

9. **15/0879/FUL – Erection of an attached three bedroom dwelling with associated parking at 10 SOLESBRIDGE CLOSE, CHORLEYWOOD, WD3 5SP for Ms Julie Collins (DCES)**

Parish: Chorleywood

Ward: Chorleywood North & Sarratt

Expiry Statutory Period: 25 June 2015

Officer: Rob Morgan

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Called-in by three Members of the Planning Committee and by Chorleywood Parish Council.

Update

The application was deferred at the Planning Committee meeting on 21 May 2015 in order for (a) officers to seek further legal advice regarding ownership certificates and for (b) Members to make a site visit.

In relation to (a), the Council is able to exercise its discretion to determine the application having accepted an amended Certificate B and permitted 21 days to first elapse before the decision issued.

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

The report has been updated to include reference to all neighbour comments received (section 4.2). Section 7.4 has also been updated in relation to access to the proposed parking spaces.

1. Relevant Planning History

1.1 15/0517/FUL - Erection of an attached three bedroom dwelling with associated parking. Withdrawn 01.05.2015 for amendments to the red line of the application site.

1.2 14/0186/FUL – Erection of an attached three bedroom dwelling with associated parking. Refused 26.03.2014 for the following reasons:

R1 The proposed subdivision of the plot and erection of an attached dwelling, by reason of the resultant density, building to plot ratio, parking provision and unsatisfactory access arrangements would result in a cramped form of development, detrimental to the character and appearance of the residential area and street scene. As such the proposed development would be contrary to Policies CP1, CP3, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed development would result in an increase in demand for education, youth facilities, libraries, open space/play areas and sustainable transport facilities in the area. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies CP4 and CP8 of the Core Strategy (adopted October 2011) and the Open Space, Amenity and Children's Playspace SPD.

R3 The proposed development would result in an increase in demand for affordable housing and there is currently a shortage of affordable housing within the district. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies CP4 and CP8 of the Core Strategy (adopted October 2011) and Affordable Housing SPD.

This application was dismissed at appeal on 16.02.2015. The Inspector considered that the development would not result in harm to the established character and appearance of the area. However, the Inspector considered that the proposal would have resulted in material harm to the amenity of local residents due to the lack of parking provision on site.

- 1.3 11/1808/CLPD – Certificate of Lawfulness Proposed Development: Conversion of existing garage to a bedroom. Permitted 17.10.2011, not implemented.
- 1.4 00/0941/FUL – Erection of two semi-detached houses and detached double garage. Permitted 16.11.2000 and implemented.
- 1.5 04/0898/FUL – Erection of two semi-detached dwellings. Permitted 16.09.2004 and implemented.

2. **Site Description**

- 2.1 The site is located on the north-eastern side of Solesbridge Close and consists of a two storey end of terrace dwelling sited within the largest plot (approximately 388sqm) within the Close. The existing dwelling, no. 10 Solesbridge Close forms part of a set of three, two storey houses of identical original design set on a staggered building line resulting in no. 10 being forward of no. 9 which is in turn forward of no. 8. Neighbouring dwellings to the south, nos. 5-7 Solesbridge Close is also a set of three terrace dwellings which match in design.
- 2.2 No. 10 Solesbridge Close is sited to the south of the site resulting in a garden area to both the rear and north flank of the dwelling. The dwelling has a pitched roof and is constructed from red brick with brown hanging tiles to the front elevation. A single storey glazed porch and integral garage project forward from the front elevation and existing hardstanding within the frontage provides off-street parking for two vehicles in addition to the one space provided by the garage.
- 2.3 To the north of the application site and set forward of no. 10 is a pair of semi-detached dwellings known as 10a and 10b Solesbridge Close. These dwellings were built under planning permission ref: 04/0898/FUL and are not in keeping with the other dwellings within Solesbridge Close due to their increased scale and varied design. To the south-east of the site are two pairs of semi-detached bungalows located either side of the highway and in an elevated position in comparison to the highway.
- 2.4 The rear of the application site adjoins a parcel of open land which is located within the Metropolitan Green Belt. For clarity, the application site is not contained within the Green Belt.

