

	PART A	Item Number
Report of: Development Management Section Head		
Date of Committee:	4th June 2015	
Site address:	42 Durban Road West, Watford	
Reference number:	15/00172/FUL	
Description of development:	Erection of double storey side extension to contain internal staircase. Side roof extensions to convert hips to gables. Installation of rear dormer. Creation of a fifth flat in loft space. Installation of external wall insulation.	
Applicant:	Gainforce	
Date received:	5th February 2015	
8 week date (minor):	10th May 2015 (but extended until 5th June 2015 by agreement)	
Ward:	Vicarage	

SUMMARY

The application is for planning permission to enlarge the roof of the building by converting its side hips to gables and by adding a rear dormer. The converted loft would contain a fifth flat. It is also proposed to replace an existing external staircase on the right side of the building by adding a double storey side extension to contain an internal staircase. Some associated changes are proposed to the landscaping of the site. The Development Management Section Head recommends that the application be approved as set out in the report.

BACKGROUND

Site and surroundings

The site is located on Durban Road West, not far from its junction with Whippendell Road. It stands beside a bend in the street, and because of that bend the plot is triangular, being wide at the front and pointed at the rear. This is not a nationally or locally listed building, and there are none nearby. This is not a conservation area. There are no protected trees on the site.

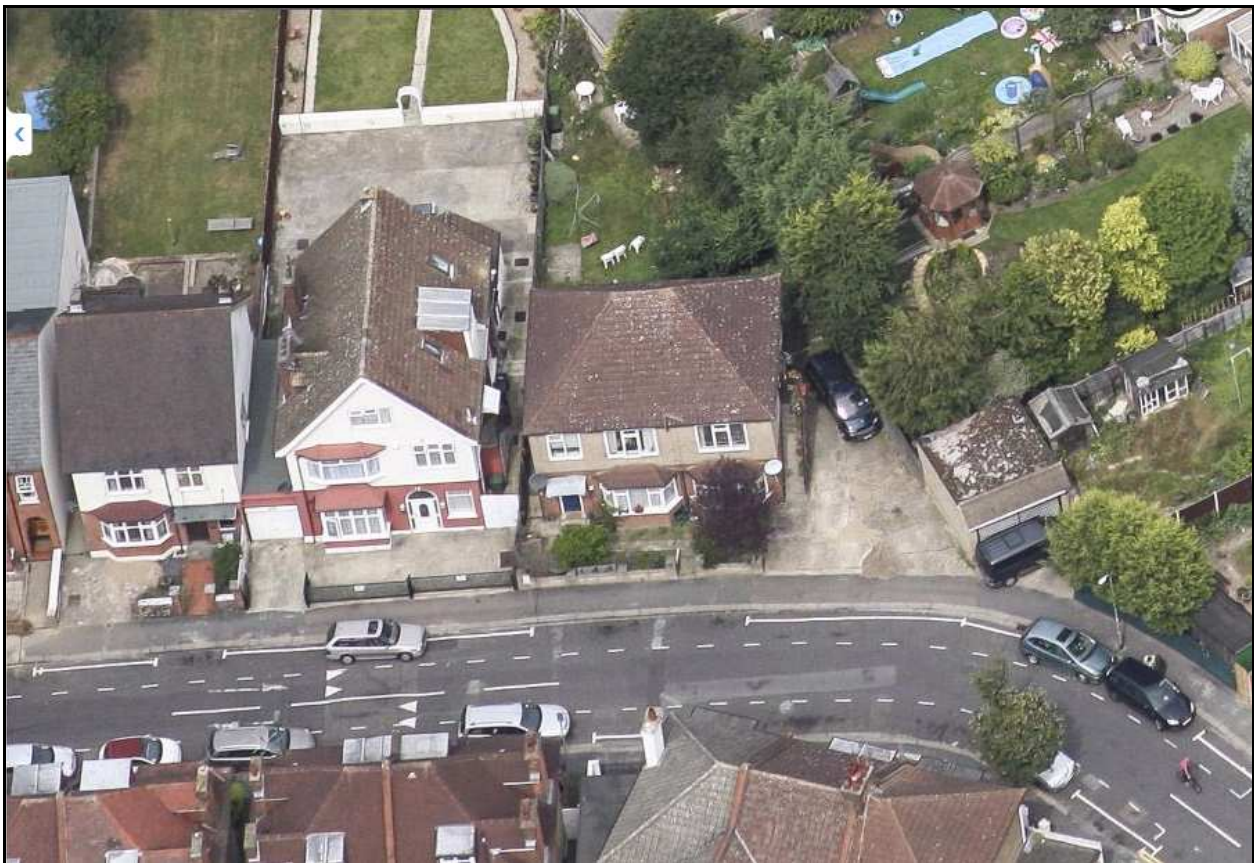
The site is a detached building that apparently dates from 1920. Once a house, it has been converted into four flats: two on the ground floor and two on the first floor. The original front door serves one flat; doors on both sides of the building at ground floor serve two other flats; and an external flight of concrete stairs runs up the right side of the building to provide access to a first floor side door for another flat. Refuse and recycling bins are stored beneath that external staircase.

