Date of Meeting: 09 January 2014

APPLICATION NO: TP/12/0070

DATE OF APPLICATION: 18 January 2012

STATUTORY START DATE: 22 July 2013

SITE LOCATION
18 Watford Road, Radlett, WD7 8LE

DEVELOPMENT
Demolition of existing dwelling and erection of 3 storey block comprising 7 x 2 bed apartments with underground car parking and refuse store.

AGENT
Fusion Residential,
Fusion House, The Green,
Letchmore Heath, Watford,
Hertfordshire. WD25 8ER

APPLICANT
Shandler Homes

WARD Aldenham East

GREEN BELT: No

CONSERVATION AREA: Not in a Conservation Area

LISTED BUILDING: No

TREE PRES. ORDER
14/2008

1.0 Summary of Recommendation

1.0 Grant planning permission subject to conditions and the existing S106 Agreement dated 31 August 2012.

2.0 Application Site/Surrounding Area

2.1 The site is located on the north west edge of the settlement of Radlett and is 0.29 ha in area. The plot is covered by a Tree Preservation Order. The site is on the north west of Watford Road and due to the dwelling’s position on the site is largely screened from views from the road. A carriage style driveway provides two access points onto Watford Road.

2.2 The site currently includes the a dwelling house, garage and shed which were vacated in January 2012. These structures are set back from Watford Road by approximately 24 metres and are largely set in line with the front building line with 20 Watford Road. A garage has been built at 20 Watford Road which projects in front of the building line of 18 Watford Road. In front of the
The build line of 18 Watford Road is an area of hardstanding used for car parking fronting Watford Road. A grassed area with three flower beds is located in the middle of the carriage style driveway with a further landscaped area between the existing garage and dwellinghouse.

2.3 The boundary treatment at the front of the site is mixed. On the front aspect is a 2.5 metre high hedge, on the side boundary with 20 Watford Road is a 0.5 metre high wall and also 2 m close boarded fence. On the boundary with the access road is a wire fence of 0.8 metres high and mixed vegetation of approximately 4 metres high (all height details are approximate). Three trees are located on the front driveway.

2.4 At the rear of the existing house, there are steps down to a large garden. A pathway down the middle leads to a vegetable plot. A stream is located to the north of the site. There are a number of trees located within the rear garden with a 1 metre high wire fence on the northern and eastern boundaries. A closeboard fence of 1.5 metres high runs along the boundary with 20 Watford Road (all height details are approximate).

2.5 The immediate context of 18 Watford Road is of large detached houses. The properties fronting Watford Road are two storeys high with habitable accommodation within the roof. Numbers 18 to 22 Watford Road have a fairly formalised front boundary line, although 20 Watford Road’s garage breaches this informal build line. These properties all have vehicle access onto Watford Road.

2.6 To the rear of the site along a private access road is a large complex with a two storey high detached house, outbuildings and swimming pool being within the Green Belt.

2.7 In the wider context, the residential properties are large, two storey detached properties. There have been a number of redevelopment sites along Watford Road which have resulted in small cul-de-sacs being created of detached properties. On the left hand side of Gills Hill Lane, are two flatted schemes, Darnhills and Hawksley Court which were granted planning permission between the 1970’s to 1980’s.

3.0 Proposal

3.1 The proposal is to erect a part two, part single storey block with basement accommodation and roof accommodation. The flat development would contain 7 two bedroom flats (2 in the lower ground floor, 2 on the ground floor, 2 on the first floor and 1 on the second floor). Each flat would have a kitchen, living room, WC/bathroom, hall, bedroom with ensuite, study, and bedroom with dressing and ensuite. There are additions to some of the flats, these are:

- Apartments 5 and 6 have a utility room,
- Apartments 4 and 7 have a laundry room,
- Apartments 3-7 have a balcony.
Communal amenity space is proposed at the rear of the building. Bin storage would be provided at the front of the building.

3.2 The vehicular access is located to the left hand side of the site. Parking for 15 cars and cycle storage would be provided in an underground car park and is to be accessed by a ramp to the south western side of the block on the boundary with 20 Watford Road. Outside the building, a disabled car parking space and visitor parking space would be provided.

3.3 This application has been taken to committee due to the number of units proposed. The decision to grant planning permission taken by Members at committee on the 24/5/2012 has since been quashed following a Judicial Review challenge. (This is covered in more detail within the planning history section).

**Key Characteristics**

<table>
<thead>
<tr>
<th>Site Area</th>
<th>0.2987 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>N/A</td>
</tr>
<tr>
<td>Mix</td>
<td>7 x 2 bedroom flats</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width = maximum 16.8 metres</td>
<td></td>
</tr>
<tr>
<td>Depth = maximum 18.7 metres</td>
<td></td>
</tr>
<tr>
<td>Height = approx 11.54 metres</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width = maximum 28.4 metres</td>
<td></td>
</tr>
<tr>
<td>Depth = maximum 24.3 metres</td>
<td></td>
</tr>
<tr>
<td>Height = maximum 11 metres</td>
<td></td>
</tr>
</tbody>
</table>

(the width and depth of the proposed is measured from the built form only and does not included the basement area as a significant percentage of the accommodation is underground and not visible).

<table>
<thead>
<tr>
<th>Numbers of Car Parking Spaces</th>
<th>Existing car parking spaces = 16 (taken from application form).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed car parking spaces = 15 in basement, 1 disabled and 1 visitor.</td>
</tr>
</tbody>
</table>

Any other relevant statistical information as appropriate
### 4.0 Relevant Planning History:

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>TP/00/1152</td>
<td>Demolition of existing house and construction of 3 detached houses (two 5-bedroomed houses and one 4-bedroomed house) plus one detached double garage.</td>
<td>R4 January 2001</td>
</tr>
<tr>
<td>TP/03/1266</td>
<td>Demolition of 18 and 20 Watford Road and erection of 15 two-bed flats in two, three storey units with basement car park.</td>
<td>Withdrawn 9/3/2004</td>
</tr>
<tr>
<td>TP/05/1390</td>
<td>Demolition of no 18 and 20 Watford Road and erection of 2, 3 storey residential blocks comprising 16 x 2 bedroom flats, together with 33 basement and 4 surface level parking spaces and landscaping (amended description).</td>
<td>Refused 7/2/2006 Appeal dismissed 26/9/2006</td>
</tr>
<tr>
<td>TP/06/1469</td>
<td>Demolition of 18 and 20 Watford Road and erection of 2, 2-storey residential blocks comprising 16 flats, 32 basements &amp; 5 surface level parking spaces and landscaping with formation of access onto Watford Road.</td>
<td>Refused 6/2/2007 Appeal upheld 6/11/2008</td>
</tr>
<tr>
<td>TP/99/0951</td>
<td>Demolition of existing houses and erection of 11 detached houses and garages (Outline application) (Sitting and means of access included for consideration). (Amended plans received 17/12/99)</td>
<td>Refused 11/1/2000</td>
</tr>
<tr>
<td>TP/97/0333</td>
<td>Demolition of existing house and erection of four detached dwellings and access road (Outline Application)</td>
<td>Refused 06 June 1997</td>
</tr>
<tr>
<td>Reference Number: TP/97/0093</td>
<td>Description: Demolition of existing house and erection of four detached dwellings and access road (Outline Application)(Amended plans received 10/3/97) WITHDRAWN 20/3/97</td>
<td>Withdrawn 20 March 1997</td>
</tr>
<tr>
<td>Reference Number: TP/97/0332</td>
<td>Description: Demolition of existing house and erection of three detached dwellings and access road (Outline Application)</td>
<td>Refused 06 June 1997</td>
</tr>
<tr>
<td>Reference Number: TP/96/0839</td>
<td>Description: Demolition of existing house and replacement with four detached houses and access road (Outline Application)(siting and means of access to be agreed) WITHDRAWN</td>
<td>Withdrawn 13 December 1996</td>
</tr>
</tbody>
</table>

### 5.0 Notifications

<table>
<thead>
<tr>
<th>In Support</th>
<th>Against</th>
<th>Comments</th>
<th>Neighbours Notified</th>
<th>Contributors Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>3</td>
<td>1</td>
<td>5</td>
<td>4</td>
</tr>
</tbody>
</table>

Five neighbours notified, objections received in regards to:

- traffic,
- vehicular safety,
- pedestrian safety,
- access safety,
- impact on the character and appearance of the neighbourhood,
- loss of privacy and overlooking to property and gardens opposite,
- excessive bulk of development in such close proximity to land at the rear covered by Green Belt policy,
- site is within Green Belt and is not suitable for such development,
- mass of the new building would overdominate the scale of the adjacent properties,
- does not respect the design of the existing building,
- breach of policies H8 and H9,
- existing site plans out of date,
- impact of the siting, height, width and depth of the flats with 20 Watford Road and locale,
- loss of privacy to 20 Watford Road and
- noise and vibration of gates and vehicles on the ramp and car park.
Since the quashing of the planning permission decision dated 03 September 2012 consequent to Judicial Review proceedings taken by the owner of the property neighbouring the application site, further objections have been received in regard to:

- The presence of Japanese Knotweed,
- Issues regarding the overall design,
- Overlooking from the rear terrace of Apartment 3,
- Issues with proposed access,
- Impact on trees resulting in a loss of privacy to 20 Watford Road,
- Noise and vibration from the vehicular ramp.

A petition has also been received which was signed by 66 persons between July and August 2012.

Some issues raised are not planning related and therefore have not been listed.

**Notices**


**6.0 Consultations**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Response</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertfordshire Fire &amp; Rescue Service</td>
<td>No objection</td>
<td>22/8/2013</td>
<td>Advice provided in regards to access and facilities, water supplies and hydrant provision.</td>
</tr>
<tr>
<td>Affinity Water Strategic Planning</td>
<td>No comments received</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thames Water Development Planning</td>
<td>No objection</td>
<td>14/8/2013</td>
<td>Surface water drainage – with regards to surface water it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest to the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public</td>
</tr>
<tr>
<td>Sector</td>
<td>Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thames Water Developer Services</td>
<td>Prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. No objection to sewerage infrastructure. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water’s ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near agreement is required. Water supply covered by Affinity Water Company.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Grid Company Plc</td>
<td>No comments received.</td>
<td></td>
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<tr>
<td>EDF Energy Networks</td>
<td>No comments received.</td>
<td></td>
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<tr>
<td>Highways HCC</td>
<td>13/9/2013</td>
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</table>

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:


An informative has also been included.

These comments relate to the latest proposals for this site at 18 Watford Road and the details added to the Hertsmere website on 1 August 2013. The proposals relate to the demolition of existing dwelling and erection of 3 storey block comprising 7 x
2 bed apartments with underground car parking and refuse store. Watford Road is a Local Distributor B Class road in the Herts County Council hierarchy of roads.

The highway details are shown on Stirling Maynard drawing 10000/03/55B. The plans show that it is proposed to close the eastern access and amend the western access to serve the development. Visibility splays of just over 30m can be achieved in either direction from the access. The required visibility splay according to Manual for Streets for a 30 mph speed limit is 2.4 x 43 metres and therefore the achievable visibility is less than the recommended standard.

However the proposal has to be considered against the existing situation. The existing eastern access has very limited visibility to the east, whilst the western access has limited visibility to the west. By providing one access which is further from either of the site boundaries, visibility in both directions is improved from the current worst situation. Therefore on balance by removing one access it appears that the proposal will improve visibility for this site as a whole.

Details of the access, including width and kerb radii should be agreed prior to commencement of the development as the Stirling Maynard drawing appears to show radius kerbs on the western side only.

It is considered that this can be covered by condition. The swept path diagrams clearly indicate that large service vehicles can enter, turn and egress in a forward gear. The Stirling Maynard drawing does not appear to show the 1.8m footway that was previously proposed however there appears to be sufficient space to provide this and as it improves pedestrian access to the site as set out in NPPF, have added a condition requiring its inclusion.

Do not consider the development will materially increase traffic movements from the site and therefore the development is
unlikely to result in a significant impact on the safety and operation of the adjacent highway. Therefore have no objection to the grant of permission, subject to the inclusion of the above conditions.

<table>
<thead>
<tr>
<th>Officer/Association</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Officer</td>
<td>No comments received.</td>
</tr>
<tr>
<td>Drainage Services</td>
<td>No objection.</td>
</tr>
<tr>
<td></td>
<td>12/8/2013</td>
</tr>
<tr>
<td></td>
<td>CG01 applied to this development.</td>
</tr>
<tr>
<td>Radlett Society &amp; Green Belt Association</td>
<td>Objection</td>
</tr>
<tr>
<td></td>
<td>8/9/2013</td>
</tr>
<tr>
<td></td>
<td>The development would:-</td>
</tr>
<tr>
<td></td>
<td>a) contravene Local Plan Policies H8/D21 due to the proposed building's substantial 3-storey height and bulk in this prominent location;</td>
</tr>
<tr>
<td></td>
<td>b) be a substantial over-development in relation to the original house;</td>
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<tr>
<td></td>
<td>c) introduce a design that's not in keeping with neighbouring properties and which has an undesirable 'urban'-type style;</td>
</tr>
<tr>
<td></td>
<td>d) on its elevated site adjoining the green belt, be large enough to be seen from parts of the green belt and track A5;</td>
</tr>
<tr>
<td></td>
<td>e) be imposing and over-dominating to immediate neighbours, due to the crown roof and depth from the road, and as a result of the 4-storeys elevation at the rear;</td>
</tr>
<tr>
<td></td>
<td>f) the turning area in front of the site required for refuse vehicles would be very likely to compromise any attempts to landscape the area between Watford Road and the building, thereby preventing any</td>
</tr>
</tbody>
</table>
necessary screening of the ugly apartments.