3. **Description of Proposed Development**

- 3.1 Full planning permission is sought for the erection of a two storey dwelling within the curtilage of no. 10 Solesbridge Close and the subdivision of the residential curtilage.
- 3.2 The proposed dwelling would measure 9.3m in depth and 6.7m in width at two storey level with a single storey element projecting forward by an additional 1.6m – 2m. The rear elevation would be built in line with the rear elevation of no. 10. The front elevation would be predominantly in line with the front elevation of no. 10 although a garage to the right hand side would project 0.5m forward. The proposed dwelling would be attached to no. 10 along the north elevation and would increase the terrace to four dwellings. The flank elevation of the proposed dwelling would be set in a minimum of 1.3m from the flank boundary with no. 10a increasing to 6.2m at the rear due to the splay of the site boundary.
- 3.3 The proposed dwelling would have a pitched roof with a maximum height of 8.5m and an eaves height of 4.9m. This would match the ridge and eaves heights and roof form of the existing dwelling at no. 10. The single storey element would have a flat roof with a maximum height of 2.6m which would also match the height and roof form of the existing dwelling.
- 3.4 The ground floor of the proposed dwelling would consist of an entrance hallway, kitchen, living room and single garage measuring 2.7m in width by 5m in depth. At first floor level would be three bedrooms, a family bathroom and en suite shower room.
- 3.5 The proposed dwelling would match the design of the existing dwellings within the terrace. The front elevation would contain a door in between a two-casement window to the left and a garage door to the right. Two further windows are proposed within the first floor. The rear elevation would include a window to the ground floor and a window to the first floor. A patio door is proposed in the ground floor of the flank elevation providing access to the garden.
- 3.6 To the front of the site, the existing parking area would be altered to provide parking for two cars in addition to the integral garage which would serve the new dwelling. The existing porch at no. 10 would be demolished to create an extended parking area to the frontage of this dwelling which would also provide parking space for two cars in addition to the integral garage. The proposal would include the extension of the existing dropped kerb to provide access to the extended parking areas. To the rear of the site, the garden would be subdivided.
- 3.7 The application is accompanied by a Local Biodiversity Checklist and Planning Statement.

4. **Consultation**

4.1 **Statutory Consultation**

- 4.1.1 Thames Water – made the following comments:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is

recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.'

4.1.2 National Grid – made the following comments:

'National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Please let us know whether National Grid can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

- *National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.*
- *Gas service pipes and related apparatus.*
- *Recently installed apparatus.*
- *Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.*

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.'

4.1.3 Landscape Officer – no comments received. The Landscape Officer made the following comments relating to withdrawn application 15/0517/FUL:

'I have no objections to the proposed development.'

4.1.4 Highway Authority – made the following comments:

'Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition (surface water disposal): The development shall not begin until details of the disposal of surface water from the proposed parking area have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide an acceptable development and to minimise inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (construction management): The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Informative: All works required to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure that any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Highway comments: This Application proposes the construction of one additional 3 bedroom house with integral garage and car parking areas accessed from Solesbridge Close. This section of the road is a cul-de Sac and the road is classified as a Local Access Road within Hertfordshire's road hierarchy and does not carry large traffic flows. It is considered that the proposed increase of one dwelling will not materially increase traffic movements on the surrounding roads and therefore the development is unlikely to result in a significant impact on the safety and operation of the highway network.

The current application is an amendment to address the Inspectors concern on refusal of previous application no 14/0186/FUL. Apart from parking almost all matters remains the same. The Inspector raised objection to the quantum of parking. He considered that the proposal was light on parking. The parking standard requirement is 2.25 for a three bedroom property where 2 spaces for the property and 0.25 for visitors. The existing property currently includes two off-street parking and integral garage. The proposed changes are some structural changes to accommodate one integral garage and a parking space in front for N0 10 Solesbridge Close and for the new proposed property two off-street parking and an integral garage.

