

8. 15/0841/FUL –Two storey side extension to replace the existing garage at 15 NEW ROAD, CROXLEY GREEN, HERTFORDSHIRE, WD3 3EJ, for Mr John Gowing (DCES)

Parish: Croxley Green

Ward: Dickinsons

Expiry Statutory Period: 24 June 2015

Officer: Nick Westlake

Recommendation: That Planning Permission be refused

Reason for consideration by the Committee: Called-in by three Members of the Committee.

1. Relevant Planning History

- 1.1 96/0506/FUL - Single storey rear extension and first floor rear extension. Permitted 17.9.1996. Implemented.
- 1.2 04/1052/FUL - First floor rear extension. Permitted 13.9.2004.
- 1.3 05/0101/FUL - Amendment to 04/1052/FUL. Increase in ridge height of first floor rear extension adjacent to No 7 New Road. Permitted 9.3.2005. Implemented.
- 1.4 14/1708/FUL –Two storey side extension to replace existing garage. Permitted 21.11.2014 Not Implemented.

2. Site Description

- 2.1 The application dwelling is on the north side of New Road close to the western end of the road where it leads onto The Green. It is within the Croxley Green Conservation Area. The properties in the vicinity are a variety of detached, semi-detached and terraced houses.
- 2.2 The application property is a detached two-storey, chalet style house. It has three bedrooms and has been extended. The main frontage is two-storey with a bay window at ground floor and a gable at roof level. To the left hand side of this gable is a porch with a cat-slide roof over. The area behind this has been extended on two storeys to the rear (05/0101/FUL). The ground floor of the house is finished in red brick and the first floor is white-painted render. The roof is covered in dark brown plain tiles.
- 2.3 To the right hand side (east) of the main gable there is an attached garage and store with a total depth from the front wall of the house of 9.7m. The garage has brick walls and an up-and-over door. The roof over the garage is pitched to the side. There is a gap of 0.7m between the garage and the side boundary with No.17 New Road. The side boundary is marked with a 1.2m high railing, a 2m high bamboo screen and mixed evergreen and deciduous planting to a height of 4m.
- 2.4 The rear garden is 12m wide and 28m long covering an area of 336sqm. The area to the front of the house is 5-6m deep, has a

carriage driveway and is covered in gravel. There is space for three or more cars to park on the front of the site.

2.5 The site at No.17 New Road to the east contains a detached garage positioned close to the boundary with the application site and set back 5m from the highway. There is a space of 8m between the garage and the flank wall of the detached house at No.17 and 12m between the boundary and the house. The flank wall of No.17 contains sash windows. The site frontage is planted with mixed evergreen and deciduous hedges and trees to a height of over 3m, which screen the house from views from the road.

2.6 No.7 New Road to the west comprises a red brick, two storey Victorian house, which has a gable facing No.15 and is set in 3m from the boundary with No.15. It is on slightly higher land than No.15 and the boundary is marked with a close-boarded fence and evergreen planting.

3. **Description of Proposed Development**

3.1 This application seeks full planning permission to demolish the garage and store and extend the house to the side at ground and first floors. A study would be provided at ground floor with a bedroom and bathroom at first floor. The number of bedrooms would increase to four.

3.2 The side extension would be 3.3m wide at ground floor and 3.3m wide at first floor and would be 9.7m deep. Amended plans were submitted showing the ground floor and first floor side extension flank wall being 0.4m from the site boundary and this distance extends to 0.6m at the rear building line as a result of the slightly splayed site boundary. The front of this extension would be aligned with the front elevation of the existing house and the rear would be aligned with the rear wall of the house (as extended).

3.3 The roof would be ridged front to back with a flat-end gable to the front and a hipped gable to the rear. The ridge height would be 0.6m lower than the main roof. The eaves would be 4.7m to match the eaves height on the rest of the house.

3.4 The front elevation would be finished in brick at ground floor and render at first floor to match the existing house. The front elevation would contain a 3-light window at ground floor and a 3-light window at first floor. There would be no windows in the east flank elevation facing No.17 New Road. The rear elevation would contain double doors at ground floor and a 3-light window at first floor. Both the eastern flank elevation and northern rear elevation would be rendered on both floors to match the rear elevation of the existing house.

3.5 A biodiversity checklist was submitted with the application

4. **Consultation**

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council – No grounds for objection.

4.1.2 Landscape Officer – No Response.

4.1.3 Conservation Officer: Response received as follows:

The property is located in the Croxley Green Conservation Area. I have no objection to the replacement of the garage with residential use, but the proposed second storey extension will harm the appearance of the property and have a negative impact on the wider amenity of the Conservation Area. The proposed extension will upset the balance of the front elevation, creating an uncomfortable relationship between the twin gabled end and the rest of the house. There does not appear to be any local precedent for such an architectural form and the resulting composition will look out of character with the street scene.

