

**16. 18/1947/FUL - Conversion of garage into habitable accommodation at 12 CAREW WAY, CARPENDERS PARK, WD19 5BG (DCES)**

Parish: Watford Rural Parish Council  
Expiry of Statutory Period: 20.11.2018

Ward: Carpenders Park  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by Watford Rural Parish Council

**1 Relevant Planning History**

1.1 97/0235 – Erection of 132 dwellings

1.2 18/1663/CLPD - Certificate of Lawfulness Proposed Development: Construction of detached outbuilding to rear – Permitted

**2 Description of Application Site**

2.1 The application site is roughly rectangular in shape and located on the northern side of Carew Way.

2.2 The application dwelling is a detached property built in red brick with a front gable feature.

2.3 To the front of the application site is a block paved driveway which could accommodate two cars in addition to an area of soft landscaping.

2.4 The neighbour at No.14 is a detached dwelling of a similar architectural style and scale to the application dwelling.

2.5 The neighbours to the east are orientated 90 degrees to the application dwelling.

**3 Description of Proposed Development**

3.1 This application seeks full planning permission for the conversion of the garage into habitable accommodation.

3.2 The existing internal garage would be converted into an office and the existing garage door replaced with a double casement window.

**4 Consultation**

**4.1 Statutory Consultation**

4.1.1 Watford Rural Parish Council: [Objection, call in request]

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We wish to object strongly to the development of land at this location for the following reasons:

We believe that this proposed plan fails under policy “DM13 Parking” of the Local Plan, as it clearly states in Appendix 5 under C3 Residential that 4 bedroom properties must have three assigned spaces within the curtilage. Due to the severe parking issues currently experienced in the area Watford Rural Parish Council will contend that any development which takes away a garage site will slowly make the area deteriorate over time as more and more garages are converted, meaning more and more visitors and household members park in the road causing issues to pedestrian and motorists alike which then causes failures under CP10 (l) of the TRDC’s Local Development Framework - Core

Strategy Document where it states that a development must make “adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians”

We respectfully ask this to be pulled into to planning committee and ask TRDC councillors to finally put a stop to these types of conversion ongoing.

Please note that in the application form Q8 states a negative answer to whether the proposed works affect existing car parking arrangements – they are knocking down a garage?

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

4.1.2 National Grid: No comments received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 8 No of responses received: 0

4.2.2 Site Notice: Not required Press notice: Not required

## **5 Reason for Delay**

5.1 Not applicable.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### **6.2 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6 and DM13 and Appendices 2 and 5.

### 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## 7 **Planning Analysis**

### 7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 Whilst the neighbours immediately adjacent to the application dwelling are similar in architectural style there is some variation in scale and design within the streetscene. In addition to this there are other garage conversions evident within the area for example at 7 Carew Way and 14 Highfield. As such subject to the use of a window with materials to match those existing it is not considered that the proposed development would appear incongruous or unduly prominent so as to result in unacceptable harm to the character of the streetscene.

### 7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

7.2.2 The proposed window that would replace the garage door would be directed towards the front of the property and would therefore not result in any inappropriate overlooking to the neighbours within the vicinity of the application site when compared with the existing ground floor fenestration.

7.2.3 Overall, it is not considered that the proposed modifications to the garage would result in an adverse impact on neighbouring dwellings and the development would be acceptable

in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Amenity Space

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
- 7.3.2 The proposed development would not result in any additional bedrooms or loss of existing amenity space. Should the room ever be used as a bedroom the application site would retain sufficient amenity space of 145sqm to serve a 5 bedroom dwelling which would require 126sqm.

### 7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist and states that a Biodiversity Survey and Assessment is not required
- 7.4.4 Given this in addition to the nature of the proposed development it is not considered that the proposed development would result in harm in this respect.

### 7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not within a Conservation Area and whilst there are protected trees to the east within the neighbouring sites given the nature of the proposed development it is not considered that the development would result in any adverse harm in this respect.

### 7.6 Highways, Access and Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.6.2 Appendix 2 of the DMP LDD outlines that a dwelling with 4 or more bedrooms should provide 3 on site spaces. The proposed development would not result in any additional bedrooms but would result in the loss of the existing garage. The existing garage has a width of 2.6m and a depth of 5.3m. As such the existing garage would not be wide enough to accommodate a vehicle (Herts County Council: Roads in Hertfordshire (2011) outlines that garages should be 3m wide by 6m in depth). Whilst the existing garage may be able to accommodate smaller cars it is not large enough to meet current standards.

Notwithstanding this the two existing spaces would be retained, there is also future potential to extend the existing provision of hardstanding within the frontage in addition to some on street provision. Should the habitable room be used as an additional bedroom in the future this would not increase the requirement for parking provision.

- 7.6.3 As such the proposed development would not result in any alterations to existing requirements or provision as the existing garage does not meet current standards. Nevertheless a shortfall of one parking space is not considered to result in severe demonstrable harm so as to justify the refusal of planning permission.

## **8 Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: CW12-02-1001 AND CW12-02-1002

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013)

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## **8.2 Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the

Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District