On all four sides the building is finished in red bricks at ground floor and in unpainted pebble-dash render at first floor. The roof is hipped on either side, with a short lateral ridge. There are no roof lights or dormers, as the loft has not been converted. At the front of the ground floor there is a pair of bay windows.

The site has a small front garden, including a small tree, which is behind a low front boundary wall. A passage approximately one metre wide runs down the left side of the building. On the right side of the building there is a triangular open space (wide at the front and narrowing to a point level with the rear of the house) which is laid as hardstanding for car parking. It is possible to walk down either side of the house to access the rear garden. Standing to the right of that parking area, and positioned at an angle to the house, is a double garage; but that is outside the boundary of the application site, and no information has been provided as to who owns it.

Because the whole plot is triangular (wide at the front and pointed at the rear) the rear garden is similarly triangular. The garden is flat, and it consists mainly of a lawn, although there is a patio behind the building and also a small pond. The rear garden of this site is smaller than most of the others on this side of the street.

There is no immediate neighbour to the right. The neighbouring house to the left (44) is longer than this building and so, while their fronts are level, the neighbouring dwelling projects further to the rear. That dwelling's roof has a ridge at right angles to the street, with a gable end facing the street and another facing the rear garden. The properties in this street are mostly of a similar age, and they have a variety of roof forms, some having hips and others gables, some of the gables facing the street, and others facing sideways.



Aerial photograph of the site (taken from www.bing.com/maps)

Proposed development

This application is for planning permission to enlarge the roof by extending the existing hips on either side to make them into gables. The loft is to be converted into a flat. This will increase the number of flats in the building from four to five. There will be a dormer containing two windows at the rear of the roof. At the front five rooflight windows will be set into the roof slope. It is also proposed that a double storey side extension be erected, which would contain a new internal staircase, to replace the existing external staircase.