4.1.4 National Grid – No Response.

4.2 Neighbour Consultation

4.2.1 Site/Press Notice:
Site notice Expired 26/05/2015
Press notice: Expired 29/05/15

4.2.2 No. consulted: 5

There have been 5 responses to the application. All were in favour of the planning application.

4.2.3 Summary of responses:

- The proposed plans are compatible with the surrounding area.
- The development does not constitute an over development of the site.
- It will not have any effect on daylight or sunlight on adjoining properties.
- The development will improve the visual appeal of the road.
- The proposal will blend in very well with the existing building and is in keeping with other houses in the area.
- There is no encroachment on the property next door as there is a very established laurel hedge between the properties.
- The changes will not have any negative impact on the neighbouring houses or appearance of the road
 - In the current housing market climate it is understandable that families need more space and extending a property is often the only viable option.

5. **Reason for Delay**

5.1 No delay.

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

6.1 Three Rivers Local Plan

The Three Rivers Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, 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 of the adopted Development Management Policies LDD include DM1 (Residential Design), DM3 (Historic Built Environment), DM6 (Biodiversity), DM13 (Parking) and Appendices 2 and 5.

Croxley Green Conservation Area Appraisal (1996) is relevant.

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

6.3 Other

The Localism Act received Royal Assent on 17 November 2011. The Growth and Infrastructure Act received 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 The applicant has submitted a previous similar application for a two storey side extension in 2014, 14/1708/FUL. This application was very similar in nature to the present application other than the fact that amended plans were submitted during the course of the application to show the proposed first floor side extension would have been set 1.0 metres in distance away from the neighbouring property No.17 New Road.

7.2 Design & Impact on Street Scene/Conservation Area

7.3 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance heritage assets'.

- 7.4 Policies DM1, DM3 and Appendix 2 of the Development Management Policies document set out the criteria for development with regard to the visual amenities of an area and the conservation and enhancement of character of heritage assets and their surrounding environments.
- 7.5 The Design Guidelines (Appendix 2 of the Development Management Policies document) state that the size and volume of two storey side extensions will be individually assessed according to the characteristics of the property. The Design Guidelines advise that two storey side extensions should not be excessively prominent in the street scene and that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality the first floor element of two storey side extensions should be set in a minimum of 1.2m from flank boundaries to prevent a terracing effect and to preserve spacing appropriate to the street scene. In high density areas an absolute minimum of 1m would be considered.
- 7.6 Policy DM3 states that, within conservation areas, development will only be permitted if a proposal is of a design and scale that preserves and enhances the character or appearance of the area and uses building materials and finishes that are appropriate to the local context.
- 7.7 The Croxley Green Conservation Area Appraisal (1996) identifies the main characteristic of the area as its openness. "Open space and a powerful spatial quality surrounding many of the predominantly detached houses are of immense importance across the whole Area." The area has remained mainly rural in nature. More recently there have been more urban influences although the character and appearance resulting from the rural history are strong. Traditional materials include red and yellow stock brick and plain tiles. The Appraisal concludes that the Area has reached a harmony of form which would be sensitive to further development.
- 7.8 The Design Guidelines of the Local Plan requirement that development should retain a minimum distance of 1.2m to the shared boundary seeks to retain an adequate degree of spacing around dwellings within their own site and between adjacent properties and to prevent a terracing effect as a result of cumulative attrition of flank to boundary spaces within individual plots. The approved application in 2014 gave permission for a distance of 1.0 metres to the boundary at first floor level which is the 'absolute minimum' allowed for a first floor or two storey side extension according to the Design Guidelines (Appendix 2 of the Development Management Policies).
- 7.9 The current plans show the side ground floor and first floor side extension set in 0.4m from the boundary with No 17 New Road at first floor level. The roof plans show that there is an overhang of the eaves level bringing the proposed first floor side extension closer to the boundary line reducing the spacing further to be set on the boundary at the front of the extension. The proposed side extension would be visible within the street scene and the lack of space to the flank boundary that would result would make the host dwelling appear more prominent. The spacing between the flank wall of the dwelling at with No 17 New Road has been taken into

account but cannot be relied upon to prevent a terracing effect in the street as this would prejudice the future of the site at No 17 New Road. The Conservation Area Appraisal gives emphasis to maintaining the spacious and open nature of the area. The property is in Croxley Green where a 1m gap has been considered appropriate and as said has been passed at the host dwelling in 2014.