The off-site parking provision is a matter for the planning authority. There is no justifiable highway reason to recommend refusal in terms of capacity and trip generation. However, the highway authority's concern is over the construction period. The Highway Authority requests that some formal consideration is given to the parking of construction vehicles to ensure that the impact on users of the adjacent highway is minimised. It will also require confirmation of the construction details proposed to ensure that surface water run-off from the car parking areas does not discharge to the adjacent highway. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions identified above.'

4.1.5 Chorleywood Parish Council – The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.

- The applicant has not complied with the Appeal Inspectors criticism on parking issues.
- Overdevelopment of the site.
- Another dwelling will cause further restrictions on access to the Close by both vehicles and pedestrians.
- The proposed dwelling will have an adverse impact on the neighbouring properties.

4.1.6 Affinity Water – no comments received.

4.2 **Public Consultation**

4.2.1 Site Notice/Press Notice

- Site Notice posted 8 May 2015 and expires 29 May 2015
- Press Notice not required.

4.2.2 Number consulted: 12

4.2.3 Number of responses: 9

4.2.4 Summary of objections received:

- Loss of light.
- Overlooking.
- Overdevelopment.
- Additional traffic.
- Inadequate usable parking.
- Increased demand for on-street parking.
- Revised plans do not address previous objections/appeal.
- The garages are not of sufficient size to accommodate modern vehicles.
- Will restrict access and manoeuvrability within the close.
- Restrict access for emergency vehicles and refuse vehicles.
- Highways safety.
- Contrived development.
- Harm to neighbouring residential amenity.
- Assumes right of way over land owned by the Council.
- Access restricted by telegraph pole.
- Query whether gardens meet standards.
- New dwellings should be Lifetime Home standard.
- Should comply with building regulations.

5. **Reason for Delay**

5.1 Not applicable.

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

6.1 The 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 PSP2, CP1, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document 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, DM4, DM6, DM10 and DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

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 adopted 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.

Sustainable Communities SPD (adopted December 2007) and Affordable Housing SPD (approved as a material consideration July 2011).

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

7. **Planning Analysis**

7.1 Principle of Residential Development

7.1.1 The application relates to the erection of a new residential dwelling. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. However, as advised in the SALDD, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 This application follows an application which was refused by this Committee in March 2014 and subsequently dismissed at appeal by the Planning Inspectorate in February 2015. As was the case with the appeal scheme, the existing plot of no. 10 Solesbridge Close would be subdivided to form two plots and the new dwelling would be attached to no. 10 to extend the existing terrace to four dwellings. In determining the appeal scheme the Inspector stated that:

'In providing a three bedroom dwelling, the proposal would be beneficial in adding to the supply of small family housing for which, as intimated by the appellant, there is considerable demand. The scheme would also make good use of previously-developed land.'

7.1.3 The NPPF sets out 12 core planning principles that should underpin both plan making and decision taking, these include:

'Encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'.

7.1.4 As such, there is no objection in principle to residential development of the site, subject to consideration against all other material considerations.

7.2 Impact on Character & Appearance

7.2.1 Policy CP12 of the Core Strategy stipulates that development proposals should conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials.

- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general streetscene and should respect the character of the streetscene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.2.3 In terms of new residential development, Policy DM1 advises that 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. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development.
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles.
 - iii. The generation of excessive levels of traffic.
 - iv. Loss of residential amenity.
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).
- 7.2.4 Solesbridge Close is largely characterised by terraced and semi-detached dwellings on relatively small plots. The plot size of the proposed dwelling (approx. 240sqm) and the resultant plot size of no. 10 Solesbridge Close (approx. 180sqm) would be similar to the other plots within Solesbridge Close. The depth of no. 10 would be unchanged and the depth of the proposed plot would be approximately 24m which is also comparable to the majority of other properties along Solesbridge Close which varies between 24m – 27m. Furthermore, the front plot widths of the two dwellings at approximately 6m would match the width of many of the terraced dwellings within the Close. It is noted that the rear shared boundary line between no. 10 Solesbridge Close and the proposed dwelling would be unusual as it would not follow a usual straight line. However, this relationship would not be visible from the streetscene and Policy DM1 of the Development Management Policies LDD refers specifically to the plot frontage. As such, it is not considered that the plot sizes and layout would result in a detrimental impact to the overall character of the area.
- 7.2.5 The buildings along Solesbridge Close are predominantly two storey and of a similar scale and architectural design. The proposed building would be attached to no. 10 Solesbridge Close to increase the existing terrace from three dwellings to four. The dwelling would match the scale and design of no. 10 and the other dwellings within the terrace but would not continue the staggered building line of these properties. The staggered building line follows the bend of the highway and given the highway straightens at this point it is not considered that the proposed building line of the dwelling would result in a prominent addition to the streetscene.
- 7.2.6 Appendix 2 of the Development Management Policies LDD states that at first floor level a minimum distance of 1.2m should be achieved between the flank elevation and the boundary in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality. As Solesbridge Close is a high density cul-de-sac with little spacing between properties it is not considered that the proposed attached dwelling would result in a harmful addition. However, no. 10 Solesbridge Close is currently off-set from the shared boundary with no. 10A by 8.5m and therefore it is considered that appropriate spacing should be maintained in accordance with Appendix 2.

The two storey flank to boundary distance would measure 1.3m and would therefore exceed the design guide. The spacing would also increase to the rear due to the splay of the boundary.

- 7.2.7 The current proposal is a resubmission of application 14/0186/FUL which was refused by this Committee in March 2014 for three reasons. Reason 1 of the refusal related to the impact of the proposed development on the character and appearance of the residential area and streetscene stating:

'The proposed subdivision of the plot and erection of an attached dwelling, by reason of the resultant density, building to plot ratio, parking provision and unsatisfactory access arrangements would result in a cramped form of development, detrimental to the character and appearance of the residential area and street scene. As such the proposed development would be contrary to Policies CP1, CP3, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).'

- 7.2.8 Whilst application 14/0186/FUL was subsequently dismissed at appeal in February 2015, the Inspector did not consider the development to be detrimental to the character and appearance of the streetscene stating:

'Whilst the introduction of development onto land that is currently open would change its character and appearance, change does not, necessarily, equate to harm. The development proposed would continue the existing terrace in a similar form and the overall width of the plot in relation to its neighbours means that the dwelling would have sufficient space around it to avoid any impression of being cramped or squeezed in on its plot. The development would not intrude into the streetscene and I am satisfied that there would be no harm to the established character and appearance of the area.'

- 7.2.9 Therefore, for the reasons outlined above and with regard to the Inspector's decision for planning application 14/0186/FUL, it is not considered that the proposed development would result in harm to the character and appearance of the residential area or streetscene. The development therefore, in this regard, would be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Impact on Residential Amenity

- 7.3.1 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 LDD 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.

- 7.3.2 The rear site boundary adjoins an open parcel of land and as such there are no properties which would be adversely affected by the proposed development.

- 7.3.3 The proposed dwelling would be erected in line with the front and rear elevations of no. 10 Solesbridge Close with a single storey element projecting forward to the north-east to provide garage space. It is therefore considered that the proposed dwelling would not result in any loss of light to the front or rear elevations of no. 10 and would not have an overbearing impact to this property. No. 10 contains an existing obscure glazed window and a clear glazed window

within the ground floor flank elevation, serving a bathroom and living room respectively. The proposed development would result in the loss of these windows however given that the bathroom window does not serve a habitable room and a large patio door is present within the rear elevation of no. 10 which also serves the living room, it is not considered that the loss of the windows would result in an unacceptable loss of light or harm to the residential amenities of no. 10. It is also noted that the other properties within the terrace do not benefit from these flank windows.

