

Three Rivers District Council Development Management Policies

Statement in Response to Main Issue: Residential Design

Whether the policy and guidance are soundly based; address the relevant planning issues in the District; are properly justified; are likely to be effective in delivering high quality, sustainable development; are capable of being effectively monitored; and are consistent with national planning policy.

1.1 QUESTION R1

1.2 What are the principal residential design issues in the District that need to be addressed? How do Policy DM1 and Appendix 2 address them?

- 1.3 Three Rivers is a mixture of countryside, villages and small towns. Green Belt covers 77% of the area of the district and this contributes to the open, rural character of Three Rivers. Due to the nature of the district the common forms of development put forward to the Council are small scale residential forms of development i.e. extensions and backland/ infill development. Many areas within the District consist of low density housing with large (or long) rear gardens; it is these areas that often experience pressure for development on garden land or for infill development. If badly designed and managed these forms of development in addition to residential extensions can erode the character of an area or significantly impact on residential amenity.
- 1.4 In order to achieve a high standard of design the Council will ensure that development maintains, protects and enhances the character, amenity and quality of the district and in particular residential amenities for both existing and new occupants by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 1.5 The requirement for housing developments to make full and effective use of land whilst having regard to the character of the surrounding area was identified as a key issue at the Core Strategy Issues and Options consultation stage (DM CD8). Consultation responses showed strong support for new housing development to respect the character of the surrounding area, with more people in favour of assessing developments on their merits rather than setting specific density standards for particular locations.
- 1.6 Policy DM1 sets out how the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', infill or other forms of new residential development which are inappropriate for the area. Policy DM1 also sets out the criteria for when the conversion of single dwellings into two or more units would be generally acceptable.
- 1.7 Appendix 2 provides further detailed design criteria to ensure that all residential development does not lead to a gradual deterioration in the quality of the built environment, and that landscaping, the need for privacy and amenity space and the creation of identity in housing layouts are taken into account.
- 1.8 All applications will be assessed on their own merits but all development must:
- Not be excessively prominent in relation to adjacent properties or to the general street scene.
 - Respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors, and materials.

- Not result in loss of light to the windows of neighbouring properties nor allow overlooking.

1.9 Appendix 2 provides detailed guidance in ways to address the above issues. For example to prevent loss of light to windows, two storey/ first floor rear extensions should not intrude into a 45 degree splay line when taken from a point on the joint boundary, level with the rear wall of the adjacent property. Illustrative examples are provided in the appendix to assist the plan user in establishing the way in which the 45 degree splay line should be measured. To ensure roof forms respect the character of the street scene the guidance also sets out what would generally be discouraged by the Council in terms of roofs i.e. crown roofs, increase in ridge height and hip to gable extensions.

2.0 QUESTION R2

2.1 Given that Policy DM1 largely deals with particular forms of housing development, does it provide a sufficient basis for overall control of development?

2.2 Due to the nature of the district the common forms of development put forward to the Council are small scale residential forms of development i.e. extensions and backland/infill development. It is for this reason why Policy DM1 was produced.

2.3 Policy DM1 is one of several policies in the document which, together with policies in the other development plan documents, will provide a sufficient basis for overall control of development.

2.4 The Core Strategy provides the over arching strategy and policies and the long term vision for Three Rivers. The Site Allocations LDD will allocate sites for housing, employment, retail, open space, education and community uses. The Development Management Policies LDD will set out the policies against which planning applications will be assessed. The use of all three LDDs will provide overall control of development in the district.

2.5 All development proposals are assessed against Policy CP1 of the Core Strategy (adopted October 2011) which requires all development in Three Rivers to contribute to the sustainability of the District, and Policy CP12 of the Core Strategy (adopted October 2011) which sets out what the Council will expect from all development proposals in order to seek a high standard of design. Other Core Strategy Policies may also be relevant in assessing any development proposals submitted to the Council (see the policy links table).

2.6 A Design SPD will also be produced to provide further detailed guidance and good practice on improving the design of all new development within the District for both residential and commercial development.

3.0 QUESTION R3

3.1 Is the policy likely to be effective in securing high quality design? Does it strike an appropriate balance between screening out poor quality development and encouraging innovative design? Would it permit original, highly sustainable development that might be considered unconventional? How would it help develop a sense of place?