Aldenham Parish Council

Objection

3/9/2013

a) Proposed development is contrary to Policy H8 which states that new dwellings should be harmonious with and not overdominate the scale of or adversely affect the character of adjacent development. This proposal is out of keeping with the character of Watford Road. It has an inappropriate suburban style for a semi-rural location.

b) The Proposal also contravenes the objectives/guidelines set out in the Planning and Design Guide Part D (June 2013) section 8.2.1 which states that the layout of new buildings should result in a harmonious and attractive streetscape and also that they should conserve and enhance local features and distinctiveness. This proposal is clearly an inappropriate style for the area.

c) Development is very close to Green Belt land and footpath A5 and would have a negative impact on this area of Green Belt land.

d) In accordance with policy H8 proposal should make adequate provision for the collection of refuse but we believe that there is inadequate turning space for refuse vehicles.

e) Due to the height and bulk of this proposal it would also contravene section 9.4.2 b of the Planning and Design Guide Part D (June 2013) which states that the height, mass and appearance of new development should contribute to a harmonious street scene.

f) The proposed building would have an overbearing impact on the neighbours and surrounding area which is contrary to section 9.4.2.d.
The Aldenham Parish Council Committee would also like to raise the query that it has not yet seen any proposals for the provision of affordable housing. It would expect that this new application should comply with the new guidelines set out in the Planning and Design Guide which was adopted in June 2013.

7.0 Policy Designation

- Tree Preservation Order

8.0 Assessment of current planning application

Concerns have been raised as to whether the Local Planning Authority have correctly implemented the requirements of the Judicial Review Consent Order dated 12/6/2013 which requires:

‘that the grant of planning permission for demolition and development works at 18 Watford Road, Radlett, under application reference TP/12/0070 be quashed and the planning application TP/12/0070 be remitted to Hertsmere Borough Council to be determined’.

It is clear that the Consent Order quashes only the grant of planning permission dated 3/9/2012 and does not invalidate the current planning application TP/12/0070 itself. Similarly it is clear that TP/12/0070 is to be remitted back to the Local Planning Authority for redetermination. A representative acting for the owner of the neighbouring property, 20 Watford Road, has submitted a representation that the planning application should be re-determined in accordance with 'current prevailing policies, guidance and the situation at the site and surroundings'. The Council’s clear position on this point, however, is that schemes validated before 17 January 2013 are subject to the policies in place before that date. As TP/12/0070, therefore was validated, prior to the adoption of the Council’s Core Strategy 2013 on 17 January 2013 this application is to be assessed against the policies in place at the time it was validated. This approach has been consistently applied to other planning applications.

9.0 Relevant Planning Policies

- CS12 The Enhancement of the Natural Environment (Policy CS12 of the Core Strategy 2011)

- CS15 Promoting recreational access to open spaces and the countryside (Policy CS15 of the Core Strategy 2011)

- CS20 Securing mixed use development (Policy CS20 of the Core Strategy 2011)
• CS21 Standard charges and other planning obligations (Policy CS21 of the Core Strategy 2011)

• CS24 Development and accessibility to service (Policy CS24 of the Core Strategy 2011)

• D20 Supplementary Guidance (Policy D20 of the Local Plan 2003)

• D21 Design and Setting of Development (Policy D21 of the Local Plan 2003)

• M12 Highway Standards (Policy M12 of the Local Plan 2003)

• M13 Car Parking Standards (Policy M13 of the Local Plan 2003)

• R2 Developer Requirements (Policy R2 of the Local Plan 2003)

• H8 Residential Development Standards (Policy H8 of the Local Plan 2003)

• M2 Development and Movement (Policy M2 of the Local Plan 2003)

• H6 Retention of Existing Residential Accommodation (Policy H6 of the Local Plan 2003)

• D3 Control of Development Drainage and Runoff Considerations (Policy D3 of the Local Plan 2003)

• E7 Trees and Hedgerow –Protection and Retention (Policy E7 of the Local Plan 2003)

• E8 Trees, Hedgerow and Development (Policy E8 of the Local Plan 2003)

• E3 Species Protection (Policy E3 of the Local Plan 2003)

• L5 Recreational Provision for Residential Developments (Policy L5 of the Local Plan 2003)

• Planning Obligations Parts A and B

• Parking Standards SPD 2010 (as amended)

• Part D of the Planning and Design Guide 2006

10.0 Key Issues

• Planning history
• Principle
• Height, size, mass and appearance
• Spacing and setting
• Spatial layout
11.0 Comments

Planning history

General background and latest previous planning application

11.1 It should be noted that this site has an extensive planning history particularly in relation to intensification of the residential use. Many applications have been withdrawn or refused planning permission. The latest previous planning application (TP/06/1469) submitted for the site was for the demolition of 18 and 20 Watford Road, Radlett to be replaced with 16 flats within 3 blocks with parking, landscaping altered access point and off site highway improvements. This application was refused by the Local Planning Authority and the case taken to appeal. The main issues raised to the Planning Inspector were the effect of the proposal on the character and appearance of the area, and the effect of the proposal on living conditions of future occupiers of the flats, with particular regard to natural light and privacy.

11.2 The principle of development was considered acceptable by the Planning Inspector as was density, height, separation gaps, bulk, trees, and appearance having regard to the policies set out in the Local Plan and Design and Access Statement.

11.3 The Planning Inspector also found the daylight and sunlight technical evidence to be acceptable as was the privacy and overlooking on each adjoining blocks of the proposed development.

11.4 The appeal was allowed by The Planning Inspectorate with associated conditions. The application was not implemented and has now expired. However this appeal decision is a material planning consideration in the current application.

