Policies H10 and IMR2 of the Watford District Plan 2000.

7. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T1, T2, T4, T7, T9 and T11 of the Watford District Plan 2000.

12040- Bungalow. Approved. 1945.

13035- Bedroom. Approved. 1948.

### **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 8 Promoting healthy communities

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
- INF1 Infrastructure delivery and planning obligations



## **Watford District Plan 2000**

SE7	Waste Storage and Recycling in New Development
SE22	Noise
SE23	Light Pollution
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provisions in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Planning Agreements for Educational and Community Facilities
L8	Open Space Provision in Housing Development
L9	Children's Play Space

## **Supplementary Planning Documents**

Watford Character of Area Study Adopted December 2011

Residential Design Guide Adopted July 2014

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## **CONSULTATIONS**

### **Neighbour consultations**

Letters were sent to a total of 26 properties in Richmond Drive, Langley Way and Berceau Walk. 7 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

## **Statutory consultations**

### **Hertfordshire County Council (Highway Authority)**

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

#### 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. Notwithstanding the submitted details the development shall not begin until a dimensioned drawing showing details of the layout, size and construction of the proposed parking areas has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority. No dwelling shall be occupied until the areas have been laid out and constructed in accordance with approved details, and made available for use and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjacent highway.

3. Prior to the commencement of the site works details of parking for all contractors, sub-contractors and visitors vehicles together with details of the size of delivery vehicles, where they will park to unload, and how (including turning diagrams) these vehicles will enter and leave the site shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the works shall be carried out in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

4. 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.

Informative:

1) Before commencing the development the applicant shall contact the South West Highways Area Team to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing and construction of the new dwelling; ii) a condition survey of any adjacent highways which may be affected by demolition and construction vehicles together with an agreement with the Highway Authority that the developer will bear all costs in reinstating any damage to the highway.

2) Works to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact the South West Highways Area Team to obtain their permission/requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Comments:

With reference to Highways advice on previous application 12/00815/FUL for a similar development HCC has the following comments.

The proposal is to demolish the existing and erect 2x4+bed dwellings. The proposal results in an additional 4-bed dwelling and the proposal would therefore attract a contribution of £1500 towards but not limited to Sustainable Transport Measures identified in the South West Hertfordshire Transportation Plan and

subsequent transport plans. Under these circumstances I have no objection to this proposal subject to the completion of an Agreement to secure a financial contribution.

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

#### Arboricultural Officer

The landscape plan, schedule and specification are all acceptable.

#### Contaminated Land Officer

The applicant submitted a contaminated land assessment pursuant to Condition 13 of planning permission 12/00815/FUL. The assessment was a Phase II Geo-environmental Site Assessment; Project No. 26499-02(00) carried out by RSK Environment Ltd; June 2014.

The Contaminated Land Officer stated in her consultation response of 25<sup>th</sup> July that the report has not identified the need for remediation at the site and she is in agreement with the report's conclusions. The Contaminated Land Officer states that a watching brief should be undertaken during groundworks. Should any potentially contaminative material be discovered then the Council must be informed and a suitable course of action proposed.

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### **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*.

The Residential Design Guide was approved by the Council’s Cabinet as a Supplementary Planning Document on 23rd July 2014. Among other things, it provides advice on acceptable, and unacceptable, forms of extensions and alterations to residential properties in the Borough. The guide is a material consideration in the determination of planning applications. The Supplementary Planning Document is a condensed single guidance document that replaces previous versions of the Residential Design Guide (RDG Volume 1 – Building New Homes and RDG Volume 2 – Extending Your Home – Adopted 2008) as well as Supplementary Planning Guidance 6 – Internal Space Standards.

#### Design and layout

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. As noted, in the ‘proposed development’ section of the report, the eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The two storey front projections are also 0.2m higher. The relatively small increase in height will have no adverse effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission, therefore the spacious character of the street scene will be maintained.

The re-positioning of the chimneys will have no adverse impact on the street scene.

The size and style of the windows will be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance will be achieved on the elevations because of a more appropriate use of materials.

The rear dormer windows of the dwellings will be slightly larger than those shown on the approved drawings of planning application 12/00815/FUL. However, there will not be a harmful impact on the character and appearance of the area.

The internal layout of the houses will be altered by moving the kitchen from the front to the rear so it is next to the dining room, and moving the living room from the rear to the front. The internal alterations will provide a more logical layout as well as a sufficient standard of amenity for future occupiers.

Refuse and cycle storage will be provided in the rear garden, which is acceptable. A condition should be attached to any grant of planning permission to require details of the size, design and materials of the storage structures to be submitted to the Local Planning Authority for approval.