7.3.4 The rear first floor window of the proposed dwelling would serve the master bedroom and would overlook the garden of the proposed dwelling. The window would be set in from the flank boundary with no. 10 by 3m and would therefore also provide oblique views of the rear garden of this neighbouring property. The overlooking caused by the proposed development would be similar to the level of overlooking created by first floor windows to the rear of dwellings at no. 5-7 Solesbridge Close. Furthermore, Appendix 2 of the Development Management Policies LDD refers to the requirement for each dwelling to contain a portion of private garden which is not overlooked by ground floor habitable rooms of adjoining properties. The ground floor rear window would not overlook the rear garden of no. 10. Therefore, it is not considered that the proposed dwelling would result in a significant loss of privacy to no. 10.

7.3.5 No. 10A Solesbridge Close is sited on a different orientation and set forward of the building line of the proposed dwelling. Appendix 2 of the Development Management Policies LDD states that two storey rear extensions should not intrude into 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 dwelling. The proposed dwelling would not intrude into the 45 degree line and the minimum separation distance between the two properties would measure approximately 4.2m which would further reduce any overbearing impact or loss of light caused by the development. It is noted that the proposed dwelling would be sited on a higher ground level than no. 10A however given the separation distance between the two dwellings it is not considered that this would have a significant detrimental impact. No. 10B is sited to the opposite side of no. 10A and it is not considered that the proposal would have any significant impact on this dwelling due to the separation between the properties.

7.3.6 The proposed dwelling would not contain any first floor flank windows and the rear windows would be angled away from no. 10A. As such it is not considered that any loss of privacy to no. 10A would occur as a result of the development.

7.3.7 The Inspector for the appeal scheme noted that the occupiers of nos. 10A, 10B and 11 Solesbridge Close had raised concerns in relation to outlook, loss of light and privacy. However, the Inspector concluded that *'distance separation and orientation of the dwelling proposed would be sufficient to ensure that there would be no material harm in relation to such matters.'*

7.4 Parking and General Amenity

7.4.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards and zone based reductions set out at Appendix 5 of the Development Management Policies LDD. Appendix 5 indicates a requirement of 2.25 spaces for a three bedroom dwelling (two assigned spaces plus 0.25 for visitor parking).

7.4.2 The appeal scheme would have achieved one space within the frontage for the both No.10 and the new dwelling in addition to an integral garage serving both properties, a total of two assigned spaces per dwelling. The Inspector

dismissed the appeal concluding that the development would result in a shortfall in parking provision and in turn implications for the general amenity of existing residents.

