

8. 18/0485/FUL - Part-single, part two-storey front and side extension and single storey rear extension at 10 HORWOOD CLOSE, MILL END, WD3 8RS, for Mr and Mrs Melville (DCES)

Parish: Non-Parished
Expiry of Statutory Period: 8 May 2018

Ward: Penn and Mill End
Case Officer: Jake Shiels

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by 3 members of the Planning Committee

1. Relevant Planning History

- 1.1 8/720/88/PER - Residential development, including 0.57 hectares of public open space. 05.07.1988.
- 1.2 18/0486/CLPD - Certificate of Lawfulness for Proposed Development: Loft conversion including Dutch-hip to gable roof extension and insertion of rear dormer window and front rooflights. Approved 26.04.2018.

2. Description of Application Site

- 2.1 The application site includes an end of terrace dwelling on the south side of Horwood Close, Mill End, located within the south east corner of the Close that slopes down in height steeply from the entrance of the Close.
- 2.2 Horwood Close is characterised by new build dwellings which consist of a three dwelling terrace to the south side that the application is part of and 2 dwellings to either flank of 7 Maisonettes that are of a similar size and appearance that are located on the north side of the Close.
- 2.3 The application dwelling has a Dutch hip roof and a red bricked exterior. The dwelling has a single storey front element that forms as an entrance that it shares with the neighbouring dwelling. To the southern flank of the dwelling is an attached garage and to the flank beyond this is an access that falls within the application site boundary.
- 2.4 To the front of the dwelling is a paved area of hardstanding with space for two parking spaces and soft landscaping including hedging and planting. To the rear of the dwelling is a garden of approximately 160sq.m which consists of a patio and an area laid to lawn which is enclosed by close boarded fencing.

3. Description of Proposed Development

- 3.1 This application seeks planning permission for a part-single, part two-storey front and side extension and single storey rear extension.
- 3.2 The existing garage to the east flank of the dwelling would be removed as part of this proposal and replaced with a two storey side extension that would have a width of 3.1 from the flank wall and a depth of 8.9m and would have a maximum height of 8.7m and an eaves height of 5.3m, flush with the existing dwelling. The extension to the flank would contain an obscurely glazed non-opening window at first floor level and a single window and door at ground floor to replace existing fenestration. A two casement window is proposed within the first floor of the extension to the rear.

- 3.3 The proposed single rear extension would extend 3m beyond the main dwelling and flank extension, with a width of 8m. The extension would have a pitched roof with a maximum height of 3.5m before sloping down to an eaves height of 2.6m. The extension would contain bi-folding doors, a wide single window and three rooflights.
- 3.4 The proposed front extension would extend beyond the main dwelling and would be a continuation of the flank extension with a depth of 2.3m at ground floor and a depth of approximately 0.5m at first floor. At ground floor, the extension would have a pitched roof form with a maximum height of 3.5m and an eaves height of 2.4m served by a garage door. At first floor, the extension would have a gable roof measuring 6.9m in maximum height and an eaves height of 5.6m, projecting 2.3m from the front roofslope with a three casement window at first floor.
- 3.5 Amended plans were received to reduce the size of the flank window within the first floor side extension that would serve the landing.

4. Consultation

4.1 Statutory Consultation

4.1.1 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 28 No responses received: 2

4.2.2 Site Notice: N/A Press notice: N/A

4.2.3 Summary of Responses:

- Overshadowing
- Loss of light
- Overlooking
- Loss of Privacy
- Out of character with street scene
- Overbearing design
- Impact on traffic
- Impact on health
- Impact on value of neighbouring property
- Impact of construction work
- Use of scaffolding
- Deeds and Covenants
- Loss of a view

Officer response: Material planning considerations are discussed below. Impact on property value and matters relating to deeds and covenants are not material planning considerations, however, the grant of planning permission does not overcome the requirement to obtain any other necessary consents.

