

7. **15/0821/RSP - Part Retrospective: Construction of concrete base to accommodate proposed detached outbuilding to side of dwelling at 2 Latimer Chase, Chorleywood, Hertfordshire, WD3 6FA for Mr Adam Leishman**  
(DCES)

Parish: Chorleywood Parish Council  
Expiry Statutory Period: 18 June

Ward: Chorleywood  
Officer: Jake Shiels

Recommendation: That Part Retrospective Planning Permission be granted

Reason for consideration by the Committee: Called in by Chorleywood Parish Council.

1. **Relevant Planning History**

- 1.1 11/1235/FUL - Redevelopment of land, including demolition of existing buildings and erection of 6 no. detached dwellings, garages, car parking and landscaping – Permitted.
- 1.2 13/0309/RSP - Retrospective: Substation to serve residential development (approved under reference 11/1235/FUL) – Permitted.
- 1.3 13/0567/FUL - New metal gates on existing brick piers at access to residential development – Permitted.
- 1.4 14/0242/RSP - Retrospective: Use of detached double garage as a home teaching room, together with external alterations comprising new glazing units on the western and eastern elevations – Permitted.
- 1.5 14/1150/FUL - Construction of a single storey glazed link between the main house and detached garage – Permitted.
- 1.6 15/0035/COMP - Enforcement Enquiry (Unauthorised structure) – Pending Consideration.

1.7 **Enforcement Overview**

On 15 February 2015 the Local Planning Authority received a complaint regarding a concrete base being laid down within the curtilage of number 2 Latimer Chase with a view that a shed/storage building was to be site on top of it. Following an enforcement investigation (Reference: 15/0035/COMP) it was recognised that permitted development rights had been removed for Classes A-H for all dwellings within Latimer Chase under Condition 5 of 11/1235/FUL and as a result planning permission would be required for development including the construction of an outbuilding. Having recognised this, the applicant was advised to either submit a part retrospective application for both the concrete base and proposed outbuilding, or remove the concrete base.

2. **Site Description**

- 2.1 Latimer Chase is part of redeveloped land within the metropolitan Green Belt just rear of Stubbs Farm, Green Street. The redevelopment includes 6 detached dwellings, garages, car parking and landscaping.
- 2.2 The application dwelling is of similar design to its neighbours on Latimer Chase and is of two storeys. To the frontage of the dwelling is a paved driveway with

space for numerous vehicles and a detached double garage which houses a home school. To the rear of the dwelling is a garden which contains a grass lawn enclosed by fencing overlooking Stubbs Farm.

### 3. Description of Proposed Development

- 3.1 The applicant seeks part retrospective planning permission for the retention of a concrete base and erection of a proposed outbuilding.
- 3.2 The proposed outbuilding would be erected close to an existing fence on the east side elevation of the main dwelling; measuring 4.5 metres in depth, 2.4 metres in width and with an eaves height of approximately 2.25 metres and maximum height of 2.45 metres.
- 3.3 The front elevation of the proposed outbuilding will face west towards the flank elevation of the application dwelling and would contain a glazed window and door.
- 3.4 The proposed outbuilding would be made of timber with a double pitched roof. Timber boards to the elevations would be tongue and groove type, installed horizontally to match the colour of existing fencing. The roof would be covered in felt or shingles.
- 3.5 A water butt, gutter and rain water pipe are also to be added to provide appropriate drainage and run-off.
- 3.6 New shrubs are to be planted to the north elevation in front of the fence and proposed shed to provide cover and mitigate any concerns over views.

### 4. Consultation

- 4.1.1 *National Grid*: No comments received.
- 4.1.2 *Chorleywood Parish Council*: The Committee had Objections with this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.
  - \* The Committee believe this is Green belt accommodation.
  - \* Comprising building on Green Belt Land.
- 4.1.3 *Chilterns Conservation Board*: No comments received.
- 4.1.4 *Herts & Middlesex Wildlife Trust*: No comments received.
- 4.1.5 *Hertfordshire Ecology*: We do not believe that protected habitats or species will be affected by the proposal and have no reason to request any ecological surveys in connection with this application. Therefore, the application can be determined accordingly.

### 4.2 Public Consultation

- |       |                               |                          |
|-------|-------------------------------|--------------------------|
| 4.2.1 | Number consulted: 5           | No responses received: 3 |
| 4.2.2 | Site Notice (Expired: 22 May) | Press notice: N/A        |

#### 4.2.3 **Summary of Responses**

- Covenants should be upheld.
- Shed would serve as summerhouse/office and not storage as proposed.
- Reduction in light.
- No guttering leading to damage to own property.
- Excessive size.
- Visible from wider development and would change character of Latimer Chase.
- Obstructing views.
- Impact on layout.
- Former garage has already been converted.

4.2.4 Material planning considerations are discussed in the analysis below.

#### 5. **Reason for Delay**

5.1 No delay.

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

6.1 The Three Rivers Local Plan:

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include: CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM2, DM6 and DM13 and Appendices 2 and 5.

6.2 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 adopted policies of Three Rivers District Council reflect the content of the NPPF.

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

6.4 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.

6.5 Community Infrastructure Levy Charging Schedule (adopted February 2015).

6.6 Online National Planning Practice Guidance.

#### 7. **Planning Analysis**

##### 7.1 Impact on Metropolitan Green Belt:

7.1.1 The application site is located within the Metropolitan Green Belt. It is a rural location, set to the east of Green Street, Chorleywood. The site is also located just rear of Stubbs farm.