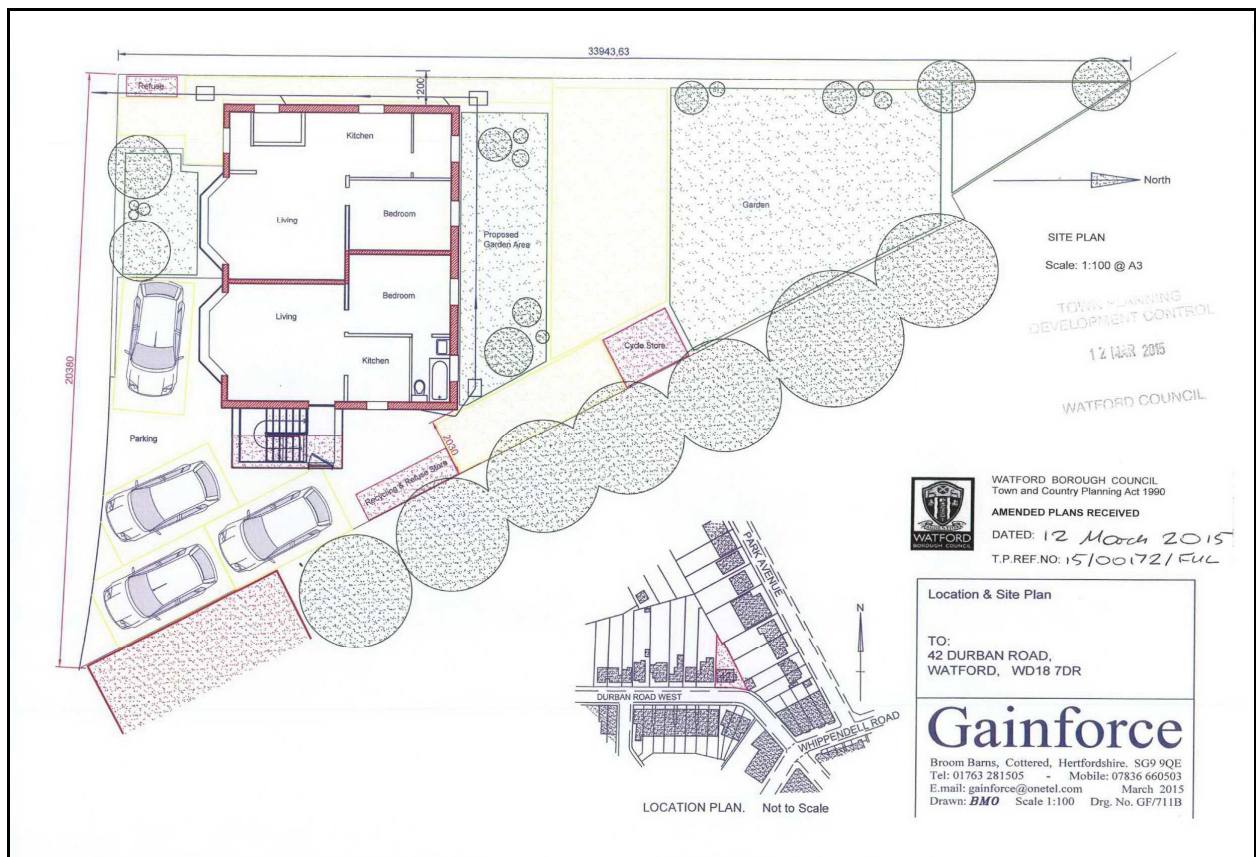


Photomontage: indicative impression of the proposed front elevation

The new flat will have two bedrooms, an open-plan kitchen and lounge/dining room, a bathroom, and also a shower room which will be en suite to one of the bedrooms.

A proposed site plan has been submitted which shows the proposals for landscaping and

parking. No existing site plan was included for comparison, but it can be concluded from a site inspection that the proposed changes to the landscaping would be as follows. The front lawn would be reduced so as to lay more hardstanding for a parking space in front of one of the two bay windows (the right), and this would involve removing the small cherry tree that stands there. The remaining front garden would consist of a small area of soft landscaping in front of the other bay (the left) with two bushes or small trees shown there. In addition to the parking space in front of the right bay, another three parking spaces are shown on the triangular area of hardstanding to the right of the building. The layout illustrated would entail two of those cars blocking the third car in.



Proposed site layout plan

A store for refuse and recycling bins is shown behind that parking area, and in the rear garden there would be a bicycle store. The rear garden (which currently has a small patio immediately behind the building, and a lawn beyond that) would consist of a small garden

of soft landscaping immediately behind the building, then a new patio separating that small garden from the main garden occupying the rest of the space. An existing row of tall conifer trees along the slanted boundary is to remain, as those trees stand on the other side of the boundary.

The application is accompanied by a Design and Access Statement.

Amended drawings were received on 12 March 2015. These corrected some errors on the drawings that were originally submitted as regards the proposed windows of the new flat, and some minor changes were made to the windows and door of the proposed side extension.

Determination deadline extensions

This application was originally submitted on 5 February 2015. It was found to be invalid on 12 March 2015 because it had come to the Council's notice that incorrect information had been submitted regarding the people with ownership interests in the site, as the leaseholders of the existing flats had not been mentioned on the application form. That problem was soon solved when a revised application form was submitted, and the eight week consideration period began again from that date, giving a new determination deadline of 8 May 2015.

Because of the number of objections that have been received, it has been necessary to refer this case to the Development Control Committee for determination (rather than determining it under delegated powers). As a consequence, the period for determination of the application has been further extended (with the applicant's consent) to 5 June 2015 so that it can be considered by the Committee at the meeting on 4 June 2015.

Planning history

Apparently this building dates from 1920. There are only the following two planning history records for the site:

84/00009/FUL – Conversion of dwelling with flat into 4 self-contained flats and ancillary works and external staircase - Refused planning permission on 15.02.1984.

84/00091/FUL – Conversion of house and flat into 4 self-contained one bedroom flats and ancillary works and external staircase - Granted conditional planning permission on 06.03.1984.

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 Core Strategy 2006-31

SD1 Sustainable Design

SS1 Spatial Strategy

UD1 Delivering High Quality Design

Watford District Plan 2000

SE7 Waste storage, recovery and recycling in new development

SE22 Noise

SE36 Replacement trees and hedgerows

SE37 Protection of trees, woodlands and hedgerows

T10 Cycle parking standards

T21 Access and servicing

- T22 Car parking standards
T24 Residential development
T26 Car free residential development

Supplementary Planning Documents

Residential Design Guide (adopted July 2014)

Watford Character of Area Study (adopted December 2011)

CONSULTATIONS

Neighbour notifications

Letters were sent to eight properties in Park Avenue and Durban Road West. Five responses were received, and a summary of the points that were raised is to be found in the section of this report entitled *Consideration of Representations Received*.

Consultations

Parking Service

The Deputy Parking Manager has requested that the new flat be excluded from any entitlement to claim residents' parking permits for the local Controlled Parking Zone, by means of a Section 106 planning obligation in the form of a unilateral undertaking to fund the necessary amendment to the Traffic Order. The applicant has now submitted a unilateral undertaking to that effect.

Arboricultural consultant

The proposals indicate the loss of a mature but poor quality purple leaved cherry in the front garden to provide an additional parking space. Given the poor quality of the tree I have no objection to this. However the design and access statement refers to replacement with a dwarf tree and shrubs. I would wish to see a albeit ultimately small growing tree replacing the lost one therefore a detailed landscaping scheme should be submitted and approved prior to work commencing on site.