Planning application TP/05/1390

11.5 A previous application for planning permission application TP/05/1390 which concerned the demolition of what is presently there and its replacement with two blocks of flats was dismissed by a Planning Inspector. In that appeal the Inspector dismissed the appeal for the following reason:
• Block B’s width at twice the width of the surrounding properties fails to respect the character and general appearance of the streetscene and its uninterrupted bulk and massing of the block would not be comparable with other development in the immediate vicinity.

11.6 The present proposal does not replicate block B of the 2006 application (TP/05/1390) and the reasons why the Planning Inspector refused TP/05/1390 are not therefore determinative of this proposal. It is factually correct that the width of the proposed block in this scheme is wider than that proposed under TP/06/1469. However, the width of the proposed block is not as large as block B of the 2006 application, being narrower by approximately 2 metres. It is thus wider than that granted permission in 2008, but less wide than that refused permission in 2006. Furthermore, the proposed block is reduced in massing and bulk far more significantly than the unacceptable block B proposed under TP/05/1390. This is evident in the proposed plans, through the inclusion of a single storey element with roof accommodation adjacent to the boundary line with 20 Watford Road and the various set-downs from the main ridge height. The roof has been designed so that it appears less bulky than that proposed under TP/05/1390. The present proposal has also included various set-backs from the front building line. Therefore it is considered by officers that this proposal demonstrates more clearly the features of a large Radlett style house and given its particular design features is therefore materially different to block B of the scheme refused permission by the Inspector, under reference TP/05/1390. Thus the particular merits of this scheme must be assessed.

Amendments to current planning application

11.7 Since pre-application advice (PA/11/1764) given in 2011, amendments and additions have been made to the original proposal as follows:

• submission of initial bat survey,
• relocation of access to middle of the site and closure of other access points,
• inclusion of footpath to front of the property, and
• relocation of vehicular parking and refuse.

11.8 These amendments have been submitted following consultation with Hertfordshire County Council Highways Department and Herts Biological Records.

Judicial review

11.9 In 2012, the planning application was determined by Planning Committee and subsequently approved. After the Decision Notice was issued in September 2012 the neighbour residing in 20 Watford Road submitted a Judicial Review application based on the Highway Authority’s assessment, resultant comments and whether a requested visibility requirement could be achieved. This resulted in the Decision Notice being quashed by consent, upon legal advice from external counsel. Following the outcome of the Judicial Review amended plans have been submitted by the applicant to clearly demonstrate compliance with
the Highway Authority visibility requirement. A re-consultation of all interested parties has also been undertaken. The response by the County Highways Department is summarised above.

11.10 In addition, amendments to plans have been received taking into account the quashed decision, to include:

- two single storey elements on the rear elevation,
- architectural changes to the proposal, and
- a revised vehicular access point.

Principle

11.11 The National Planning Policy Framework (NPPF) 2012 advises that there is a presumption in favour of sustainable development and the purpose of the planning system is to contribute to the achievement of this. Development should seek to secure high quality design and a good standard of amenity for all existing and future occupants. Good design in particular is considered to be a key aspect of sustainable development and great weight should be given to those developments which help raise the standard of design and the overall scale, density, mass, height, landscape, layout, materials and access more generally in the area. Poor design that fails to take the opportunities available for improving the character and quality of an area are likely to be refused.

11.12 The application seeks full planning permission for the erection of a detached, part two, part single storey block (with associated basement and roof accommodation), 7 two bedroom units. Whilst the site is located within a urban area where development is promoted, the acceptability of a new residential development in this location would be subject to its spacing, setting, built form and impact on the visual and residential amenity of the area, as well as parking and highway matters. Therefore, whilst the principle of development in this area would be considered acceptable the other factors must also be taken into account, and these are discussed below.

Spatial layout

11.13 The existing spatial layout of this part of the street are properties with a large set back from the main road of around 20-30 metres. The proposed unit would be located nearer to the road, pulling the front building line forward between 0.6 metres to 5.2 metres. The reduction in the level of set back from the road is considered acceptable as the proposed unit would not be located in front of the established front building line of the neighbouring properties in this part of the road, thereby maintaining the level of set back of the properties in this part of the street scene. Therefore this aspect is considered acceptable in accordance with Part D of the Planning and Design Guide 2006.

Spacing and setting

11.14 Part D of the Planning and Design Guide 2006 requires that in areas where there are generous separation distances these should be maintained. This
separation gap should be at least 2 metres to ensure that the streetscene is not cramped and that sky gaps are maintained.

11.15 In the TP/06/1469 appeal, the Decision Letter stated “The proposed blocks would be narrower than the two existing houses with less space separating the buildings than currently exists. However, the gaps between the site boundary and the individual blocks, of typically 4m to 5m, would be sufficiently wide to retain satisfactory views between the buildings and would be in keeping with the grain of development in the area”.

11.16 The spacing of the proposed block is similar to that granted planning permission on appeal under planning reference, TP/06/1469. However, as stated previously in this proposal, the structures at 20 Watford Road were to be demolished and therefore the spacing in this current proposal has been scrutinised in detail. The separation gap between numbers 18 and 20 Watford Road is between 3 and 3.5 metres. The separation gap with the access road to 16 Watford Road is between 4.4 metres and 7 metres. Under TP/06/1469, the separation gaps are more difficult to assess as 20 Watford Road was to be demolished. The proposed unit in the current scheme maintains a larger gap between 18 Watford Road and the access road to 16 Watford Road. However there is a reduction in the gap between 18 and 20 Watford Road, although the gap still exceeds the guidance as set out in Part D of the Planning and Design Guide 2006 by 1 to 1.5 metres. The separation gaps are sufficient to allow for adequate space for views through and prevent terracing between properties. The spacing between properties is acceptable within the streetscene.

Conclusion

11.17 The setting of the proposed block is considered acceptable due to its relationship with the other residential properties within the streetscene and their similar setting. Therefore is considered acceptable in regards to Part D of the Planning and Design Guide 2006.

Height, size, mass and appearance

Introduction

11.18 The National Planning Policy Framework 2012 states that the Government attaches great importance to the design of the built environment. Paragraph 57 states, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. Policy H8 of the Local Plan 2003 requires that design and layout of proposed development should be of a high standard which complements the character of existing development in the vicinity of the site and maintains a harmonious streetscape. Criterion (i) of Policy H8 requires that the size, height, mass and appearance of the new dwellings should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development. Part D of the Hertsmere Planning and Design Guide 2006 develops this policy further and states that careful design solutions should be applied to higher density
development to ensure that proposals do not overly dominate the surroundings.

