

PLANNING COMMITTEE – 18 JUNE 2015

PART I - DELEGATED

6. **15/0331/FUL - Two storey side extension to create separate entrance to first floor flat, internal alterations and demolition of existing garage, at ST JOHN FISHER ROMAN CATHOLIC CHURCH, SHIRE LANE, CHORLEYWOOD, HERTFORDSHIRE for Westminster Roman Catholic Church Diocese Trustee (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and
Maple Cross

Expiry Statutory Period: 12/05/2015

Officer: Denis Toomey

Recommendation: That Planning Permission be Granted

This application is brought before the Committee at the request of three members of the Planning Committee

- 15/0332/LBC – Listed Building Consent: Two storey side extension and demolition of existing garage, at ST JOHN FISHER ROMAN CATHOLIC CHURCH, SHIRE LANE, CHORLEYWOOD, HERTFORDSHIRE for Westminster Catholic Church Diocese Trustee**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and
Maple Cross

Expiry Statutory Period: 11/05/2015

Officer: Denis Toomey

Recommendation: That Listed Building Consent be Granted

This application is brought before the Committee at the request of three members of the Planning Committee

Update

The application was deferred at the Planning Committee meeting on 21 May 2015 in order for Members to undertake a site visit.

A site visit was scheduled to take place prior to the June Planning Committee.

1. Relevant Planning History

- 1.1 97/0784/FUL – Single storey rear extension – Permitted – 09/12/1998.

2. Site Description

- 2.1 The application site contains a two storey detached building located along Shire Lane. The building is positioned approximately 10m from the highway and is set on higher grounds in relation to the highway. The property mainly consists of white rendering with some red brick finishing and the roof consists of dark brown tiles. To the front of the building is hardstanding with a garage positioned on the south western portion of the site. To the rear of the site is a

garden that measures approximately 520 sqm. There are two outbuildings positioned in the rear garden.

- 2.2 The ground floor of the building is used for religious ceremonies and religious purposes. The first floor of the building is in residential use with internal access from the ground floor.
- 2.3 The property located north east of the application site (Wood Grange) is located on lower ground in relation to the application dwelling. This neighbouring residential property is built to a similar building line. There is a garage located on the south east flank of Wood Grange and is built right up to the boundary. The flank boundary consists of an approximately 1.5m high wall and some vegetation.
- 2.4 The residential dwelling positioned south east of the application site (Eston) is on higher ground and is set slightly forward with regards to the application building. There is a conservatory to the rear of this property. The boundary treatment line between these properties consists of an approximately 2m high wooden fence and a hedge.
- 2.5 The application site is located in Chorleywood Station Estate, Conservation Area.
- 2.6 The property is a Grade II listed building built in 1890 and extended on in 1905 by C.F.A. Voysey. The building contains some red brick but is mostly roughcast. There is some stone dressing and the roof is tiled. The first floor has two 3 light stone mullion windows. The interior consists of round arches, fireplaces, doors, low picture rails and ventilation grilles designed by Voysey. The building is also formerly known as Hill Cottage.

3. Description of Proposed Development

- 3.1 Listed Building Consent and full planning permission is sought for a two storey side extension to create a separate entrance to the first floor flat, in addition to internal alterations and the demolition of the existing garage.
- 3.2 The two storey side extensions would hold the following dimensions; a depth of 5.8m, a width of approximately 1.5m and height of 7.3m. The existing first floor window would be re-sited within the side extension. In addition to this a door would be included to the front elevation. The plans have indicated that materials would match the existing materials of the overall building.
- 3.3 An existing garage at the front of the building would be demolished. Additionally alterations would be made to the rear fenestration, with the replacement of two windows and a patio door with new metal framed openings.
- 3.4 Amended plans were received on the 23 April 2015 following comments from the conservation officer who requested the existing flank opening be retained. The plans were corrected to illustrate an existing bay window.

4. Consultation

4.1 Statutory Consultation

4.1.1 National Grid: no comments received.

4.1.2 Conservation Officer: made the following comments:

- *The front garage is relatively modern and of no notable architectural interest. Removing it will enhance the appearance of the frontage and improve the setting of the main building.*
- *The proposed extension is clearly subservient to the original built form, both in terms of height and width.*
- *The impact on the composition of the building is relatively limited, given the asymmetrical arrangement of the existing front elevation.*
- *The dramatic level change to the adjacent plot limits the impact of the extension in terms of loss of gaps and terracing effect.*
- *The loss of original features is not acceptable and the attractive existing first floor window should be reinstated in the new extension at first floor level*
- *The proposed materials are acceptable in principle, but should be covered by an appropriately worded condition*
- *The two rear windows and patio door are relatively modern and do not enhance the appearance of the building. Replacing them with metal framed products is acceptable.*

Officer Comment: Amended plans submitted with existing window reinstated.