APPRAISAL

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

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

Principle of the development

There will be no loss of a family house because this property has already been divided into four flats in the 1980s. The creation of a fifth flat is acceptable in principle, as this is a residential area. There is a need for new housing in the Borough and this new flat will help to meet that need.

Design and character of the area

There will be no increase in the maximum height of the roof. The hip to gable side roof extensions on either side are considered acceptable aesthetically. The gable on the right will not seem to jostle the neighbour because that neighbour has a pitched roof sloping away from the site, so there will still be a gap at roof level (albeit a narrower gap than is there currently). As there is no immediate neighbour on the right, plenty of space will remain on that side.

The double storey side extension will be narrow, as its only purpose is to contain an internal staircase. The amended drawings that were submitted on 12 March 2015 are an improvement over the original design because there will now be two front windows in that extension, helping to make it a more active frontage (previously an awkward expanse of blank front wall was proposed, with only one window). The side extension would be set back slightly behind the front corner of the main building, and its roof would be set down below that of the main house, so as to keep the extension subordinate to the main building.



Proposed front elevation

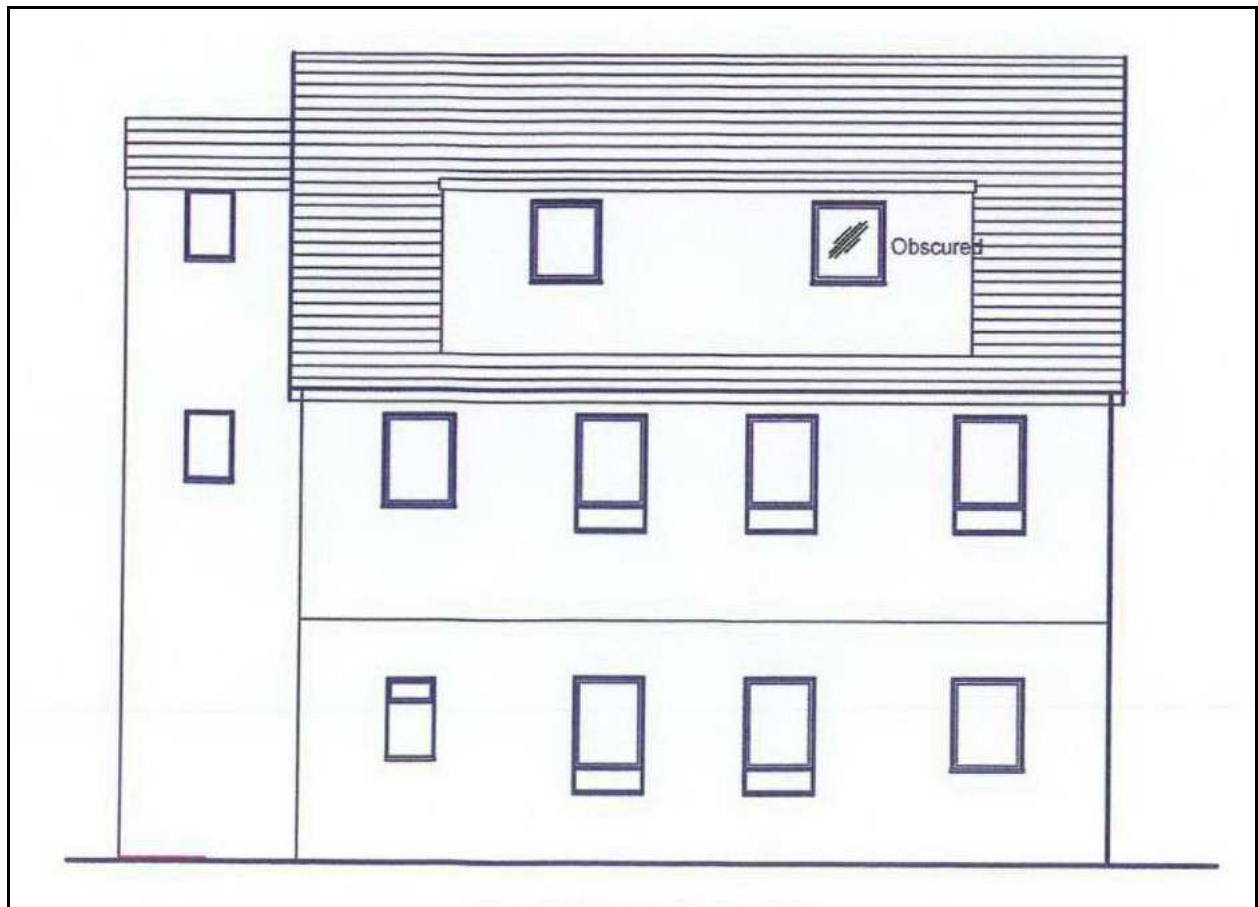
The five front roof lights will be flush with the roof slope, and they will be modest in size. They will be symmetrically arranged, and they will not harm the appearance of the site. The rear dormer will not be the full width of the building and it will be only about half the height of the roof, sitting in the middle to keep the appearance symmetrical. It is considered acceptable. It will not be visible from the street.