3.2 Yes.

- 3.3 The Council is mindful of the requirement within the NPPF that they should not stifle innovation or originality. Paragraph 59 of the NPPF states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Policy DM1 is in accordance with paragraph 59 of the NPPF.
- 3.4 Policy DM1 is a criteria based policy which sets out the considerations and issues for any development proposal to address. It is not over prescriptive and does not impose a certain architectural style or an approach to design. Appendix 2 clearly guides the applicant on the main issues against which a scheme will be assessed to ensure it delivers high quality design which respects its local context and does not impede on residential amenity. Policy DM1 is flexible to recognise the distinctive character across the district and enable innovative design. The Council has taken this approach to encourage applicants to analyse the site's context.
- 3.5 The policies within the existing Local Plan and Core Strategy have already permitted sustainable, innovative and original forms of development.
- Planning permission (09/1388/FUL) was granted for the '*Construction of dwelling underground with associated access, landscaping and parking*'. The development was a novel design approach that used the slope of the site and excavations to construct a dwelling with an exposed front (south) elevation with an adjacent sunken front garden. The dwelling was designed around a courtyard with a spiral staircase that led to the garden and a roof terrace. The courtyard was surrounded by a glazed recessed balustrade with landscaping. The dwelling would utilise passive solar gain from glazing on the front south facing elevation, a ground source heating system and have efficient insulation due to the underground design with natural ventilation.
 - Planning permission (12/1758/FUL) was granted for the '*demolition of existing house and erection of a new environmentally friendly house with accommodation in roofspace*'. The proposal used a bespoke prefabricated building system with a highly insulated timber frame wall and roof system. Solar panels were proposed to be sited within the south east facing roof slope.
- 3.6 The Council will continue to encourage highly sustainable and innovative developments through Policy DM1 and other relevant policies of the Development Management LDD and adopted Core Strategy. Policy CP12 of the Core Strategy point (F) requires the use of innovative design to reduce energy and waste and optimise the potential of the site; and point (k) requires the use of high standards of building materials, finishes and landscaping.
- 3.7 Policy DM1 and Appendix 2, together with Policy CP12 of the adopted Core Strategy, provide detailed design criteria to ensure that all development proposals will establish a strong sense of place by using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

4.0 QUESTION R4

- 4.1 Is the relationship between Policy DM1 and Appendix 2 satisfactory? What does "satisfying" the design criteria in the latter mean in practice?**

- 4.2 Yes.
- 4.3 Policy DM1 sets out the common forms of residential development (backland and infill development) put forward to the Council as a result of many areas within the District consisting of large houses and low density housing with large/ long rear gardens. These forms of development can erode the character of an area and/ or impact on residential amenity. Appendix 2 supplements Policy DM1 as it provides further detailed design guidance to ensure that applications for all forms of residential development do not lead to a gradual deterioration in the quality of the built environment or impede on residential amenity of existing and new occupants.
- 4.4 The approach is comparable to Saved Policy GEN3 and Appendix 2 of the current Local Plan. Saved Policy GEN3 requires applications for development to satisfy the design and landscape criteria and the guidelines for extensions to residential properties set out in Appendix 2- Design Guidelines.
- 4.5 In order to reinforce the relationship between Policy DM1 and Appendix 2 we propose the following additional modification to the final paragraph which is also to be moved to the top of Policy DM1:

'All applications for residential development should satisfy the design criteria as set out in Appendix 2 to ensure that development does not lead to a gradual deterioration in the quality of the built environment, and that landscaping, the need for privacy and amenity space and the creation of identity in housing layouts are taken into account.'

- 4.6 In practice each planning application will be assessed on their own merits and as stated in Appendix 2 whilst a development may be in accordance with the guidance contained in the document, in some cases it may still not be considered acceptable based on site circumstances. Likewise certain developments may not comply with all guidance but still may be considered acceptable.