Refuse store

11.19 As described in detail under the refuse section of this report, the refuse store has been located on the frontage of the site near the boundary with the access path. The refuse store is constructed of brick and is 3.1 metres high by 2.7 metres wide by 3.6 metres deep. This would be locked at one end with access at the other. The refuse store would house 10 bins of various sizes. Although this is a structure on the frontage, the view of a brick bin store is more attractive than the siting of 10 separate bins some which would be industrial sized due to the provision needed for the units. It would be screened by the TPO trees and is set back 19 metres from the road. The bin store due to its materials, position and size is considered acceptable in light of the above policies.

Height

11.20 The proposed unit has adopted an overall design concept of a large detached urban dwelling. The proposed block is part two, part single storey in height with accommodation in the roof space and basement. The adjoining properties are 14 Watford Road, a two storey detached dwellinghouse; 16 Watford Road, a two storey detached dwellinghouse with accommodation in the roof and 20 Watford Road, a two storey detached dwellinghouse with accommodation in the roof. The properties opposite the site are also two storey detached properties, some of which have accommodation with the roof space. On the other side of Gills Hill Lane are two flatted schemes, Darnhills and Hawksley Court. Hawksley Court is two storeys high with accommodation in the roof space and Darnhills is four storeys high.

11.21 The proposed height of the unit would be similar to that granted planning permission on appeal under planning reference TP/06/1469. The proposed building measures between 4.4 metres to 11 metres at the highest point. The height of the existing property is 10.6 metres. The tallest block under TP/06/1469 proposed scheme was 11.6 metres. Therefore the proposed unit is at the highest point would be 0.6 metres lower than the previous scheme and 0.4 metres higher than the existing building. It should be noted that under TP/06/1469, 20 Watford Road was to be demolished, but now that does not apply. The current amended scheme involves reduced height near the boundary with 20 Watford through the inclusion of a single storey element with accommodation in the roof thereby being 4.1 metres lower than that approved under TP/06/1469. The height of residential flatted schemes was not raised by the Planning Inspector under TP/05/1390 as a reason for refusal.

11.22 Concerns are raised that the levels are difficult to determine. In order to ensure that the levels of the site are adhered to, a condition is recommended on any approval granted. The single storey element would be located at a similar height to the existing eaves height of 20 Watford Road (there is a 0.6 metre difference between the eaves height of 20 Watford Road and the total
height of the single storey element of the proposed unit) and set in between 3 and 3.5 metres from the boundary line. The property at the back of 18 Watford Road, 16 Watford Road is located 120 metres from the rear elevation of the proposed block. Therefore the height of the proposed works would not dominate the neighbouring properties or wider Green Belt setting to the rear to an unacceptable level. The block is not considered to be visually unacceptable within the street and wider area. Furthermore, it should be noted that flatted schemes exist in close proximity to the site, the relationship between the two storeys properties in Scots Craig and Hawkley Court is similar to the proposed relationship between 18 and 20 Watford Road.

Size and mass

11.23 The immediate surrounding properties are large detached properties of various designs and styles. The proposal seeks to represent a large suburban house which has a small projecting wing at the front of the site and crown roof. The scheme has adopted an approach in which the single storey side element represents an extension to the ‘main house’ and the second floor represents habitable accommodation within the roof space of the ‘main house’. The proposed front elevation adopts the built form of a large detached property with various set backs of the front building line and set downs from the main ridge height. There is also the introduction of strong vertical breaks. These design qualities seek to break up the mass of the built form and officers consider they do so successfully and thus this element is considered acceptable in the context of the streetscene.

11.24 The width and depth of the proposed block as shown on the proposed plans are similar to that granted planning permission on appeal under planning reference, TP/06/1469. The total width and depth of the proposed block is 29.4 metres by 24.3 metres. Under TP/06/1469, the combination of blocks A and B gives a combined width of 35 metres and are approximately 25 metres in depth. These were the blocks located on the land at 18 Watford Road. As described above the depth of the proposed unit has been reduced by 0.7 metres whereas the width has been increased by approximately 5 metres. Although there is a slight increase in the width when compared to TP/06/1469, and acknowledging that in that scheme it was two blocks separated by a small gap whereas here it is one block, the size and mass of the proposed unit is mitigated by the inclusion of a single storey element. This single storey element reduces the overall bulk and size of the proposed block as viewed from the streetscene. The size and mass of the proposed building would not, in Officers’ views, dominate the neighbouring properties to an unacceptable level. The block would not be visually unacceptable within the street and wider area.

11.25 Comparing the proposals to the previous planning application TP/05/1390 (which was dismissed by the Planning Inspector) a review of the appeal decision shows that the Planning Inspector refused the planning application for the following reason:

“Block B’s width at twice the width of the surrounding properties fails to
11.26 It is not considered that the current proposal replicates block B and thus is not directly comparable to application TP/05/1390. It is accepted above that the width of the proposed block is wider than that proposed under TP/06/1469. However, the width of the proposed block is not as great as block B in the application TP/05/1390, being narrower by approximately 2 metres. Furthermore, the proposed block is reduced in massing and bulk far more significantly than block B proposed under TP/05/1390. This is evident in the proposed plans, through the inclusion of a single storey element with roof accommodation adjacent to the boundary line with 20 Watford Road and the various set downs from the main ridge height. The roof has been designed so that it appears less bulky than that proposed under TP/05/1390. The proposal has also included various set backs from the front building line. Therefore it is considered that the proposal replicates that of a large Radlett style house and, when compared to block B in the application TP/05/1390 is materially different and significantly less harmful.

Appearance

11.27 The properties in Watford Road consist of a variety of different styled dwellinghouses and flats. Neither Planning Inspector in the two most recent appeal decisions mentioned that there was recommended specific residential style or that this factor formed a reason for refusal. It should be noted that Numbers 20 and 22 Watford Road are large detached properties which have been extended and enlarged over time. There is no consistent design approach to either of these properties. This aspect is similar in respect to the properties opposite and 16 Watford Road to the rear of the site.

11.28 The proposed development has a level of set back which is similar to the neighbouring properties and seeks to promote the suburban nature of the area. The architectural detailing has been improved throughout the pre-application process undertaken with advice from the Local Planning Authority. The proposed design is Neo-Georgian with sash windows, flat roofed dormer windows and detailing such as stone cill, vertical banding, eaves detailing, horizontal stone banding, brick details etc.

11.29 The design reflects the advice outlined in Part D of the Planning and Design Guide 2006. Part D of the Planning and Design Guide 2006 states entrances should front onto the main street and can be a focal point. Entrances should be in keeping with the scale and design of the building and should not be an overbearing feature within the streetscene. The proposed front entrance adopts a dramatic Neo-Georgian pillared design. It is centrally located and in proportion to the proposed build. It is not considered overbearing. Therefore the proposed entrance is considered acceptable in the light of Part D of the Planning and Design Guide 2012.