External wall insulation

The proposal includes the installation of external wall insulation, which will improve the thermal efficiency of the existing flats on the ground and first floors. A condition should be applied to ensure that the materials will match the existing materials – this will involve the use of brick slips at ground floor level and a pebble-dash finish at first floor. There are a number of houses in Watford that have already had these types of finish applied to external wall insulation, and they prove that it can be done convincingly, so as to retain the building's original character.

Impact on neighbours

To the right of this site are the rear gardens of some houses on Park Avenue. Those houses are well separated from the site by the lengths of their rear gardens, so they will not suffer any loss of natural light or outlook. There is currently a tall and dense row of evergreen trees along that slanted boundary, and those trees belong to the neighbours. They provide a privacy screen, and they are to remain.



Proposed rear elevation

The rear dormer will contain only two windows, and those will look out over the site's own rear garden. The front roof light windows will look out onto the street. No side facing windows are proposed.

Room sizes

The following minimum room size requirements are taken from the Residential Design Guide (RDG), the current version of which (the second edition) was adopted in July 2014. The minimum size for a dwelling is taken from section 7.3.6 which is based on the number of bedrooms, while the requirement for living / kitchen / dining rooms is taken from section 7.3.8 which is based on the number of “bed spaces” (i.e. occupants) and it is assumed that a main double bedroom will contain a couple, while other rooms will contain children – hence the number of *bed spaces* in a dwelling is one more than the number of *bedrooms*.

Room	Required	Proposed	Acceptable?
Gross internal area	For a 2 bedroom dwelling: 61m ²	69m ²	Yes
Main double bedroom	Area: 12m ² Length & breadth should be min 2.75m	Area: 13m ² Length: 4.137 Breadth: 3.2m	Yes
Bedroom 2 (single)	Area: 8m ²	8.6m ²	Yes
Living / kitchen / dining space	For a 2 bedroom unit (i.e. 3 “bed spaces”), combined area should be min 25m ²	28.5m ²	Yes
Storage	1.5m ² for 2 people, plus 0.5m ² for each extra occupant, so in this case 2m ² is required	None	No

As the table above indicates, the proposal meets the requirements that are set out in the RDG, save only in as regards the provision of storage space, in that there is no built-in cupboard proposed for bulky household items. However, given that there is sufficient room

for storage furniture in individual rooms, it is not considered that this omission would be sufficient to found a reason for refusal of planning permission.

Garden

There will be only a small increase in the footprint of the building, and that will only result in the loss of a little hardstanding at the side. There will be no loss of rear garden space.

The RDG (section 7.3.23) states that for flatted developments the minimum acceptable size for a communal garden should be 50m² plus 15 m² per additional unit over two units. In this case there would be five flats, so the minimum requirement would be 95m². The rear garden will be the same size that it is now. The garden is a right angled triangle, and scale measurements taken from the site plans indicate that the area is 143m². It is not a particularly large garden, especially when compared with its neighbours; but that figure complies with the adopted minimum standard, and it is considered to be adequate.

As is noted above, the front lawn would be reduced so as to lay more hardstanding for parking in front of one of the two bay windows (the right), and this would involve removing the small tree that stands there. The remaining front garden would consist of a small area of soft landscaping in front of the other bay (the left) with two bushes or small trees shown there. This seems to have been done so that the site will still be able to accommodate four cars (presumably for the four existing flats), despite the fact that the space beside the house will have been reduced somewhat by the erection of the side extension. However see below (Parking) regarding how realistic this might be.

The Council's arboricultural consultant commented that "the proposals indicate the loss of a mature but poor quality purple leaved cherry in the front garden to provide an additional parking space. Given the poor quality of the tree I have no objection to this. However the design and access statement refers to replacement with a dwarf tree and shrubs. I would wish to see a albeit ultimately small growing tree replacing the lost one therefore a detailed landscaping scheme should be submitted and approved prior to work commencing on site." It is worth noting that the cherry tree is not protected by a Tree

Preservation Order and it is not in a Conservation Area, so it is currently the case that its owner could remove it at any time.

It would be possible to provide another parking space on the site (see below *Parking*) by demolishing the front boundary wall and paving the entire front garden. However, this would harm the appearance of the site and the street scene, so it would be appropriate to apply a condition requiring that a landscaping scheme be submitted for approval, as recommended by the arboricultural consultant. Once approved, it would be a requirement of the condition to implement the landscaping scheme.