#### Impact on neighbouring properties

The footprint of the proposed dwellings will be the same as the previous planning permission and the small increase in eaves and ridge heights will have minimal impact on the residential amenities of neighbouring properties.

In comparison to the previous planning permission, the window in the north-western side elevation of Plot 1 facing the rear of Langley Way houses will be positioned slightly higher up and there will be two new roof lights. The windows will serve a staircase and an en-suite in the roof space, and in order to protect the privacy of neighbouring properties in Langley Way a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

The previous planning permission showed that the south-eastern side elevation of Plot 2 facing No. 3 Richmond Drive would have 4no. windows in the facing wall and 1no. roof light. The current application proposes 1no. window in the facing wall and 2no. roof lights, which will serve a staircase and an en-suite in the roof space. A condition, as described above, can be attached to any grant of planning permission to protect the privacy of No. 3 Richmond Drive.

The rear dormer windows will be slightly larger than the previous permission. However, they will not increase overlooking into the gardens and windows of neighbouring properties.

#### Traffic generation and parking

The Highway Authority has no objection to the proposal subject to conditions being imposed should permission be granted.

Two on-site parking spaces would be provided for each dwelling, which is the same number of parking spaces proposed in the previous planning permission. The number of on-site parking spaces is sufficient and the maximum parking standard in Appendix 2 of the Watford District Plan 2000 would not be exceeded.

The Highway Authority has requested a condition that a dimensioned drawing showing details of the layout, size and construction of the proposed parking areas should be submitted to and approved by the Local Planning Authority. However, the submitted drawings are drawn to scale and each parking space measures 2.4m by 4.8m. There is sufficient space for two on-site parking spaces per dwelling. Construction details of the parking areas are shown on drawing No. 119 02 Rev A, which shows Type 1 granular sub-base material, 50mm laying course of fine aggregate and 50mm thick block pavers. The submitted construction details will provide an appropriate parking surface.

The Highway Authority has requested details of parking for all contractors, sub-contractors and visitors vehicles together with details of where delivery vehicles would park and unload and how the vehicles will enter and leave the site. Given the small size of the site, on-site parking for contractors is not feasible; furthermore, it would be impossible for a delivery vehicle to enter and exit the site in forward gear to deliver materials. Because of the small size of the development, construction vehicles would not cause a significant impact on the operation of the highway. In addition, the applicant has stated in the Construction Management Plan submitted pursuant to Condition 12 of planning permission 12/00815/FUL that deliveries would be made outside of rush hour and school opening and closing times. The Construction Management Plan also provides for wheel washing facilities.

#### Trees and landscaping

The Arboricultural Officer has no objection to the proposed landscaping scheme. A condition should be attached to any grant of planning permission to require the submitted landscaping scheme to be implemented.

#### Planning Obligations

A Unilateral Undertaking for financial contributions towards the provision or improvement of community facilities and sustainable transport measures was completed for planning application 12/00815/FUL. The contributions shown in the Unilateral Undertaking were paid to the Council on 12<sup>th</sup> September 2014, although in indexation payment has yet to be made. Therefore, a new Unilateral Undertaking is not required for the current planning application because there is no increase in the number of dwellings compared to the previous application.



## Consideration of representations

<b>Neighbour's Objection</b>	<b>Officer's Response</b>
<p>The ridge height has been increased by 250mm. The report issued for 12/00815/FUL notes changes that made that application more acceptable from the original refused application. One of those was that the ridge height had been reduced. This has now been raised from the agreed level which will add to the feeling of enclosure to rear of the adjoining Langley Way properties.</p>	<p>The committee report for planning application 12/00815/FUL referred to a previously refused planning application ref: 11/01178/FUL for the erection of two detached houses. The first reason for refusal of that application related to the dominant and cramped appearance of the development because of a combination of factors including: the gabled design of the roof; the lack of spacing between the houses, and because the height of the dwelling at 8.9m would be higher than neighbouring properties.</p> <p>Subsequent planning application 12/00815/FUL overcame the previous reason for refusal by designing the houses with hipped roofs to increase the visual separation between the proposed houses; increasing the space between the dwellings from 2m to 4m; and reducing the ridge height from 8.9m to 8.4m.</p> <p>The current application does not propose to change the footprint of the houses or to change the hipped design</p>