5. Reason for Delay

5.1 Deferred for site visit. Site visit took place on Saturday 9 June.

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 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 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. The Design Guidelines (Appendix 2 of the Development Management Policies document) state that generally the maximum depth of single storey rear extensions to semi detached dwellings should be 3.6m although this distance may be reduced if the extension would adversely affect adjoining properties or be unduly prominent.
- 7.1.3 The size and volume of side extensions and front extensions will be individually assessed according to the characteristics of the property. However, the Design Guidelines advise that the first floor element of two storey side extensions should be set in a minimum of 1.2m from flank boundaries in order to prevent a terracing affect.
- 7.1.4 The proposed single storey rear extension would have a depth of 3m from the original rear building line. This would comply with the recommended depth figure of 3.6m. The proposed extension would also be proportionate to the size and character of the dwelling given its scale and design and the extension would not be readily visible from the street scene given its rear siting and design which would not project beyond the flank wall of the dwelling.
- 7.1.5 The proposed part single, part two storey side extension would not extend deeper to the flank than the existing garage that is proposed to be removed and would be set off the shared boundary by 2.9m, which would comply with the recommended figure. It should also be noted that the extension to the flank would be flush with the existing dwelling, not projecting beyond the front or rear of the dwelling. The extension would appear in keeping with the shape and design of the existing dwelling and would therefore not appear significantly prominent within the street scene.
- 7.1.6 The proposed two storey side extension would result in an extension of the roof ridge by approximately 3.1m. It is acknowledged that the bulk of the dwelling would be increased from the enlargement to the flank, however, it is not considered to result in significant harm to the street scene nor appear out of character within the area when considering the varied nature of the street scene that includes a terrace comprising a Dutch hip and front gable projection and maisonettes and two dwellings to the opposing side of the close. The Dutch hip roof design would be retained. It is also acknowledged that the dwelling as existing and proposed can and would be viewed from dwellings on Thompson Way to the south east. Whilst this is noted, as mentioned in the previous analysis, the extensions to the side would follow the line of the existing dwelling and would therefore not appear more prominent than the outline of the existing dwelling when viewing the extensions from the south-east.
- 7.1.7 The proposed extensions to the front of the dwelling at ground and first floor would be visible from the street scene given their forward projections. Whilst this is noted, the ground floor extension would not have a significant depth (2.3m) and would project out at a similar line as of the existing single storey gable projection. The extension at ground floor would also have a pitched roof, reducing its scale and bulk. In addition to this, when considering the siting of the extension at a similar line to the existing projection and siting of the dwelling towards the south east corner of the Close, the single storey extension would not appear prominent within the street scene.
- 7.1.8 At first floor, the proposed front extension would contain a gable projection. It is not considered that this extension would appear prominent given its proposed depth of approximately 0.5m from the existing front wall, whilst the width of the gable would be proportionate to the main dwelling and would appear similar in design to the opposing gable at 12 Horwood Close so as to not appear prominent or out of character within the street scene.

- 7.1.9 It is not considered that the proposed extensions would be out of character or unduly prominent in the street scene. Furthermore the proposal would not adversely affect the character or appearance of the host dwelling and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD.
- 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 guidance provided within Appendix 2 states that single storey rear extensions to terraced or semi detached dwellings should generally have a maximum depth of 3.6m with this distance reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 7.2.3 The proposed single storey rear extension would have a depth of 3m from the existing dwelling, therefore not exceeding the recommended depth figure as set out within the Design Criteria.
- 7.2.4 The extension would extend 3m beyond the rear wall of the attached neighbour to the north-west (11 Horwood Close). While this is noted, it is not considered that the extension would be prominent or overbearing to this neighbour given the limited depth proposed and when considering the design of the roof form that would have a maximum height of 3.5m before sloping down to an eaves height of 2.6m at its deepest point. The depth of the rear extension is not excessive and would not result in significant harm to the residential amenity of no. 11 through loss of light or outlook. Windows within the rear elevation of the single storey rear extensions would overlook the rear amenity space of the dwelling and would not cause overlooking of neighbouring amenity.
- 7.2.5 There is no direct neighbour to south-east flank; however the proposed extensions to the rear, flank and front would be adjacent to the dwellings on Thompson Way, more specifically No's 41 and 42 who are at a lower land level to the application site. In relation to the single storey rear extension, when considering the projection to the rear, separation distance and projection away from these neighbours, it is not considered that this element of the proposal would result in demonstrable harm through be overbearing and ground floor openings would be screened by existing boundary treatments that would restrict overlooking. The extension to the flank at ground and first floor would be adjacent to the rear garden boundaries of No's 41 and 42 Thompson Way. As existing No.41 faces the flank wall of the existing dwelling, while No.42 faces the frontage of the application dwelling, with views also to the flank and front elevation of the dwelling. Whilst it is acknowledged that as existing the application site and dwelling is visible and set up at a higher land level and the first floor would be increased at the flank, the design of the side extension follows the Dutch hip of the existing dwelling, not projecting deeper to the rear or forward of the main dwelling with a 2.9m spacing off the shared boundary retained. Therefore, whilst it is noted that there would be views of the side extension, it is not considered that the extension would cause a loss of light to the windows of the neighbours in Thompson Way, nor would it appear prominent by virtue of its design and would not significantly impact neighbouring amenity any more than the existing outlook.
- 7.2.6 It is not considered that the proposed part single, part two storey side extensions would impact on the attached neighbours to the north on Horwood Close as they would be screened by the existing dwelling.

