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16. 18/0685/FUL – Part single, part two storey side extension at 35 SPRINGWELL AVENUE, MILL END, RICKMANSWORTH, WD3 8PY for Mr Gareth Tate.

Parish: Non-Parished

Ward: Penn and Mill End

Expiry of Statutory Period: 8 June 2018 Case Officer: Freya Clewley

Recommendation: That Planning Permission is Granted.

Reason for consideration by the Committee: A neighbour of the application site is an employee of Three Rivers District Council.

1. Relevant Planning History

- 1.1 18/0689/PDE – Prior Approval: Single storey rear extension (depth 6 metres, maximum height 2.625 metres and eaves height 2.625 metres) – Withdrawn 23.04.2018.
- 1.2 18/0920/PDE – Prior Approval: Single storey rear extension (depth 6 metres, maximum height 2.625 metres and eaves height 2.625 metres) – Withdrawn 09.05.2018.

2. Description of Application Site

- 2.1 The application site is rectangular in shape and comprises a two-storey semi-detached dwelling on the southern side of Springwell Avenue, Mill End. Springwell Avenue is a residential road, characterised mainly by terraced and semi-detached dwellings of varying architectural styles and designs, however the neighbouring properties immediately to the east, west and north, are of the same architectural style and design. The host dwelling is finished in mixed red brickwork with a dark tiled pitched roof form.
- 2.2 To the frontage, the dwelling has an existing closed porch structure leading to a small area of lawn and hardstanding to the north west providing off-street parking for two vehicles. To the rear, a patio area abuts the rear elevation of the dwelling leading to an area of lawn. There is an existing shed to the west of the host dwelling, constructed close to the common boundary with the neighbour to the west, number 37 Springwell Avenue. Close boarded fencing encloses the rear amenity space provision.
- 2.3 The neighbour to the east, number 33 Springwell Avenue, adjoins the eastern flank of the host dwelling. This neighbour has no existing extensions or alterations to the rear and is constructed on the same building line and land level as the host dwelling. The neighbour to the west, number 37 Springwell Avenue, is set in approximately 2.3m from the shared boundary with the application site and has no existing extensions or alterations. This neighbour has one single-casement window at first floor level within the western flank facing the application site.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a part single, part two storey side extension. The proposed development would result in a three bedroom dwelling (no additional bedrooms).
- 3.2 The proposed extension would be constructed to the west flank of the host dwelling. At ground floor level, the side extension would be set back approximately 0.5m from the front elevation of the host dwelling and it would hold a width of approximately 2.3m and a depth of 8.5m, extending in line with the existing rear elevation of the host dwelling. The ground floor element of the extension would have a flat roof form with a height of 2.6m, constructed up to the shared western boundary with number 37 Springwell Avenue.
- 3.3 At first floor level, the proposed extension would be set back approximately 0.5m from the front elevation of the host dwelling with a width of approximately 1.1m and a depth of

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8.5m, extending in line with the existing rear elevation of the host dwelling. The first floor element of the extension would be set in 1.2m from the shared western boundary with number 37 Springwell Avenue. The two storey element of the extension would have a pitched roof form with a maximum height of 7.7m, set down approximately 0.4m from the maximum ridge of the host dwelling.

- 3.4 A three-casement window is proposed at ground floor level within the front elevation and one two-casement window is proposed within the western flank elevation at first floor level. This window would serve an en-suite bathroom. To the rear, the existing standard door and two-casement window would be replaced by a set of patio doors at ground floor level.

4. Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: No response received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 5 No responses received: 1

- 4.2.2 Site Notice: Expired 11 May 2018 Press notice: Not required.

4.2.3 Summary of Responses:

- Concerns regarding the development exacerbating already limited use of driveway.
- Concerns regarding bin storage.
- Concerns regarding roof of extension overhanging common boundary.
- Concerns regarding overlooking.
- Concerns regarding loss of light.
- Concerns regarding inaccurate existing block plan demonstrating parking and lack of parking following proposed development.

Officer Comment: 'All material planning considerations are outlined within the relevant analysis section below. Amended plans to reduce the width of the extension such that no part of the extension would overhang the common boundary were sought and received during the application process.'

5. Reason for Delay

- 5.1 None.

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for

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people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

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

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.

7. Planning Analysis

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 Appendix 2 of the Development Management Policies document sets out 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 side extensions shall be set in a minimum of 1.2m from the flank boundary. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In relation to single storey side extensions, the proximity to the flank boundary will be individually assessed.

7.1.3 The first floor element of the side extension would be set in a minimum of 1.2m from the western flank boundary, thus it would comply with the guideline spacing of 1.2m set out

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within Appendix 2 of the Development Management Policies document. The two storey element would hold a width of 1.1m extending in line with the existing rear elevation of the host dwelling and it would have a pitched roof form, set down approximately 0.4m from the maximum ridge of the host dwelling. The proposal would be set back approximately 0.5m from the main front elevation of the host dwelling. Given the proposed height, width and pitched roof form of the two storey extension, that it would be set back from the main front elevation and set down from the maximum ridge line and that the extension would be set in a minimum of 1.2m from the western flank boundary, it is not considered that this element would appear unduly prominent within the streetscene of Springwell Avenue or result in any adverse impact to the character or appearance of the host dwelling, streetscene or wider area.