11.30 Part D of the Planning and Design Guide 2006 states that roofs form a
significant visual component of any development and streetscape. The design of roofs in new development is considered to respect the design of surrounding developments in terms of roof design. Crown roofs form part of the streetscene and in this instance have been utilised to reduce the bulk of the overall block. The roof design of the proposed development is considered acceptable in regards to the advice outlined in Part D of the Planning and Design Guide 2006.

11.31 Part D of the Planning and Design Guide 2006 states dormer windows should be as small as possible and should normally only be located within the rear roofslope. The Council will resist dormers within the front roof slope unless they are a feature of the streetscene within a new development. Multiple front dormer windows are a common feature of Watford Road. The dormers when measured vertically are well within the guidance to promote them as subservient features within the context of the building and wider streetscene. To help further, the dormers blend in with the character of the house and street, and the design and style of the dormer windows match the roof of the proposed block. Therefore it is considered that the proposed dormer windows meet the guidance as set out in Part D of the Planning and Design Guide 2006. The design of the dormers is considered acceptable in this location.

11.32 Part D of the Planning and Design Guide 2006 also provides guidelines for all fenestration. The current size, position and design of the proposal's fenestration reflects a traditional approach and are considered acceptable. The rooflights have been kept to a minimum, are positioned well on the proposed block and are small in size. Therefore as the proposed rooflights meet the guidance as set out in Part D of the Planning and Design Guide 2006, they are considered acceptable in this location.

Conclusion

11.33 The current proposal is considered to implement an improved design approach with greater architectural detail to the proposed units when compared to both the present house and previous appeal scheme, TP/06/1469. The previous appeal application – under reference TP/06/1469 had a poorer level of detail as there was far less architectural detail. Therefore the current design is considered to be more acceptable in this location than the previous appeal application. The proposal with its Neo-Georgian styling, small front projection, and flat dormer windows is considered acceptable particularly having regard to Part D of the Planning and Design Guide 2006.

Materials

11.34 The materials to be used have not been fully outlined in the planning application and therefore in order to protect the visual amenity of the neighbouring properties and the locality, a condition is recommended that materials are submitted to the planning department prior to the construction of the dwellinghouse. These include both the external materials of the proposed flat development and hardstanding materials.
11.35 It is considered that the overall design approach which includes assessment of the height, mass, architectural detailing, spacing, setting, spatial layout and materials is acceptable in regards to its impact on visual amenity, and its location within Watford Road. The proposal is considered acceptable in regards to the National Planning Policy Framework 2012, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design Guide 2006 and Policies D20, D21 and H8 of the Local Plan 2003.

Car parking and highway implications

11.36 The National Planning Policy Framework (2012), paragraph 29, states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It further states under paragraph 33 that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

11.37 The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. It states maximum residential off-street parking standards for a 2 bedroom unit would be two car parking spaces. The proposal is for 7 two bedroom flats and therefore would require 14 car parking spaces. The Council’s Parking Standards (Revised 2010) also states that for a scheme of 5-10 units, an exclusive disabled car parking space is required. Therefore in total, the development would require 15 car parking spaces.

11.38 The development as shown on the site plan has 15 car parking spaces located within an underground car park, 1 visitor space and 1 disabled space. Therefore, the development would exceed the Council’s Parking Standards 2010 (as amended) by two parking spaces.

11.39 Concerns have been raised in regards to the proposed access ramp in terms of noise and vibration. The proposed ramp would be between 3 and 3.5 metres from the boundary line with the neighbouring property, 20 Watford Road. This would be next to the existing garage at 20 Watford Road and it is considered that there would not be excessive noise and vibration in this location.

11.40 In 2012, the planning application was determined by Planning Committee and subsequently approved. After the Decision Notice was issued an adjacent neighbour advanced a Judicial Review challenge on the Highway Authority’s assessment, resultant comments and whether a requested visibility requirement could be achieved. This challenge was successful on the grounds that the assessment and the resultant comments of the Highway Authority were not adequate and the plans assessed by the Highway Officers were a different set to what was submitted to the Local Planning Authority.
Therefore, the visibility requirement sought by the Highway Authority could not be achieved.

11.43 Consequently the Decision Notice has been quashed and the planning application has been made ‘live’ to be reassessed. The Highway Authority were reconsulted. In addition, the plans have been revised by the applicants to clearly show compliance with the requested visibility requirement and those revised plans have been provided to the Highway Authority. A reconsultation to all parties has taken place given the events and key changes.

11.44 Further, amendments have been made to the design of the access point since the decision was Quashed, in order to seek to overcome concerns by the neighbouring property, 20 Watford Road. Those amendments have been provided to Highways.

11.45 Watford Road is a Local Distributor B Class road in the Herts County Council hierarchy of roads. The highway details are shown on Stirling Maynard drawing 10000/03/55B date stamped 22/7/2013. The plans show that it is proposed to close the eastern access and amend the western access to serve the development.

11.46 Visibility splays of just over 30m can be achieved in either direction from the access. The required visibility splay according to Manual for Streets for a 30 mph speed limit is 2.4 x 43 metres and therefore the achievable visibility is less than the recommended standard. However the proposal has to be considered against the existing situation. The existing eastern access has very limited visibility to the east, whilst the western access has limited visibility to the west. By providing one access which is further from either of the site boundaries, visibility in both directions is improved from the current situation.

11.47 Therefore on balance by removing one access the proposal will improve visibility for this site as a whole. Details of the access, including width and kerb radii should be agreed prior to commencement of the development as the Stirling Maynard drawing appears to show radius kerbs on the western side only. It is considered this can be covered by condition as it would be reasonable in accordance with the National Planning Policy Framework 2012 and Circular 11/95.

11.48 The swept path diagrams clearly indicate that large service vehicles can enter, turn and egress in a forward gear. The Stirling Maynard drawing does not appear to show the 1.8m footway that was previously proposed however there appears to be sufficient space to provide this and as it improves pedestrian access to the site as set out in NPPF and Circular 11/95, it is recommended that a condition be added requiring its inclusion.

11.49 There are concerns from neighbouring properties regarding the impact of the development on Watford Road. It is considered that a housing development of this size would not adversely impact on the highway network leading to increased levels of congestion. This view is maintained by the Highways
Department who have stated that it does not consider that the development would materially increase traffic movements in the area. Therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and is considered acceptable and in accordance with the National Planning Policy Framework 2012, the Council's Parking Standards (Revised 2010), Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Policies M2, M12 and M13 of the Local Plan 2003.

