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17. 18/0723/FUL – Construction of an ancillary outbuilding at 62 BARTON WAY, CROXLEY GREEN, RICKMANSWORTH, WD3 3QA for Mr Ejaz Shah.

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 1 June 2018

Ward: Durrants
Case Officer: Freya Clewley

Recommendation: That Planning Permission is Granted.

Reason for consideration by the Committee: Called in by Croxley Green Parish Council

1. Relevant Planning History

- 1.1 18/0235/PDE – Prior Approval: Single storey rear extension (depth 6 metres, maximum height 3.6 metres, eaves height 2.9 metres) – No Objection 06.03.2018, not implemented.

2. Description of Application Site

- 2.1 The application site is rectangular in shape and comprises a two-storey end of terrace dwelling located on the eastern side of Barton Way, Croxley Green. Barton Way is a residential street characterised mainly by semi-detached and terraced dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The host dwelling is finished in red brick and pebbledash render to the frontage and cream render to the northern flank. The dwelling has a hipped tiled roof form with a front two storey bay window projection with a pitched roof form and a rooflight within the front elevation. To the frontage, there is a gravel driveway with space for two vehicles. To the rear, there is an existing single storey conservatory and a raised decking area abutting the rear elevation of the host dwelling leading to a lower area of lawn. There is an existing concrete base to the rear of the application site.
- 2.3 The neighbour to the south, number 60 Barton Way, adjoins the southern flank of the host dwelling and has an existing single storey rear projection. The neighbour to the north, number 64 Barton Way, is separated from the application site via a shared access path leading to open space to the east. Close boarded fencing encloses the north and rear of the site whilst wire fencing with an open timber structure above encloses the south.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of an ancillary outbuilding to the rear of the application site. The outbuilding would comprise a playroom and a WC and washing facilities.
- 3.2 The proposed outbuilding would hold a depth of 5.5m and a width of 5.5m, and it would be set in 0.2m from the north, south and rear site boundaries. The proposal would have a pitched roof form with a maximum height of 4.2m, sloping down to an eaves height of 2.6m. The outbuilding would have two single-casement windows and a set of patio doors within the front elevation and a single-casement window within the north flank elevation. The proposal would be finished in render to all elevations with concrete roof tiles to match the dwellinghouse.

4. Consultation

- 4.1 Statutory Consultation
- 4.1.1 Croxley Green Parish Council: Objection.

The development creates an additional dwelling within the curtilage. The inclusion of a shower and WC indicates that the construction is built for occupancy. CGPC would like a

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condition included that the development is not used as an additional residential unit. This application, if approved, will set an unwanted precedent for the area. CGPC would like this application to be discussed at the TRDC Planning Committee meeting.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 No responses received: 5

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

4.2.3 Summary of Responses:

- Concerns regarding creation of new dwelling within rear garden.
- Proposed permanent brick built structure with foundations to the standard of a house, with a shower room and pitched tiled roof is out of keeping for Barton Way gardens.
- Concerns regarding scale and height.
- Concerns regarding overlooking from fenestration.
- Concerns regarding loss of light and obstructing views.
- Concerns regarding drainage.
- Concerns regarding flooding and soakaways.
- Concerns regarding biodiversity of hedges.
- Concerns regarding overcrowding and overdevelopment.
- Sets precedence for building granny annexes.
- Concerns regarding unlawful residential use of outbuilding.
- Concerns regarding future development of outbuilding.
- Appears to be excessive.
- Concerns regarding additional parking pressures.
- Concerns regarding surface water.
- Concerns regarding commercial use.

Officer Comment: 'All material planning considerations are outlined within the relevant analysis sections below. Concerns in relation to drainage and soakaways are related to Building Control, thus are not discussed within the assessment of this application.'

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 people'. The NPPF retains a presumption in favour of sustainable development. This

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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 Proposed Use

7.1.1 The application form submitted as part of this application indicates that the outbuilding would be used as an ancillary playroom. It is also noted that the floor plans submitted indicate that the outbuilding would comprise a playroom and a bathroom with WC and shower facilities.

7.1.2 Whilst concerns in respect of the use of the outbuilding are acknowledged, given that no kitchen or utility facilities are proposed, it is considered that the outbuilding would be more akin to an ancillary outbuilding used for a purpose incidental to the enjoyment of the dwellinghouse and there is no policy to restrict the inclusion of a bathroom within an outbuilding.

7.1.3 Notwithstanding the above, to ensure that the use of the outbuilding is controlled, it is necessary to condition the grant of planning permission so that it can only be used for ancillary purposes and not as an independent dwelling at any time. An informative has also been attached to provide further guidance to the applicant.

7.1.4 Should this condition be breached, the site may be subject to an investigation by Planning Enforcement who would have powers to issue a Breach of Condition Notice if it is found that the outbuilding was being used as an independent dwelling.