- 7.1.4 The single storey element of the proposed side extension would be constructed up to the shared western boundary with number 37 Springwell Avenue with a width of 2.3m and a depth of 8.5m, set back approximately 0.5m from the main front elevation and extending in line with the existing rear elevation. The single storey element would have a flat roof form with a maximum height of 2.6m. Given the proposed height and width of the proposed single storey extension, that it would be set back from the main elevation of the host dwelling and that it would replace high level close boarded fencing, it is not considered that this element would appear unduly prominent within the streetscene of Springwell Avenue or result in any adverse impact to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.5 The submitted application form and plans indicate that the external finishes of the extension would match those of the host dwelling. The proposed fenestration would include the addition of a three-casement window at ground floor level within the front elevation, a two-casement window within the western flank elevation at first floor level and replacing the existing two-casement window and standard door within the rear elevation with a set of patio doors. Given the scale of the proposed fenestration and that the external finishes would match the existing, it is not considered that the proposal would result in any adverse impact to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.6 In summary, whilst the proposal would increase the scale of the dwelling, subject to the use of materials to match the existing dwelling, the proposed extension would not result in demonstrable harm to the character or appearance of the host dwelling or area and would not appear unduly prominent in the street scene of Springwell Avenue. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.
- 7.2 Impact on Amenity of Neighbours
- 7.2.1 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 document set out that residential development 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.
- 7.2.2 The proposed part single, part two storey side extension would be constructed to the western flank of the host dwelling. The proposal would be set back approximately 0.5m from the main front elevation and it would extend in line with the existing rear elevation of the dwelling. Therefore, it is not considered that the proposed extension would result in an unacceptable loss of light or appear overbearing to the neighbour to the east, number 33 Springwell Avenue.

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- 7.2.3 The proposed extension would be constructed to the western flank of the host dwelling, closest to the neighbour to the west, number 37 Springwell Avenue. This neighbour has no existing extensions or alterations, and this neighbour is set in approximately 2.3m from the common boundary with the application site. Although the proposed extension would be projecting from the flank elevation closest to this neighbour, given the height of the single storey extension built up to the boundary, that it would replace the existing close boarded fencing and shed, that the first floor element would be set in a minimum of 1.2m from the shared boundary and that the proposed side extension would not extend deeper than the existing rear elevation of the host dwelling and that there would be no intrusion of a 45 degree line at first floor level it is not considered that the proposed development would appear overbearing or result in an unacceptable loss of light to this neighbour.
- 7.2.4 One two-casement window is proposed at first floor level within the western flank elevation facing the neighbour to the west, number 37 Springwell Avenue. This window would serve an en-suite bathroom, and it is therefore considered reasonable to attach a condition to any granted consent to require this window to be obscurely glazed and top level opening. The first floor fenestration to the front and rear of the dwelling would remain the same, with one additional three-casement window within the front elevation overlooking the application site frontage. Given that the positioning and size of the existing windows within the rear elevation at first floor level would remain the same as the existing, it is not considered that the views available from this fenestration would be significantly different to those already available so as to justify refusal of planning permission.
- 7.2.5 It is noted that concerns have been raised in relation to the storage of refuse bins should the proposed development be implemented. However, given that some hardstanding would be retained and there is an existing area of lawn, it is considered that there would be adequate space to store refuse and recycling bins within the application site frontage. It is acknowledged that concerns have also been raised in relation to the submitted block plan to demonstrate onsite parking provision. Following a site visit on 18 April 2018, it was noted that there is existing hardstanding with space for two cars; however a further car could be accommodated on the lawn area to the frontage of the dwelling. Parking provision and access is discussed further within the relevant analysis section below.
- 7.2.6 In summary, it is not considered that the proposed development would result in a significant adverse impact on neighbouring amenity so as to justify refusal of the application and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.3 Amenity Space Provision for Future Occupants
- 7.3.1 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. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a three bedroom dwelling should provide 84sqm amenity space.
- 7.3.2 The application site would retain a rear garden of over 95sqm and there would be sufficient amenity space following implementation of the proposed development for future occupiers.
- 7.4 Wildlife and Biodiversity
- 7.4.1 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.

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- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.5 Trees and Landscaping
- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.5.2 No significant trees would be affected by the proposed development.
- 7.6 Highways, Access and Parking
- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and 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 and advise that a three bedroom dwelling should provide parking for two vehicles.
- 7.6.2 There is existing hardstanding to the frontage with space for two cars. The proposed development would not result in the creation of any additional bedrooms, and whilst the side extension would encroach on the existing parking provision, the retained hardstanding could still accommodate one vehicle with the area of lawn to the frontage providing a second space. Therefore, whilst there would be a shortfall of one space, there is space within the application site to provide an additional space in accordance with the parking standards set out within Appendix 5 of the Development Management Policies and it is not considered therefore that the proposal would result in demonstrable harm in this regard.

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: TRDC 001 (Location Plan), 00 Rev 1, 01 Rev 1, 02 Rev 2, 03 Rev 2, 04 Rev 1, 05 Rev 2 and 06 Rev 2.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the area and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure a satisfactory appearance of the development and to maintain the character and appearance of the area 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 Before the first occupation of the building/extension hereby permitted the first floor window in the western flank elevation; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

- 11 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 formal application. Fees are £116 per request (or £34 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. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.