Parking

As is noted above, despite the reduction in space at the side of the building, the loss of some front garden space will mean that the site will still have four parking spaces. However, one space would be boxed in behind two others and this cannot be considered as a realistically viable parking space. It would mean that the resident of one flat would only be able to use their car if their neighbours had gone out in theirs, or if they were available and willing to move it. This hardly seems satisfactory. Consequently, there will be only three useable parking spaces for the five flats. No existing parking plan has been submitted, but it is clear from a site inspection that currently only two cars, or perhaps three at the most, would be able to park on the drive without being blocked in. In the event, therefore, the proposed parking scheme would be no less practical than the existing scheme.

Clearly one of the five flats (presumably the proposed new flat) would not be able to have a parking space on the site at all. However, that in itself is not a reason to refuse planning permission because this is a sustainable location, being close to local shops and services, close to a bus route, and only a ten minute walk from the town centre; so it is possible to live here without a car.

However it would be possible that the occupant of the new flat might nevertheless want to own a car, and might seek to park it on the street. That would increase the congestion on

the street, which would be unacceptable. To avoid this problem the applicant has entered into a Section 106 planning obligation as a unilateral undertaking whereby he has agreed to fund an amendment to the local traffic order, so as to exclude the new flat from any entitlement to claim parking permits for the local Controlled Parking Zone. This will not affect the rights of the existing four flats to have permits.

Community Infrastructure Levy

As is explained above, this application was originally submitted in February. At that time the Council was seeking the completion of Section 106 planning obligations in order to mitigate the impact of developments on local services. However on 1st April 2015 that procedure was largely superseded by the new Community Infrastructure Levy (CIL). The use of s.106 planning obligations is still appropriate (as in this case) to ensure that a new dwelling in a Controlled Parking Zone will not be able to claim new parking permits, so as to ensure that there will be no increase in parking congestion on the street as a result of the development. However, since 1st April 2015, the Council can no longer use s.106 planning obligations to collect contributions for infrastructure provision that is covered by the CIL.

In this case one new dwelling will be created. No CIL Additional Information Form has been submitted, but it is a simple matter to measure the scale floor-plan, which shows that 70m² of new residential floor-space will be created in the loft. Although that figure is less than 100m², the development will be liable to pay the levy because it involves the creation of a new dwelling.

Consideration of representations received

Five responses have been received: some of them being from people who live in the existing flats on the site, while one is from the next door neighbours at 44 Durban Road West, and another is from 63 Durban Road West on the opposite side of the street. The following table contains a summary of the points that were raised.

Points Raised	Officer's Response
<p>The description of the development that was on the application form used the word "refurbishment" but it is clear that the main purpose of this application is the creation of a new flat.</p>	<p>The description has been amended (with the applicant's consent) to make it clearer. The Council was concerned that it did not make it clear that a double storey side extension was being proposed. However the original wording did include mention of the new flat. The original wording was: "Refurbishment of building to replace external staircase, add external wall insulation and create additional dwelling in roof space." The revised description is: <i>"Erection of double storey side extension to contain internal staircase. Side roof extensions to convert hips to gables. Installation of rear dormer. Creation of a fifth flat in loft space. Installation of external wall insulation."</i></p>
<p>A resident who lives on the opposite side of the street was surprised not to receive a notification letter from the Council, although (clearly) they are aware of the application.</p>	<p>Notification letters are usually sent to adjoining neighbours (i.e. those whose boundaries touch the site), but not necessarily to those on the opposite side of a street because they are not likely to be directly affected. This is in line with statutory requirements.</p>
<p>An objector believes that there has for many years been a ban on the conversion of houses in this street because of parking concerns.</p>	<p>That is not the case. Policy H13 of the Watford District plan 2000 seeks to limit the number of houses in a street that may be converted into flats to no more than 10 per cent, but that does not apply in this case because the site is not a house – it was</p>

	converted into flats several decades ago.
No extra parking is proposed for the new flat. There are three spaces now, and a drawing shows a fourth space as proposed in front of a ground floor front bay window.	The proposal is to provide four parking spaces, so the fifth flat would not have a parking space. However this is a sustainable location where it is not necessary to have a car – see above <i>Parking</i> .
No dimensions are given on the plans, so it is not clear whether three cars would fit at the side of the building. The proposed parking arrangement seems unrealistic.	The plan is to scale, so measurements can be taken from it. However, because this site is in a sustainable location, close to local shops and services, near a bus route, and within easy walking distance of the town centre, in planning terms it would not matter if the site were to have no parking spaces at all – so long as measures were taken to ensure that no more cars would be parked on the street by limiting the number of parking permits to which the premises are entitled.
This street suffers from parking congestion. Where will the builders' vehicles be parked during the work? Where will materials and waste be stored? During the works what will be the access arrangements for the upstairs flat that is currently accessed via the external staircase? The roof above the first floor flats will have to be removed. During the works the disruption to the occupants of the upstairs flats would be intolerable.	The method of construction of the development is a matter for the applicant to resolve with the tenants or leaseholders as a legal issue; it is not a material planning consideration. Planning permission does not over-ride private property rights, so the granting of planning permission does not necessarily mean that it will be legally possible for the development to go ahead.
The local schools are fully subscribed and the streets cannot cope. It is wrong to cram	This is to be a two bedroom flat, so it is likely to contain at most an adult couple and