- 7.4.3 The current scheme would achieve two parking spaces within the frontage of each dwelling in addition to an integral garage serving each property. Whilst the Inspector's comments that the Close is often heavily parked, particularly during the evenings, at weekends, and at holiday times, are acknowledged, it is considered that the current scheme which would provide an additional one car parking space per property would exceed the parking requirements for the dwellings on site. The Inspector states within the decision that, *'it is not a requirement of the appeal scheme to address existing parking deficiencies in the locality and that parking standards are often generally to be considered as 'maxima'.*
- 7.4.4 The Inspector also raised concern that the existing garage serving no. 10 would not be sufficient to park a car or, if a car could park within the space it would be extremely difficult to get into or out of most vehicles, therefore limiting its value as an assigned parking space. The existing and proposed garages would not meet the Highway Authority's advised standard garage size of 6m long and 3m wide, although the Council does not currently have any policy or guidance which stipulates garage sizes. At the time of the Inspector's site visit the existing garage was not used for parking of cars. At the Planning Officer's site visit the garage had been cleared and it was evident that a family car can be parked within the existing garage with space to enter and exit the vehicle. The proposed garage would have larger internal dimensions and therefore would also be sufficient to accommodate a family car. The Inspector stated that *'the deficiency in parking provision in relation to the development proposed would, at times lead to increased demand for the limited on-street space that is available.'* However, the Inspector continued to state that the *'additional demand would be relatively modest'*. Given that the proposal would provide three spaces per dwelling, and the garage parking is considered usable, the Inspector's comments are considered to have been overcome.
- 7.4.5 The Inspector considered that the lack of sufficient parking provision to serve the existing and proposed dwellings would result in material harm to the general amenity of existing residents. Given that the proposed development is not considered to result in a lack of sufficient parking provision this reason for the appeal to be dismissed has also been overcome.
- 7.4.6 Access to the proposed parking to serve the new dwelling is reliant on access over land outside the ownership of the applicant and within the ownership of TRDC. A number of concerns and objections have been raised in relation to this point, stating that the applicant does not have right of access over this land and will not therefore be able to access the proposed parking spaces. Whilst officers consider that sufficient parking provision would be made to meet standards and address the appeal decision, it is necessary for the applicant to demonstrate that they have right of access over the land in question and that the parking spaces would be accessible. As such it is considered appropriate to attach a condition (condition 13) which would be required to be discharged prior to the commencement of the development on site. If the condition cannot be satisfactorily discharged, the permission could not be implemented.
- 7.4.7 The Highway Authority has raised no objection to the development stating that Solesbridge Close does not carry large traffic flows and the erection of one new dwelling would not materially increase traffic movements on the surrounding roads. The Highway Authority request that formal consideration is given to the parking of construction vehicles to ensure that the impact on users of the

adjacent highway is minimised and confirmation of the construction details proposed to ensure that surface water run-off from the car parking areas does not discharge to the adjacent highway. As such, conditions would be attached to any permission granted requiring such details to be submitted to the local planning authority.

7.5 Amenity Space

7.5.1 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 which requires a three bedroom dwelling to achieve 84sqm of amenity space.

7.5.2 Amenity space of approximately 73sqm would be retained within the curtilage of No.10 Solesbridge Close. Whilst the amenity space is below the indicative levels required by Appendix 2, it would be consistent with the relatively small amenity spaces to other dwellings within the Close. The new dwelling would be served by approximately 109sqm of amenity space and would therefore exceed the indicative levels required by Appendix 2. The Inspector did not raise objection in relation to amenity space in consideration of the previous appeal scheme.

7.6 Trees & Landscaping

7.6.1 There are no protected trees within the site. The Landscape Officer is yet to provide comments but raised no objections to withdrawn application 15/0517/FUL.

7.6.2 The application does not include details of landscaping or boundary treatments. A condition would be attached to any permission granted requiring such details to be submitted.

7.7 Sustainability

7.7.1 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit a CPLAN Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.7.2 Policy CP1 also sets out that development should produce 25% less carbon dioxide emissions than Building Regulations Part L (2006) requirements with a minimum of 10% being provided by on-site renewable and/or low carbon energy supply systems. However, this has now been updated by Policy DM4 of the Development Management Policies document which states that from 2013, applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. The 2013 Building Regulations came into force in April 2014.

7.7.3 The current application does not include a CPLAN Energy and Sustainability Statement. However, previous application 14/0186/FUL was accompanied by a CPLAN Statement which demonstrated that the development would exceed the carbon emission savings required by Core Strategy Policy CP1 and Policy DM4 of the Development Management Policies LDD through energy efficiency measures and would therefore comply with the required standards. The proposed dwelling is identical to that previously proposed under application

14/0186/FUL with alterations to the parking arrangements rather than the dwelling itself. Therefore, the original CPLAN details are considered sufficient subject to a condition on any consent to ensure that the development is carried out in accordance with the submitted CPLAN details.

7.7.4 It is noted that the CPLAN details included the provision of photovoltaics but no detail is provided on the submitted plans. As these have not been included on the proposed plans, it is also considered appropriate to attach a condition requiring the submission of details for approval to ensure that their siting and appearance is satisfactory.

7.8 Infrastructure Contributions & Affordable Housing

7.8.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Policy CP4.