	<p>of the roof. The ridge height would be increased from 8.4m to 8.65m (which is lower than the ridge height of 8.9m proposed in application 11/01178/FUL), however, the proposed houses do not appear noticeably higher than the adjacent dwelling at 3 Richmond Drive. The slight increase in height, in itself, would not make the dwellings appear cramped or dominant in the street scene.</p>
<p>There was originally one window at ground floor height of the North West elevation. There are now 3 (2 veluxes and a window at mid height between the floors). This adds to the sense of overlooking. At the very least the windows should be obscured and non-opening as they overlook 1<sup>st</sup> floor bedrooms on the Langley Way houses. However, it would be more appropriate is there was a single window as originally approved.</p>	<p>The windows would serve a staircase and an en-suite in the roof space, and in order to protect the privacy of neighbouring properties in Langley Way a condition could be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.</p>
<p>It is now proposes that a chimney on Unit 1 which extends to above ridge height is placed at the bottom of the garden of No. 91 Langley Way. This was originally on the other side of the house between Units 1 and 2 where it has no impact on anyone's rear outlook. In addition, this is closer to the</p>	<p>The proposed chimney would protrude 20cm beyond the side wall and the upper part of the chimney would be 65cm wide as viewed from Langley Way, which would not cause an unacceptable sense of enclosure to the Langley Way houses.</p>

<p>boundary than the line of the wall.</p> <p>Although on the estate there are corner plots where there are chimneys at the bottom of the gardens they normally extend only to just above eaves height. We presume that this is higher as the loft area is habitable. As it extends to over ridge height this is another thing which will add to the feeling of enclosure.</p>	
<p>With the increase in roof height they have put in larger dormer windows i.e. bigger than on the old plan – they look directly into my rear bedroom windows, which affects my privacy at Berceau Walk.</p>	<p>The rear dormer windows would be slightly larger than the previous permission; however, they would not increase overlooking into the gardens and windows of neighbouring properties.</p> <p>As noted in the committee report for planning application 12/00815/FUL, the rear elevations of the proposed houses would be in excess of 50m from the rear windows of the houses in Berceau Walk. In addition, the rear elevations of the houses would be more than 10m from the rear boundaries. Therefore, there would not be an unacceptable level of overlooking into the rear windows and gardens of Berceau Walk properties.</p>

<p>We presume that the single storey rear extension that has currently been built will be removed as its not shown on this retrospective application.</p> <p>We have a major concern that the roof of this extension could be used as a balcony now or some time in the future.</p>	<p>Construction work has been started for a single storey rear extension. This does not form part of the current planning application, and the agent has orally said that the structure will be removed.</p>
<p>The houses already exceed the depth of the other houses in the area. The quantity of light that can come into these houses is poor or low compared to the neighbouring houses, which goes to show they are trying to squeeze a pint into a quart pot.</p> <p>The plot of the right building – i.e. the one backing on to the end of my garden, is very close to my boundary and they have even put an extension on the lounge – compared to the other one with a longer garden, this garden is to the side of my property and that house does affect me so much.</p>	<p>Each of the habitable rooms would be served by a rear or front facing window and a sufficient level of natural light and outlook would be achieved.</p> <p>The single storey rear projection of the house on Plot 2 would be 17m from the rear boundary with 2 Berceau Walk, which exceeds the minimum standard of 11m in Paragraph 7.3.16 of the Residential Design Guide.</p>
<p>The housing density is too high for this area.</p>	<p>The housing density has not changed since the previous approved planning application ref: 12/00815/FUL.</p>

<p>Mature hedges and trees on the right hand building (to the rear of my garden) were cut down leaving only 1 tree. Its trunk is now under 2 foot of loose soil. Their plan to plant new trees and shrubs I am told is unenforceable and even if they did it would take many years to provide effective cover. Currently that part of the garden is full of weeds which I have to try and keep at bay.</p>	<p>Drawing No. 13/07 – SP SK01 shows the proposed landscaping scheme of the development. Furthermore, a landscape specification has been submitted. The Arboricultural Officer has stated that the landscape plan, schedule and specification are all acceptable.</p> <p>The landscaping scheme shows that a new tree would be planted adjacent to the rear boundary with 2 Berceau Walk and existing trees adjacent to the rear boundary with 2A Berceau Walk. A condition could be attached to any grant of planning permission to state that any new or existing 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.</p> <p>There is no requirement for new soft landscaping to screen the proposed houses from view.</p>
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<p>These houses are built on a slope and to get the previously planned height they dug down and have removed a lot of soil which has been spread around the plot. I want it taken away from the site. The bottom of my garden has a 2ft concrete retaining wall – this has always been visible from the Richmond Road side. On the Richmond Road side the land has been raised by 2 feet rendering my wooden fence ineffective. There was also a shed near the bottom of the garden and this was not visible over my fence – for example any new shed would be highly visible due to its new elevated position. The same goes for people in the back garden – they have been raised by 2 feet and overlook my garden. By doing this, my garden will be more overlooked than before and to my detriment. The fence was 4ft high on my side but gave 6ft height to the other due to the drop in land levels.</p>	<p>Drawing No. 119 01 shows the existing site levels (levels of the bungalow before any work was carried out) and drawing No. 119 02 A shows the proposed site levels with the proposed houses. The drawings show that the levels around the proposed houses would be changed – the rear patios and side pathways would have a level of 101.16. The rear patio of Plot 2 would be up to 75cm below the original land level. However, the drawings show that there would be no change in land level for the rear part of the gardens. As such, any increase in land levels in the rear gardens as a result of construction work would need to be reduced to the levels shown on No. 119 02 A before the development is occupied.</p>
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**Conclusion**