7.2 Impact on Character and Street Scene

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- 7.2.1 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'.
- 7.2.2 The proposed outbuilding would be located approximately 17m from the main two storey aspect of the rear elevation of the host dwelling and due to the location and existing site circumstances, the outbuilding would not be readily visible from Barton Way. Therefore, given the location of the proposed outbuilding, it is not considered that the building would appear unduly prominent within the streetscene of Barton Way.
- 7.2.3 It is acknowledged that concerns have been raised in relation to the scale, height and design of the outbuilding, as well as the materials proposed. However, it is noted that neighbouring properties within close proximity to the application site have implemented outbuildings of a similar scale using varying external materials, thus it is not considered that the proposed materials or the size and scale of the outbuilding would result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area. It is also noted that an outbuilding of greater footprint could be constructed under Permitted Development without the need for planning permission. The outbuilding subject of this application requiring planning permission due to its height in proximity to the boundary.
- 7.2.4 Notwithstanding the above, given the scale of the proposed outbuilding, it is considered reasonable to remove Permitted Development Rights with regards to constructing further outbuildings within the site in the future.
- 7.2.5 In summary, it is not considered that the proposed outbuilding would result in an unduly prominent addition and would be acceptable with regard to its impact on the host dwelling, streetscene and wider area. The development would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.
- 7.3 Impact on Amenity of Neighbours
- 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 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.
- 7.3.2 The proposed outbuilding would have a pitched roof form with a maximum height of 4.2m and a height to the eaves of 2.6m. The proposal would also be set in 0.2m from the northern, southern and rear site boundaries. Given the spacing between the application site and the neighbour to the north, number 64 Barton Way, the proposed height to the eaves of the outbuilding, that the maximum height of the outbuilding would be hipped away from the boundary and that this neighbour has an existing shed to the rear of the site, it is not considered that the proposed outbuilding would result in demonstrable harm in relation to a loss of light of appearing overbearing to this neighbour.
- 7.3.3 The neighbour to the south, number 60 Barton Way, adjoins the existing southern flank of the host dwelling. The proposed outbuilding would be set in 0.2m from the common

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boundary with this neighbour and given that the height of the eaves would run along the common boundary measuring approximately 2.6m in height, the existing boundary treatment being a timber structure located above the wire fencing and the siting of the outbuilding approximately 20m from the rear of this neighbour, it is not considered that the proposed outbuilding would result in demonstrable harm so as to justify the refusal of planning permission in relation to a loss of light or appearing overbearing to this neighbour.

- 7.3.4 It is noted that concerns have been raised in relation to overlooking of neighbouring amenity, however, whilst some views of neighbouring gardens may be visible from the proposed two single-casement windows and patio doors within the frontage of the outbuilding, it is not considered that these views would be significantly different to those already available from the rear of the application site, thus would not justify the refusal of planning permission. The proposed window within the northern flank elevation at ground floor level would serve the proposed shower room, and it would therefore be considered reasonable to attach a condition to any granted consent to require this window to be obscurely glazed and top level opening to safeguard neighbouring amenity. Given the close proximity of the proposed outbuilding to the flank boundaries of the application site, a further condition would be attached to any granted consent such that no additional windows within the flank elevations are permitted.
- 7.3.5 In summary, given the proposed height and hipped roof design of the outbuilding, the existing site circumstances and boundary treatment; it is not considered that the proposed outbuilding would result in any significant adverse impact on neighbouring amenity so as to justify the refusal of planning permission and the development is therefore considered acceptable in terms of its impact on neighbouring residential amenity in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.
- 7.4 Amenity Space Provision for future occupants
- 7.4.1 The proposed development would not lead to an increase in the number of bedrooms within the application site. The proposal would reduce the level of amenity space, however, over 100sqm of amenity space would be retained even if the previously given Prior Approval application reference 18/0235/PDE was implemented. The existing dwelling has three bedrooms, and Appendix 2 of the Development Management Policies document sets out that a three bedroom dwelling should provide 84sqm of amenity space. The proposed development would not increase the number of bedrooms within the application site; therefore, it is considered that the proposal is acceptable in this regard.
- 7.5 Wildlife and Biodiversity
- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 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.
- 7.6 Trees and Landscaping

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- 7.6.1 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’.
- 7.6.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. Therefore, the proposal would not result in any harm to protected trees and the proposal is considered acceptable in this regard.
- 7.7 Highways, Access and Parking
- 7.7.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document. Appendix 5 of the Development Management Policies document sets out that a three bedroom dwelling should provide two onsite parking spaces.
- 7.7.2 The application site would retain the gravel hardstanding to the frontage and the proposed development would not encroach onto the existing parking provision nor lead to any additional bedrooms on-site and the dwelling would remain a three bedroom dwelling. Therefore, given that the gravel hardstanding to the frontage would be retained to provide parking spaces for two vehicles, there would remain sufficient on-site parking provision to serve the proposed development and the dwellinghouse.

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) and TRDC 002 (Proposed Plans and Elevations).

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

- C3 All new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile as those specified on TRDC 002 (Proposed Plans and Elevations).

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 The outbuilding hereby permitted and shown on drawing number TRDC 002 (Proposed Plans and Elevations), shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 62 Barton Way and shall not be used as an independent dwelling at any time.

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Reason: The creation of a separate and independent unit would not comply with the 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 Before the first occupation of the building/extension hereby permitted the window in the north 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).

- C6 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 northern and southern flank 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).

- C7 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 E - provision of any building or enclosure

No development of any of the above class 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 Policy DM1 and Appendix 2 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 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.

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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.

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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that the outbuilding shall not be rented out and shall only be used for purposes ancillary to the main dwellinghouse. If the applicant has any questions relating to the use of the outbuilding contact should be made to the Planning Department on 01923 776611.