Privacy and amenity of neighbouring residents

11.50 Firstly, with regard to the protection of residential amenity, Part D of the Planning and Design 2006 advises that developments should be orientated so that their front and rear building lines fit comfortably within a line drawn at 45 degrees from the nearest edge of the neighbouring front or rear facing windows. The proposed development would be surrounded by existing residential properties and would be sited on a build line with 20 and 22 Watford Road. The proposed development would be located within the 45 degree line as drawn from the nearest habitable room windows of these neighbouring properties.

11.51 In addition to this, Part D of the Planning and Design Guide 2006 provides minimum distances between new and existing habitable room windows and states where opposing elevations face each other at an angle there may be some potential for overlooking without an adequate distance between buildings. The required distance between buildings will vary according to the angle between facing windows of habitable rooms. Both 16 Watford Road and Foxhills Manor, the nearest properties at the front and rear of 18 Watford Road are located at an angle. Foxhills Manor is located approximately 44 metres away from the front of the proposed block and 16 Watford Road is located approximately 110 metres away. Therefore there would be no loss of privacy, loss of sunlight, loss of daylight or overlooking to these properties. Therefore the separation gaps would be acceptable in regards to Part D of the Planning and Design Guide 2006.

11.52 There are windows located in the flank elevations, however they are not considered to harm the privacy of the neighbour at 20 Watford Road as there are no first floor side windows shown on the western elevation plans. There are first floor side windows shown on the floor plans. This is being clarified with the agent and will be updated in the update sheet. Although there are windows located in the flank wall facing the access drive, there are no neighbouring properties on this side of the property. Therefore a condition restricting the flank windows to obscure glazing is not required. There are also a number of rooflights in the elevation facing 20 Watford Road; however these are unlikely to result in a loss of privacy or overlooking to this property as these are located within the roofslope at an angle.

11.53 The proposed development introduces terraces on the rear elevations. It is important to note that at the rear these terraces are integrated into the fabric of the building. Therefore, the proposed terraces would not result in a loss of
privacy to neighbouring properties due to their design and positioning on the proposed development which restricts views and overlooking. Therefore the terraces are considered acceptable.

11.54 Due to the site being located within an existing residential area with other dwellings in close proximity and fronting onto a relativity busy street, three conditions are proposed to control the construction works that would be occurring on the site. The first condition recommended is for a method statement to be undertaken prior to works commencing, and the second is to control the hours of operation on the site. These would help alleviate potential impacts on the surrounding residents and help prevent issues on localised highway safety and convenience during the construction phase. The third condition is in regard to external lighting in order to protect residential amenity.

Amenity

11.55 Part D of the Planning and Design Guide 2006 states that flats should be provided with a minimum of 15 m² of private useable communal garden space for every 20 m² of internal gross floor space (or part thereof). The proposed development would have an internal floorspace of 1,601 square metres. Therefore a minimum of 1200.75 square metres of private useable communal garden space would be required. There would be 1304 square metres of communal garden space. Therefore the development provides an additional 103.25 square metres of private useable communal garden space over the SPD requirement, which is considered to be a positive element of the scheme.

Provision for refuse and emergency vehicles

11.56 The Council’s Technical note: Waste provision requirements 2010 at new developments on the collection of domestic refuse requires each household in the Borough to have the following provision for general waste and recycling.

- 240 litres (L) for general waste
- 240L for green waste
- 38L for paper
- 55L for plastic / cans
- 55L for possible future waste storage requirements

For dwellings with individual storage provision the above provision normally constitutes:

- 3 x 240L wheelie bins for general and green waste and plastic / cans / glass
- 1 x 38L box for paper
- 1 x 55L box for possible future waste storage requirements

11.57 The agent has stated that refuse collection will be available from the front of properties. This is shown as a brick structure of 3.1 metres high which is considered visually acceptable. It is considered to screen the number of bins in an acceptable manner. The refuse vehicle has the ability to enter and exit in
forward gear. It is considered that there would be suitable space for refuse at the front of each property in line with the above guidance.

11.58 The Fire Safety Department have confirmed that access for fire appliances and the provision of water supplies appears to be adequate.

Trees and Soft Landscape Works

11.59 Policy D21 of the Local Plan 2003 and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 policies states development proposals must respect or improve the character of their surroundings. Policy E7 of the Local Plan 2003 requires trees and hedgerows that contribute to the visual amenity are to be retained and protected. Policy E8 of the Local Plan 2003 states on development sites, where existing trees and or/hedgerows are to be retained it is a requirement that proposals provide sufficient space between trees and or/hedgerows and buildings to enable the implementation of the development to take place without affecting the existing and proposed landscape features.

11.60 A landscape plan has been provided in respect of the site. This demonstrates the height, type and number of species of plants to be used in the garden. The level of soft landscaping is considered acceptable as these are largely native species. The landscape scheme includes a patio area and fencing to provide an 8 metre buffer zone for the river course. Conditions would be required to ensure that the fencing would be installed prior to demolition of the site. The boundary treatment of mixed native hedgerow has been agreed by the Environment Agency in the letter included as part of the application. However further details such as the height are currently being requested of the agent. These will be included in the update sheet. A further condition would require details of the hardstanding materials. The site is covered by a TPO, which is located along the site boundary lines. It is confirmed by the agent in the arboricultural report that only one tree would be removed. This is the Horse Chestnut (T4) which is to be removed for arboricultural reasons located on the boundary with the access road. A consultation response has not been received by the Tree Officer at the Local Planning Authority and therefore conditions have not yet been imposed on this application. These will be included within the update sheet. Subject to those comments, the removal of this tree is considered acceptable as the tree is in bad condition as viewed on site in regards to Policies D21, E7 and E8 of the Local Plan 2003.

Biodiversity

11.61 Policy E3 of the Local Plan 2003 looks at species protection of development sites. The site is vacant but on the case officer’s site visit was not overgrown. There are a number of existing trees (7) around the site. Hertfordshire Biological Records provided comments. They do not have any known biological records for the site or any records of bat roosts in the area. However, due to the vacant nature of the property on the edge of Radlett, very close to woodland, mature trees, hedges, grassland and ponds, it is
reasonable to suggest that these are favoured feeding habitats for bats. An initial bat survey was requested which found no evidence of bats. The bat survey was considered acceptable by Hertfordshire Biological Records. It is therefore recommended on any application granted that a condition is relating to site clearance, demolition of buildings and construction works to protect any species living on the site should be imposed. Subject to these conditions, the proposal would be in accordance with Policy E3 of the Local Plan 2003.