- 7.10 While, there is no objection to the proximity of the ground floor element to the boundary, the proposed distance of 0.4 m to the shared boundary with No 17 New Road to the east would be unacceptable at first floor level. Whilst the forms and sitting of the adjacent properties are quite different, the proposed two storey side extension would close off the existing gap and reduce views between the property and erode the space around the dwelling within the site, the reduced spacing and proximity of the extension to the flank of the boundary would be readily apparent by virtue of the proximity of the extension to the high level of vegetation which forms the boundary line. As such, it is considered that the extension would reduce the characteristic spaciousness of the site and between adjacent dwellings and could have a terracing effect and prejudice the future of the neighbouring property No.17 as mentioned, even when the relative positions and roof forms of the dwellings are taken into account.
- 7.11 The Conservation Officer notes that the proposed extension will 'upset the balance of the front elevation' and create an 'uncomfortable relationship' between the twin gabled end and the rest of the house. However no objection was raised in relation to the design at the time of the application 14/2106/FUL which also involved a front gable and therefore an objection to principle of the gable design is not raised.
- 7.12 The materials used for the proposed extension would be red brick at ground floor and white render at first floor to match the existing external walls. The proposed windows and doors would be white UPVC to match the existing. The front elevation of the side extension would be aligned with the frontage of the existing house. The front gable of the side extension would be 0.6 metres lower in height and metres narrower 1.5 metres narrower in width than the original more centrally positioned main front gable.
- 7.13 In summary, due to the width of the two storey storey side extension by virtue of the proximity of the first floor to the boundary with No.17 New Road would erode the open space within the site and be harmful to the street scene. This would result in demonstrable harm to the character and open spaciousness of the street scene within the Conservation Area contrary to Policies CP1 and CP12 of the Core Strategy Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Croxley Green Conservation Area Appraisal (1996).
- 7.14 Impact on Residential Amenity
- 7.15 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy

CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document also set out that extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey rear extensions should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.

- 7.16 The proposed side extension would have a maximum width of 3.3m from the side flank wall of the original house. This has already been permitted at ground floor level. The current proposal involves extending at first floor within 0.4m of the side boundary with No.17 and there would also be an eaves over hang closer to this boundary. The rear wall of the house at No.17 is 2m less deep than that of the proposed side extension and the proposed extension would intrude (by 1.4m) upon a 45 degree line drawn from a point on the boundary level with the rear wall of No.17. However, the building at No.17 is 12m from the boundary which is screened by trees in the garden of No.17. Given this separation the proposed extension is not considered likely to result in overbearing impact or loss of light to the property at No.17 New Road.
- 7.17 There would be no windows in the flank wall of the extension. The windows in the front elevation of the side extension would face onto the street, and be no further forward than the existing windows in the front of the house. The first floor window would be to a bathroom. The ground floor window would be screened by the front boundary treatments of the application site and the site opposite (dense 1.8m high hedge). As a result the proposed development would not give rise to an increase in overlooking of or loss of privacy to properties on the opposite side of the road.
- 7.18 The glazing proposed in the rear elevation of the dwelling would look onto the application site garden and there would be a distance of over 28m to the rear boundary, and there are no neighbours directly to the rear. While there may be some views of the rear gardens of neighbouring dwellings, this would not be significantly more than exists currently as a result of the existing glazing. The glazing at first floor level would be set in from the flank site boundaries, reducing the perception of overlooking to neighbours. As a result the proposed development would not give rise to opportunities for overlooking of neighbouring properties and would not give rise to loss of privacy.
- 7.19 The proposed development would not result in any significant adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.20 Amenity Space

7.21 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision and sets out that a four bedroom dwelling should provide 105sqm amenity space. The rear garden amenity space of the application site would not be reduced by the proposal and would remain at 336sqm: adequate for current and future occupiers.

7.22 Trees

7.23 The site is in a Conservation Area where trees visible from the street are protected. The Tree Officer has made no comments. However there are no trees that would be affected by the proposed development. There are mature hedges and trees on the boundary and within the application site and conditions would be applied to ensure their retention and protection during construction on the site if the application were approved.

7.24 Therefore, it is not considered that the impact to trees would be significantly detrimental to the character or visual amenities of the Conservation Area to justify a reason for refusal on these grounds.

7.25 Highways, Parking & Access

7.26 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. The proposal would increase the number of bedrooms to four. The Parking Standards require 3 car parking spaces within the site.

7.27 The existing single garage would be removed. The gravelled area to the front of the site would be retained and this can accommodate three or more cars. There is no space to park on the street outside the property as there are parking restrictions in operation. However, on-site provision would be adequate to meet the standards and the proposed development is not considered likely to give rise to traffic or parking problems in the street.

7.28 Wildlife & Biodiversity

7.29 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.

7.30 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 document. 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.

7.31 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site and the Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

8. Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed two storey side extension by reason of the proximity of the first floor flank elevation to the boundary with No.17 New Road would significantly erode the space around the dwelling and would result in a flank to the boundary spacing out of keeping with the character and appearance of the street scene. This would result in demonstrable harm to the character and appearance of the street scene and the spacious character of Croxley Green Conservation Area contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal (1996).

8.2 Informative

I1 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and the Local Planning Authority discussed the scheme during the course of the application, the proposed development, as amended, fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.