4.1.3 Chorleywood Parish Council: made the following comments:

The Committee had no Objection in principle, and will be guided by the Conservation Officer.

4.1.4 Hertfordshire Ecology: made the following comments:

We do not have any specific biological data (species or habitats) for the application site itself. We have records of bats in the area.

It is recommended that a precautionary approach is taken to the planned works and an informative should be added.

4.1.5 Herts & Middx Wildlife Trust: no comments received.

4.2 Public Consultation

4.2.1 Site Notice/Press Notice

- Site Notice posted 1 April 2015 and expired 22 April 2015
- Press notice posted 23 March 2015 and expired 17 April 2015

4.2.2 Number consulted: 6

4.2.3 Number of responses: 2 (from same neighbour)

4.2.4 Summary of response:

- Highlighting the importance of preserving or enhancing the character or appearance

- Unique features of the conservation area, and in particular Shire Lane, is the detached houses, punctuated by gaps allowing for views across the estate including trees and gardens
- Extension would close off view
- New extension would create a terrace affect
- Substantially occupy the majority of the width of their plot
 - Result in the removal of a section of hedgerow between Wood Grange and St John Fisher Church
 - Noted that neither the removal of the garage or the side extension are contingent on each other
 - Current gap between the two buildings leaves insufficient space for a side extension
 - The proposal does not indicate whether the side extension will breach the 1.2m planning guideline in relation to its proximity to the legal boundary.
 - No corresponding analysis on the impact on traffic/parking or amenity impact on the surrounding
 - No mention of change of use of providing accommodation to a residential priest to providing an independent let on commercial terms
 - Issues regarding parking and amenity of space
 - No consideration has been given to the fact that the original built form is clearly not subservient to the plot
 - No assessment has been made of the forces applied to the retaining wall resulting from building a two story extension closer to the boundary.
 - No details regarding the depth of foundations required to ensure no impact, i.e. below the level of Wood Grange's retaining wall foundations.

5. Reason for Delay

5.1 Not Applicable.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Three Rivers Local Plan

The Core Strategy was adopted on the 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (LDD) 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, DM3, DM6, DM11 and DM13 and Appendices 2 and 5.

6.2 National Planning Policy Framework (NPPF)

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The application has been considered against the policies of the Core Strategy (adopted October 2011) and the Development Management Policies Local Development Document (adopted July 2013) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.3 Other

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.

The Chorleywood Station Estate Conservation Area Appraisal (2005).

7. **Planning Analysis**

7.1 Use

7.1.1 The first floor is in existing residential use but is ancillary to the church and is accessed through the ground floor. The proposal would result in the creation of a self contained unit which would be externally accessible however it is not considered that there would be any significant intensification in the use of the building if the first floor was occupied separately to the church and it is not considered that such use would be out of character in this predominately residential street.

7.2 Character, Appearance, Impact on Conservation Area and Listed Building

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the 'Design of Development' and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment. As the first floor is in residential use, it is considered appropriate to refer to Policy DM1 and Appendix of the Development Management Policies LDD.

7.2.2 In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will be permitted if it preserves or enhances the character or appearance of the area and does not harm important views into, out or within the Conservation area. In relation to Listed Buildings, Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that the Council will preserve the District's Listed Buildings and will only support applications where the extension /alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting. Applications will be supported if any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.

7.2.3 Appendix 2 of the Development Management Policies LDD advises that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality; two storey side extensions may be positioned on the flank boundary provided that the first floor element

is set in by a minimum of 1.2m. In many high density areas 1m is considered to be acceptable.