5.0 QUESTION R5

- 5.1 What are the principal sources of evidence for the Policy and Appendix? Are the design criteria in general, and the space and distance standards in particular, soundly based, justified and realistic? If they have been used in the past, have they found effective and has their continuing relevance been re-assessed?**
- 5.2 Policy DM1 and Appendix 2 have been adapted from Saved Policy GEN3 and Appendix 2 of the existing Local Plan. Saved Policy GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011 have been effective in creating residential development that does not impede on residential amenity in terms of loss of light or overlooking; and development that does not impact on the character of the original dwelling or area in terms of being excessively prominent in relation to adjacent properties or the general street scene.
- 5.3 Responses to the consultation stage for the Core Strategy: Supplementary Issues and Options document (DM CD8) indicated strong support for the Council's proposed generic Development Control Policies to be used as a basis for assessing planning applications.

- 5.4 The space and distance standards specified in Appendix 2 are indicative figures that are set out in the existing Local Plan. It is important to note that all planning applications for residential development will be assessed on their own merits and as stated in Appendix 2 whilst a development may be in accordance with the guidance contained in the document, in some cases it may still not be considered acceptable based on site circumstances. Likewise certain developments may not comply with all guidance but still may be considered acceptable. The space and distance standards are considered necessary to ensure development proposals take into consideration impacts on neighbouring properties, both within and surrounding development.
- 5.5 The testing of Saved Policy GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011 at appeal over the years has proved useful and informative in determining which aspects of Saved Policy GEN3 and Appendix 2 to use and how new policies could be made tighter. The drafting of Policy DM1 has had regard to this scrutiny.

Planning application		Planning Appeal	
Refused	Permitted	Dismissed	Allowed
50	709	19	7

Table 1: Policy GEN3 referred to in planning application decisions and appeal decisions (AMR 2011-2012).

- 5.6 Of the three planning appeals that were allowed during the monitoring year 2011-2012, none were allowed for new residential or commercial development following refusal on design grounds.

Planning application		Planning Appeal	
Refused	Permitted	Dismissed	Allowed
0	716	18	4

Table 2: Policy GEN3 referred to in planning application decisions and appeal decisions (AMR 2010-2011).

- 5.7 Of the eight appeals that were allowed during the monitoring year, none were allowed for new residential or commercial development following refusal on design grounds.
- 5.8 Given the above, we are of the opinion that Policy DM1 and Appendix 2 are soundly based, justified and realistic.

6.0 QUESTION R6

- 6.1 How will the Policy and Appendix relate to the proposed SPD? What will the last named contain that the plan does not? Should guidance be given on designing out crime?**
- 6.2 Policy DM1 and Appendix 2 of the DM LDD set out the design issues that need to be addressed for all forms of residential development.
- 6.3 The proposed Design SPD would provide further detailed design guidance relating to a number of subjects including extensions, layout of parking areas, development in the Green Belt, conservation issues and sustainability. It will provide guidance and good practice on improving the design of all new development within the District covering residential and commercial development.

The Council is satisfied that the intended content of the Design SPD would reflect what is permissible in the 2012 Local Plans Regulations.

- 6.4 With regards to designing out crime paragraph 3.2 states that Design and Access Statements will need to demonstrate how development proposals will:

'Incorporate crime prevention measures in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places – the Planning System.'

- 6.5 There is also a direct link to the Association of Chief Police Officers' 'Secured by Design' website:

The Design Council provides guidance on Design and Access Statements which is available at www.designcouncil.org.uk. Further advice on 'Secured by Design' principles are available from the Police at <http://www.securedbydesign.com>.

- 6.6 Designing out crime is also addressed in the Core Strategy:

Policy CP1 (n) - *Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour.*

Policy CP12 (h) - *Design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.*

- 6.7 Further guidance relating to Secured by Design will be included in the forthcoming Design SPD in consultation with Hertfordshire Constabulary's Crime Prevention Design Advisor. It is therefore considered unnecessary to provide further guidance in Policy DM1.

7.0 QUESTION R7

- 7.1 Are the proposed monitoring indicators sufficient, appropriate and likely to be effective?**

7.2 Yes.

- 7.3 The proposed indicators for Policy DM1 are currently used to assess Policy CP12 of the Core Strategy and have been effective in monitoring the policy. The proposed indicators will continue to assess the extent to which the policy objectives are being achieved for both Policy CP12 of the Core Strategy and Policy DM1 of the DM LDD. The indicators are considered sufficient and appropriate in measuring the effectiveness of Policy DM1.