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. The eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The relatively small increase in height will have no adverse

effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission ref: 12/00815/FUL and therefore the spacious character of the street scene will be maintained.

The size and style of the windows will be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance will be achieved on the elevations because of a more appropriate use of materials.

The proposed amendments will have no adverse effect on the residential amenities of neighbouring properties. The small increase in eaves and ridge heights will not have a significant impact on light and outlook. Furthermore, the new windows in the side elevations of the proposed houses will not cause a significant loss of privacy to neighbouring properties because a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

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## **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.

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## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. 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, pursuant to Policy SE22 of the Watford District Plan 2000.

2. Within two calendar months of the date of this decision, details and samples of the materials to be used for all the external finishes of the dwellings, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, shall be submitted to the Local Planning Authority for approval. The development shall be carried out only in accordance with 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.

3. The hard landscaping shall be laid out in accordance with the details shown on drawing No. 13/07 – SP SK01, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site.



4. The soft landscaping scheme shown on drawing No. 13/07 – SP SK01 and detailed in the Landscape Specification dated January 2014 Rev A shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing 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.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B or C 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.

6. The proposed windows in the north-western and south-eastern side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

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

7. The boundary treatment around the boundaries of the site and within the site shall be installed in accordance with the details shown on drawing No. 13/07 – SP SK01 prior to the first occupation of the dwellings hereby approved. The boundary treatment shall be maintained at all times thereafter. Details of any alternative boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall only be installed in accordance with any alternative details approved by this Condition.

Reason: In the interests of the visual appearance of the site.

8. The dwelling on Plot 2 hereby approved shall not be occupied until the new vehicular crossover for Plot 2 has been laid out in accordance with the layout shown on drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority).

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

9. The dwellings hereby approved shall not be occupied until the scheme for parking has been laid out in accordance with drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority). The parking area shall be retained for the parking of vehicles at all times thereafter.

Reason: To ensure that sufficient on-site parking is provided.

10. The dwellings hereby approved shall not be occupied until the surface water drainage system for the hard surfacing to the front of the houses has been constructed in accordance with the details shown on drawing No. 119 03 A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent surface water run-off into the adjacent highway.

11. The Construction Management Plan dated 8<sup>th</sup> February 2014 submitted pursuant to Condition 12 of planning permission 12/00815/FUL shall be implemented throughout the construction period.

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

12. The development hereby approved shall be constructed in accordance with the proposed finished floor level and proposed ground levels shown on drawing No. 119 02 Rev A. No change in ground levels shall be made other than those shown on drawing Nos. 119 01 and 119 02 Rev A.

Reason: To protect the residential amenities of neighbouring properties and in the interests of visual appearance of the site.

13. Within two calendar months of the date of this decision, details of the size, design and siting of weatherproof cycle storage shall be submitted to the Local Planning Authority for approval. The dwellings hereby approved shall not be occupied until the cycle storage has been provided in accordance with the approved details.

Reason: To ensure that the proposed development meets sustainable transport objectives.

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

13/07-LP01; 119 01; 119 02 Rev A; 119 03 Rev A; 13/07-SP SK01;  
13/07-P1 SK01; 13/07-P1 SK02 Rev A; 13/07-P2 SK01; 13/07-P2 SK02.

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 applicant shall contact the South West Highways Area Team to obtain i) their permission/requirements regarding access for vehicles involved in the construction of the new dwellings; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the Highway Authority that the developer will bear all costs in reinstating any damage to the highway.
3. Works to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact the South West Highways Area Team to obtain their permission/requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

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Drawing numbers

13/07-LP01; 119 01; 119 02 Rev A; 119 03 Rev A; 13/07-SP SK01; 13/07-P1 SK01; 13/07-P1 SK02 Rev A; 13/07-P2 SK01; 13/07-P2 SK02

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