- 7.2.7 Flank fenestration is proposed within the flank of the side extension. Amended plans were received to reduce the size of the first floor flank window and to confirm obscure glazing and that the window would be non-opening to prevent overlooking and loss of privacy to neighbours on Thompson Way. It is not considered that the single window and door at ground floor level would result in unacceptable levels of overlooking given their ground floor siting.
- 7.2.8 The proposed front extension to the south east portion of the dwelling would project from the dwelling by 2.3m at ground floor and 0.5m at first floor and would be set off the boundary with No.12 by 4.6m and set off the flank boundary to the east by 2.9m. When considering the spacing to both flanks and given the extension would not have a significant depth and height in relation to the existing dwelling, it is not considered that the extension would cause a loss of light to neighbouring amenity nor be considered prominent or overbearing so as to justify refusal of planning permission. First floor glazing within this extension would overlook the dwellings hardstanding to the front of the dwelling, similar to existing first floor windows.
- 7.2.9 As a result, subject to conditions the proposed development would therefore not result in any demonstrable harm to the residential amenities of any of the neighbouring properties, in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Amenity space standards are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3.2 The existing dwelling has three bedrooms, and the proposal would not result in any additional bedrooms. Appendix 2 requires 84 square metres amenity space for a property of this size. A garden size of 138sq.m would be retained following the proposed development which would comply with this requirement.

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.
- 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 A Biodiversity Checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. It is therefore unlikely that there would be any harm to any protected species.
- 7.4.4 Whilst not formally consulted, Herts Ecology were notified of bat activity within the application site and immediate area following public consultation during the application process which resulted in an original request for a preliminary roost assessment by Herts Ecology. However, following communication and discussion between Herts Ecology and the applicant, it has been determined by Herts Ecology that no further surveys are

required and that instead an informative is suggested to advise of what to do should bats be discovered during the course of development.

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'.

7.6 Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The proposed development would not result in an increase in the number of bedrooms, as set out within the parking standards, a dwelling with three bedrooms should provide 2.25 spaces per dwelling (2 assigned spaces with curtilage).

7.6.2 The proposal would result in the loss of the existing garage space, whilst the proposed garage space would not be of a size that would be able to park a vehicle. The dwelling would have 2 spaces for parking on the hardstanding to the front of the dwelling, which would be a shortfall of 0.25 spaces per dwelling. However, the dwelling would have 2 assigned spaces and the shortfall of 0.25 is not considered significant to justify refusal of planning permission 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:

105-001 REV A, 105-002, 105-003, 105-011 Rev B, 105-012, 105-013 Rev C and TRDC001.

Reason: For the avoidance of doubt and in the proper interests of planning and 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).

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 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 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevation of the proposed extensions 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).

- C5 Before the first occupation of the building/extension hereby permitted the window(s) in the first floor flank elevation facing Thompson Way; shall be fitted with purpose made obscured glazing and shall be non opening. The window(s) 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).

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.

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.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) 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.

- 13 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.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).