- 7.2.4 The proposed side extension would be set 1m from the boundary with Wood Grange at ground floor and first floor. Whilst this would be 0.2m less than the guidance figure, it is not considered that the extension would erode the spacing within the street and Conservation Area or result in a terracing effect. This is due to the design of the extension, resulting in it being set back from the front elevation and set down from the existing ridge with a catslide roof to the front reducing its mass, bulk and prominence. It is also noted that the Conservation Officer has raised no objections, considering the extension to be a subservient addition.
- 7.2.5 The Conservation Officer objected to the loss of an original flank window which is now proposed to be retained and therefore raises no objection to the side extension in terms of impact on the Conservation Area or the Listed Building.
- 7.2.6 No objections are raised to the alterations to the rear fenestration as existing modern frames would be replaced by aluminium casements which the Conservation Officer has advised would enhance the character of the Listed Building. The alterations would not affect the streetscene.
- 7.2.7 The existing garage sits forward of the Listed Building. It is not an original feature and it is considered that its removal would enhance the appearance of the Listed Building within the street scene and Conservation Area.
- 7.2.8 Subject to the extensions and alterations being finished in materials to match the existing dwelling, the proposal would not result in demonstrable harm to the character or appearance of the Listed Building, streetscene or wider Conservation Area and the proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.3 Impact on Residential Amenity
- 7.3.1 Policy CP12 of the Core Strategy (2011) advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD (2013) 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.
- 7.3.2 The side extension would be sited 1m from the boundary with Wood Grange. Whilst the application site is at a higher level, given the spacing, limited depth and set down nature of the roof it is not considered that the extension would result in overshadowing or loss of light to this neighbour.
- 7.3.3 The first floor window to the side extension would serve a new stair case and would replace an existing bathroom window. A condition would be attached to any permission granted requiring the window to be obscure glazed and non-opening below 1.7m.

- 7.3.4 The rear replacement windows and patio door would not affect neighbouring amenity. The windows would face out to the rear garden of the application site and not lead to any overlooking of neighbours.
- 7.3.5 The proposed demolition of the garage would not affect the residential amenities of any neighbours.
- 7.3.6 The first floor is currently in residential use, whilst the extension would create a separate access, it is not considered that there would be an increase in comings and goings which would result in demonstrable harm to neighbouring amenity.
- 7.3.7 Overall, it is not considered that the proposed extension and alterations would result in a significant 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.

7.4 Amenity Space

- 7.4.1 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.
- 7.4.2 The building would retain ample amenity space of approximately 600 sqm to the rear. This garden would be used by the Church and the first floor residential unit. Whilst the private amenity space for the residential unit would not be provided, the shared use would reflect the existing situation and is considered acceptable.

7.5 Trees

- 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 There are no trees within the application site or neighbouring properties that would be harmed by the proposed development.

7.6 Highways, Parking & Access

- 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. The parking standards state that a dwelling of four bedrooms or more should have a total of three parking spaces.
- 7.6.2 There are currently 3 bedrooms. The proposed development would not result in any additional bedroom however a study is shown which could be used as a bedroom. There is a large area of hardstanding which can accommodate 6 cars. The hardstanding to the front is currently shared by both the Church and the residential unit for parking. There will be one dedicated parking space for

the residential unit and visitors will be allowed to use the church car park, providing spaces are retained for the priest and two disabled spaces. Whilst an allocation of one would result in a potential shortfall of two spaces, there would be some availability of visitors' spaces and the provision would reflect the existing site situation. On balance no objection is raised, however, a condition is suggested requiring details of the allocation.

7.7 Wildlife & Biodiversity

7.7.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. However the proposal would include works to the existing roof form and therefore an informative would be attached to any grant of planning permission to ensure that if bats are found all works stop immediately and advice sought as to how to proceed.

8. **Recommendation**

8.1 That PLANNING PERMISSION 15/0331/FUL 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: Drawing Numbers: 14019SU1.01 Rev. A, 14019WD2.01, 14019SU1.02 Rev. A, 14019WD2.02 Rev. D, 14019SU1.03 Rev. B, 14019WD2.03 Rev. B.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted 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 unless otherwise agreed in writing by the Local Planning Authority.

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the extension hereby permitted the window on the north eastern elevation facing Wood Grange shall be fitted with purpose made obscured glazing and the windows shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties 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).

- C5 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties 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).

- C6 Prior to the commencement of development, a parking plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan should provide details of the proposed layout and allocation of parking for the first floor residential unit and Church. The approved details shall be implemented prior to the first occupation of the first floor as an independent residential unit and shall be permanently maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 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 application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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 stipulates that construction activity (where work is audible at the site boundary) 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

8.3 Recommendation

That Listed Building Consent 15/0332/LBC 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: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 14019SU1.01 Rev. A, 14019WD2.01, 14019SU1.02 Rev. A, 14019WD2.02 Rev. D, 14019SU1.03 Rev. B, 14019WD2.03 Rev. B and 14019lp.01

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Listed Building in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM3 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.4 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 application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.