<p>flats into every available space.</p>	<p>one child. The development will be liable to pay the Community Infrastructure Levy to fund improvements to local services (including education), so as to mitigate the pressure that the development would otherwise bring to bear on those services.</p>
<p>The development will cause more parking congestion on the street.</p>	<p>That will not happen because residents of the new flat will be excluded from any entitlement to claim parking permits, and without such a permit they cannot legally park on the street because it is a CPZ.</p>
<p>Raising the roof will make the street ugly.</p>	<p>The ridge will not be any higher than it is now. The hip to gable side roof extensions are considered acceptable aesthetically. Several houses in this street (including the two buildings immediately to the left of the site) have gable ends rather than hips.</p>
<p>The Design and Access Statement says that the property next door at 44 was formerly five flats. The owners of 44 have written to make it clear that this was a long time ago, and that it is now a single dwelling.</p>	<p>Whether the next door property is or has ever been divided into flats, and if so when that was, is not a relevant factor in considering this application.</p>
<p>The owner of 44 does not agree with a dimension that is marked on the site plan which shows the gap down the left side of the site as being 1200mm. They believe it should be 960mm.</p>	<p>A disagreement over 240mm (i.e. less than the length of a standard ruler) is not likely to make a difference when it comes to deciding whether a fifth flat should be allowed in the loft space. Moreover, it has no bearing on the consideration of whether the side extension should be allowed because that would be on the other side of</p>

	<p>the building. The applicant has said that the boundary fence was recently erected by his own contractors while he was not present, and he considers that they put it in the wrong position. He feels that he has lost some space, while apparently the neighbours at 44 believe that on the contrary they have lost some. Whoever is right, it seems that the loss is only a few centimetres. However, this is not a material planning consideration because there is no proposal to build on disputed land. The Council does not keep definitive records of where boundaries are located and has no involvement in boundary disputes.</p>
<p>There will be four new windows in the rear of the roof, which will overlook the neighbours at 44. The neighbours concede that they are already overlooked, but they would like the bathroom window to be obscurely glazed, and also the windows of the new internal staircase, leaving the only new unobscured window as being the one for the kitchen and living room.</p>	<p>The proposal is for two new windows in the rear dormer, plus two in the new stairwell. The windows in the stairwell will certainly not threaten the privacy of 44 as they are on the other side of the site, and set well forward of the rear building line. The condition that the neighbours have requested regarding obscure glazing in the bathroom window is reasonable and should be applied. The window of the kitchen will look out over the site's own rear garden. It will be possible for someone to peer out of it at an angle and see some of the neighbours' garden, but this is normal and to be expected in any urban setting. It is very common for two storey houses to have</p>

	<p>dormer windows in their converted lofts, and on a house (but not on flats as here) such a loft conversion normally does not even require planning permission.</p>
<p>Few details have been provided about the proposed refuse area. It will have an impact on the neighbours at 44, and also on the street-scene.</p>	<p>Given its position so far back in the site, it is not likely to have an impact on any neighbour, nor on the street scene. The neighbours at 44 will not be able to see it as it will be on the other side of the building.</p>
<p>The neighbours at 44 are worried that scaffolding might be erected on their land.</p>	<p>The granting of planning permission does not over-ride private property rights. The developer would not have any right to erect scaffolding on a neighbour's land without their consent.</p>
<p>The neighbours at 44 are pleased to see that the landscaping will be improved at the rear because at present the rear garden is unsightly.</p>	<p>It should be noted that, while a planning permission can contain a condition stipulating for example how much hard or soft landscaping there should be, it cannot control issues such as how often lawns are mowed, beds are weeded or hedges trimmed because those are not planning considerations. So if a garden is considered "unsightly" because it is neglected, a new landscaping scheme will not necessarily solve that problem.</p>
<p>One of the existing flats (42a) could have their light obstructed by the double storey side extension. That flat's outlook would be harmed. It would suffer a loss of privacy by its front door.</p>	<p>The side windows of that ground floor flat are close to the rear corner of the building, and they will not be obstructed by the double storey side extension, which will be positioned further forward on the side elevation. In any case those windows (there</p>