7.8.2 However, following the Government's Ministerial Statement by Brandon-Lewis on 28 November 2014 and the related changes to the National Planning Policy Guidance advising that affordable housing and tariff style developer contributions should not be sought for sites of 10 units or fewer and which have a maximum combined gross floor space of 1,000sqm, the Council no longer seeks planning obligations to affordable housing or to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area from developments of 10 houses or fewer which have a combined maximum gross floor space of 1,000sqm.

7.8.3 The proposed development would result in a net gain of one residential dwelling but would not exceed 1,000sqm of floor space across the site. As such, the Council is not seeking any contributions in connection with the proposed development.

7.8.4 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore now applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180.

7.9 Wildlife & Biodiversity

7.9.1 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.

7.9.2 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 was submitted with the application and states that no

protected species or biodiversity interests will be affected as a result of the application. The local planning authority is not aware of any presence of bats or other protected species that would necessitate further surveying.

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: 2013/154/101C, 2013/154/102E, T0118-03 Rev. A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Sustainable Communities SPD (adopted December 2007) and Affordable Housing SPD (approved as a material consideration July 2011).

C3 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 at no. 10 Solesbridge Close 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to first occupation of the dwelling hereby approved a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in the first planting season following first occupation of the dwelling and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The dwelling hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be erected prior to occupation and carried out and maintained in accordance with the approved details.

Reason: To safeguard the visual amenities of neighbouring properties and the character of the locality 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 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling
Class B - enlargement consisting of an addition to the roof
Class C - alteration to the roof
Class D - erection of a porch
Class E – erection of an outbuilding

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C7 The development shall not begin until details of the disposal of surface water from the proposed parking area have been submitted to and approved in writing by the Local Planning Authority. The parking area shall be implemented in accordance with the approved details prior to first occupation of the dwelling hereby approved.

Reason: This is a pre-commencement condition in order to provide an acceptable development and to minimise inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C8 The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and

approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan and the development shall be implemented in accordance with the approved details

Reason: This is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C9 Immediately following the implementation of this permission the garages and parking areas for both properties shall be made available solely for the parking of cars in accordance with the approved details and shall be retained in that manner unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C10 The proposed building shall be built to the ground levels and heights as shown on the approved drawings or lower. If the indicated existing heights and levels of the neighbouring properties should prove to be erroneous, then the heights of the proposed buildings as constructed shall be no higher than the relative height difference(s) between the heights of the neighbouring properties as shown on the approved drawings and the proposed buildings(s).

Reason: To ensure that the proposed development is built to the heights relative to adjoining properties as shown on the approved drawings, or lower, in the interests of visual amenity and to meet the requirements of 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).

- C11 Notwithstanding the details contained within the C-PLAN Energy and Sustainability Statement, no development shall take place until details of the proposed photovoltaics have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and C-Plan Energy and Sustainability Statement.

Reason: This is a pre-commencement condition in the interests of visual amenity and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C12 The development shall be implemented in accordance with the agreed CPLAN Energy and Sustainability Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To make as full a contribution to sustainable development principles as possible and to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011)

and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

- C13 No development shall take place until evidence in writing has been provided to the Local Planning Authority demonstrating that all car parking spaces on the site serving both the existing and proposed dwellings may each be accessed by vehicular traffic directly from the highway for all purposes connected with the development permitted, lawfully, permanently and without restriction and the Local Planning Authority has confirmed in writing its receipt of such evidence establishing those rights of access. The proposed dwelling shall not be occupied until all of the parking spaces have been laid out within the site in accordance with drawing No's. 2013/154/102E and T0118-03 Rev. A.

Reason: To ensure the approved parking provision is accessible and in the interests of highway safety 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.

- I2 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.
- I3 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.

- 14 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 15 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is Veolia Water Company, The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ. Tel - 0845 782 3333.
- 16 All works required to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure that any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.
- 17 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800 688 588.