S106

11.62 Should planning permission for this development be granted, the following sums have been agreed under the existing S106 Agreement dated 31 August 2012 in order to mitigate the impact of the development:

Due to Hertfordshire County Council

• Sustainable transport measures - £4,500
• Primary Education - £4,871
• Secondary Education - £4,850
• Childcare - £360
• Youth - £149
• Libraries - £837

Due to Hertsmere Borough Council

• Public Open Space - £37,116.56
• Public Leisure Facilities - £401.00
• Playing Fields - £11,211.96
• Greenways - £1,220.87
• Allotments - £13,088.64
• Cemeteries - £497.24
• Museums and cultural facilities - £1,274.00
• S106 monitoring contribution - £469.00

Fire hydrant provisions enforceable by Herts CC are also included within the S106 Agreement.

Other matters

11.63 The County Development Unit seeks to promote sustainable management of waste in the county. Developments from the 6 April 2008 that are worth more than £300,000 are required by law to submit a site waste management plan. A site waste management plan was not submitted to the planning department. It is recommended that a condition is attached to any approval granted to ensure that waste management and recycling is properly considered in accordance with Waste Policies 3, 7 and 8 of the adopted Hertfordshire County Council Waste Plan 1999.
11.64 The Council’s Engineering Services Department has stated that a standard drainage condition should be included as a condition to this application to address surface water drainage to ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. Subject to the imposition of the condition, the proposal would be in accordance with Policy D3 of the Local Plan 2003 and Policy CS15 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

11.65 Concerns have been raised in regards to the spread of Japanese Knotweed between 18 and 20 Watford Road. A report has been sent to the Local Planning Authority by Eco Control Solutions commissioned by the owner of neighbouring property, 20 Watford Road. The report confirms that during the survey that there ‘was significant infestation of Japanese Knotweed located within the gardens of both properties’. The report confirms that Japanese Knotweed has spread from 20 Watford Road to the development site at 18 Watford Road. This document has been reviewed and a consultation response sought by the Senior Scientific Officer in the Council’s Environmental Health Dept. It has been confirmed that the presence of Japanese Knotweed does not restrict development from taking place. However a condition will be required with an approved strategy to ensure that the Japanese Knotweed problem is adequately managed.

11.66 Concerns have been raised that the application site includes land within the curtilage of 20 Watford Road. A scrutiny, however, of the Land Registry Title Plans demonstrates clearly that this is not the case. In any case, land ownership is not a matter that, on its own, has any bearing on a planning application Planning consent cannot therefore be refused on land ownership grounds alone.

11.0 Conclusion

11.1 The proposed development subject to conditions would not result in detrimental impact on the visual amenities of the area, amenity of the neighbouring properties or the living conditions for the future occupants of the site. The access to the site along with the level of off street car parking would comply with policy and subject to the imposition of conditions is considered acceptable. It is also in accordance with car parking and highway implications, provision for refuse and emergency, and trees and landscaping. The impact of the development has in addition been adequately mitigated by the existing S106 Agreement dated 31 August 2012. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.
12.0 Recommendation

Grant planning permission subject to conditions and the existing S106 Agreement dated 31 August 2012.

Conditions/Reasons

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

02. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D3, H8, D20, D21, M12, E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

03. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

04. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

05. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all
stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2011.

06. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

07. Prohibited Activities
The following activities must not be carried out under any circumstances:

a. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
b. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
d. No mixing of cement or use of other materials or substances shall take place within Root Protection Areas, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.
e. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

08. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s).

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

09. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.
Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

10. BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT the access roads and parking areas shown on the approved plan(s) shall be completed and thereafter permanently retained for parking and manoeuvring purposes.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2013.

11. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

12. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 and BS 3998. The approved scheme for the protection of the existing trees shall be implemented BEFORE DEVELOPMENT COMMENCES and be maintained in full until the development has been completed.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

13. THE DEVELOPMENT SHALL NOT COMMENCE UNTIL details of the junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

14. Within one month of the access being brought into use, all other existing access points not incorporated in the development shall be stopped up by raising the existing dropped kerb and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.
15. Surface Water Run-Off NO DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

16. PRIOR TO ANY PART OF THE DEVELOPMENT commencing the visibility splays shown on the approved drawings shall be provided to the access road serving the development. The sight lines shall be permanently maintained in both directions. There shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

17. PRIOR TO ANY PART OF THE DEVELOPMENT commencing details of the layout and construction of the proposed footway across the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the footway has been laid out and constructed in accordance with the approved details.

Reason: To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

19. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE a site waste management plan has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed development considers the waste management of the site. To comply with PPS 1: Sustainable Development, Waste Policies 3, 7 and 8 of the adopted Hertfordshire County Council Waste Local Plan 1999.

20. A method statement shall be submitted to the Local Planning Authority and approved in writing for the removal of the tile hanging on the existing house, 18 Watford Road.

Reason: To protect wildlife habitat in accordance with E3 of the Local Plan 2003.

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

Highways date stamped 7/3/2012
Proposed site plan (drawing number 1323.P.01 Rev B) date stamped 7/3/2012
Elevations (drawing number 1323.P.04) date stamped 18/1/2012
Proposed first & second floor & roof plans (drawing number 1323.P.03) date stamped 1/2/2012
Proposed lower ground floor & ground floor plans (drawing number 1323.P.02) date stamped 18/1/2012
Daytime bat inspection survey report date stamped 2/5/2012
Letter from Environment Agency dated 15/11/2011 date stamped 18/1/2012
Reason: For the avoidance of doubt and in the interests of proper planning.

**General Reason(s) for Granting Permission**

01. The proposed development subject to conditions would not result in a detrimental impact on the visual amenities of the area, amenity of the neighbouring properties or the living conditions for the future occupants of the site. The access to the site along with the level of off street car parking would comply with policy and subject to the imposition of conditions is considered acceptable. It is also in accordance with car parking and highway implications, provision for refuse and emergency vehicles, and biodiversity, trees and landscaping. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.

**13.0 Background Papers**

1. The Planning application (TP/12/0070) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

**14.0 Informatives**

1. This application was determined having regard for the guidance of the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.

2. Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For
more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk
- To obtain Building Regulations Approval the applicant should apply to obtain either:
- Full Plans approval - this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.
Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

3. This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

Case Officer Details
Louise Sahlke - Email Address-louise.sahlke@hertsmere.gov.uk