	<p>are actually two, not one as shown on the drawing) are small minor windows. They currently receive little light because of the large trees on the boundary, and their only outlook at the moment is onto parked cars. These are not main windows – the flats’ main windows are on the front and rear elevations.</p>
<p>The shared garden space is insufficient for further residents. One objector writes that currently it is used by 6 adults and 4 children, while another says there are 7 adults and 4 children, with another baby due soon.</p>	<p>The RDG states that for flatted developments the minimum acceptable size for a communal garden should be 50m² plus 15 m² per additional unit over two units. In this case there would be five flats, so the minimum requirement would be 95m². The rear garden will be the same size that it is now. The garden is a right angled triangle, and scale measurements taken from the site plans indicate that the area is 143m². That is considered adequate.</p>
<p>The leaseholder and resident of one of the first floor flats writes that (contrary to a claim in the Design and Access Statement) the roof is not in need of any repair.</p>	<p>The applicant does not need such an excuse to justify the development. The truth as to whether the roof leaks or not is irrelevant. In deciding whether to allow the application the Council must consider whether it complies with adopted policies and relevant design guidance, and whether it is acceptable in planning terms. The fact that a proposed development might be unnecessary is not a valid reason to refuse planning permission.</p>
<p>Removing the cherry tree from the front</p>	<p>Please refer to the section of this report</p>

garden would spoil the appearance of the site.	above dealing with the garden. The owner may remove that tree without the need for any application to the Council because it is not protected by a Tree Preservation Order and it is not in a Conservation Area.
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Conclusion

The application is for planning permission to enlarge the roof of the building by converting its side hips to gables and by adding a rear dormer. The converted loft would contain a fifth flat. It is also proposed to replace an existing external staircase on the right side of the building by adding a double storey side extension to contain an internal staircase. Some associated changes are proposed to the landscaping of the site.

The development will not result in the loss of a house because this former house has already been converted into flats in the 1980s. The room sizes largely comply with the minimum standards that are set out in the RDG. The new dwelling would have access to a communal garden of an adequate size. No significant harm would be caused to the amenity of any neighbour as a result of this development.

Although the additional flat would not have an off-street parking space, it is unnecessary to have one in a sustainable location such as this. Because of the unilateral undertaking that has been entered into by the applicant, the new flat will be excluded from any entitlement to claim permits to park on the street, which is within a Controlled Parking Zone.

The proposal retains a small landscaped front garden (albeit some of the existing front garden, including a tree will be lost), and this can be controlled by a condition to ensure that the street scene is not harmed.

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 contribution set out below, planning permission be granted subject to the following conditions:

S.106 Heads of Terms

A financial contribution to the Council of £2000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 so as to exclude future residents of the new flat from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site in accordance with saved Policy T24 of the Watford District Plan 2000.

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. The new flat shall not be occupied until full details of all hard and soft landscaping works (including details of how rainwater falling on the new hardstanding will be disposed of) have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme 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 amenity of the site, in accordance with Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1: Core Strategy 2006-31. As the proposal involves the removal of an existing tree, which forms a feature in the street scene, and as few details have been submitted regarding the proposed changes to the landscaping of the front and rear gardens, it is considered necessary to require further details for assessment. This condition is also necessary to ensure that the new area of hardstanding will not discharge rainwater onto the public highway and also to ensure that some soft landscaping will be retained at the front of the premises, because laying the whole of the front garden as paving for parking would harm the visual amenity of the site.

4. The walls (including those parts that have been clad in external insulation) shall be finished in materials to resemble the existing walls in terms of their colour, texture

and style. This means that the ground floor shall be finished in red bricks or red brick slips, and the first floor shall be finished in render. The roof tiles shall resemble those used on the existing house. The frames of the windows in the front elevation of the side extension shall be white to match the colour of those used in the existing building.

Reason: In the interests of the visual appearance of the site and the character of the area, pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031.

5. No windows or doors, other than those shown on the plans hereby approved, shall be inserted in the walls or the roof of this development unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (section 7.3.16) as referenced in paragraph 12.1.5 supporting Policy UD1.

6. The proposed rear dormer window serving the bathroom of the new flat shall be fitted with obscured glass at all times and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To minimise overlooking of those parts of neighbouring premises, pursuant to section 17 (point 4) of the National Planning Policy Framework and Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031.

Informatives

- 1 The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk, where it is to be found as an appendix to the agenda of the meeting of the Development Control Committee of 4 June 2015. Alternatively a copy can be provided on request by the Regeneration and Development Department.

- 2 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and their successors in title. It obliges the owners to make a contribution towards the costs of the varying of the local traffic regulation order when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Co-Ordinator in the Regeneration and Development Department. The effect of the planning obligation will be to exclude residents of the new flat from entitlement to permits for the local Controlled Parking Zone.

- 4 The development will involve the creation of an address for a new flat. The applicant must apply to the Council to allocate a street number or name. This is a requirement of the Public Health Act 1925. Applications for this purpose should be made to the Local Land and Property Gazetteer Officer at Watford Borough Council, Town Hall, Watford, WD17 3EX.

Drawing numbers

GF/711B, GF/712A, GF/713, GF/717, GF/718B, design and access statement,
photomontage artist's impression (front view as proposed).

Case Officer: Max Sanders

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