- 7.1.2 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.
- 7.1.3 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns from merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.4 The requirements of the NPPF are considered to reflect adopted policies of both the Three Rivers District Council Core Strategy and Local Plan. Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt.
- 7.1.5 Part (d) of Policy DM2 of the Development Management Policies LDD (adopted July 2013) advises that the council will only support the provision of ancillary buildings in the Green belt where it can be demonstrated that the development would:
- i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt.*
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not be in the spread of urbanising development.*
- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.*
- 7.1.6 The proposed outbuilding would have a depth of 4.5 metres and width of 2.4 metres and would be sited approximately 1.4 metres to the eastern flank of the dwelling house. The application dwelling has a maximum width of 25 metres and maximum depth of 10 metres (excluding the original forward projecting garage). In terms of its footprint, the outbuilding would clearly be subordinate to the application dwelling.
- 7.1.7 The outbuilding would have an eaves height of approximately 2.25 metres and ridge height of 2.45 metres. It would be sited to the rear of an existing timber fence which has a height of approximately 1.85 metres and extends from the front flank corner of the dwelling house to the boundary with No.4 Latimer Chase. The proposed outbuilding would exceed the height of the existing fence by a maximum of 0.6 metres at its highest point, reducing to 0.4 metres at the eaves. Whilst the siting of the outbuilding between the flank elevation of the dwelling and boundary with No.4 Latimer Chase would affect the openness of the site and Green Belt to some degree, it is considered that this would be

limited given that the outbuilding would not be prominent above the existing fence which already connects the dwelling house to the flank boundary. It is also noted that additional soft landscaping is proposed to the front of the fence which would soften the appearance of the development from Latimer Chase, although it is acknowledged that planting cannot be relied upon.

7.1.8 In terms of its external appearance, the use of timber boards of a style and appearance reflective of the existing fencing would further reduce the prominence of the outbuilding and help to ensure that it appears as a subordinate ancillary structure. Whilst windows and a door are proposed within the front elevation, these would not detract from the overall simple design of the outbuilding with timber boarding and low profile roof.

7.1.9 It is considered that the proposed outbuilding (and associated concrete base) would be of a scale and design clearly subordinate to the host dwelling and of a height and bulk such that the outbuilding would not adversely affect the openness of the Green Belt. Its siting to the rear of existing fencing would assist in reducing the prominence of the development. The outbuilding would not project forward or rearwards of the existing dwelling and would form part of the linear development of this side of Latimer Chase. The materials proposed are not those normally associated with the use of a building as a dwelling and no features such as dormer windows are proposed. As such the development is considered to accord with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

## 7.2 Impact on street scene and character and appearance of area:

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) advises that development should have regard to the local context and conserve or enhance the character, amenities and quality of an area. The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration visual impact and that oversized, unattractive and poorly sited development can detract from the character and appearance of the area.

7.2.2 The proposed outbuilding would be sited between the flank elevation and boundary with No.4 Latimer Chase to the rear of existing fencing. The outbuilding would be visible from the street scene of Latimer Chase, however, the set back of the dwelling from the highway, siting of the proposed outbuilding and its limited height over the existing fencing are such that it is not considered that the development would appear prominent or result in demonstrable harm to the character or appearance of the street scene. Additional planting is also proposed and would soften the appearance of the fence and outbuilding to some degree.

## 7.3 Impact on neighbouring amenity:

7.3.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours.

7.3.2 The proposed outbuilding would be sited adjacent to the boundary with No. 4 Latimer Chase, this neighbouring dwelling being set approximately 1 metre from the shared boundary. The outbuilding would project a maximum of

approximately 0.6 metres above the boundary fence and would be viewed against the backdrop of the flank elevation of the application dwelling which includes two-storey gable elements to the front, flank and rear elevations. Whilst the outbuilding would be visible above the fence, it is not considered that it would be significantly prominent or that its height would result in demonstrable harm to neighbouring amenity through overshadowing or loss of light. No openings are proposed in the rear elevation facing No. 4 Latimer Chase.

7.4 Landscaping Issues:

7.4.1 No protected trees or vegetation of significant amenity value would be removed or harmed as part of the works.

7.5 Parking and Amenity Space:

7.5.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. DM13 of the Local Development Management Document states development should make provision for parking in accordance with the parking standards and, the zone based reductions set out in Appendix 5.

7.5.2 Parking would remain unaffected by the proposal and would meet adopted standards with 3 spaces provided.

7.5.3 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 Appendix 2 of the Local Development Management Document states that 'amenity space must be provided within the curtilage of all new residential developments'.

7.5.4 Following the erection of the proposed outbuilding, the dwelling would retain sufficient amenity space to meet adopted standards.

7.6 Biodiversity:

7.6.1 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application. The Checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.

7.6.2 Given the nature of the development, it is not considered that has been any significant impact on any protected species or wildlife, nor does the development compromise the integrity of the Green Infrastructure, therefore complying with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.7 Other:

7.7.1 Comments from neighbours that the development would be in breach of covenants are noted, however, this falls outside of the remit of planning and does not constitute grounds for the refusal of planning permission. The grant of planning permission would not however overcome the requirement to comply with covenants.

## 8. Recommendation

8.1 That Part Retrospective PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of 3 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 and maintained in accordance with the following approved plans: Drawing no. 675-991 (Existing Location, Site & GA Elevations) and Drawing no. 675-992 (Proposed Location, Site Plans and Elevations).

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 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](http://www.threerivers.gov.uk)). Fees are £97 per request (or £28 here 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.

I2 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) (Amendment No.2) 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.

- I3 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.