

8. 18/1195/FUL - Demolition of existing outbuilding and construction of single storey detached annexe ancillary to the use of the existing house at THE WHITE HOUSE, 16 LANCING WAY, CROXLEY GREEN, WD3 3LN for Mr & Mrs Chohan

Parish: Croxley Green

Ward: Durrants

Expiry of Statutory Period: 03/08/2018

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by Councillors.

1 Relevant Planning History

1.1 18/0410/PREAPP – Pre-Application Advice: Part single storey, part two storey rear extension and demolition of existing outbuilding and construction of replacement outbuilding to provide annexe accommodation – 27.03.2018.

1.2 14/1736/FUL – Erection of two storey 3-bedroom detached dwelling – 01.12.2014 – Refused, for the following reasons:

R1 The proposed development by reason of the siting, design, frontage amenity space provision and boundary treatment to the proposed dwelling and the plot size and depth to serve the proposed dwelling and the impact on the plot size and depth of the existing dwelling would result in a cramped and contrived unsympathetic form of overdevelopment which would be significantly out of character with the surrounding area. It would therefore be detrimental to the visual amenities and character and appearance of the proposed dwelling, street scene and wider area and would be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed dwelling, by reason of its siting, scale and design would be an overbearing, overdominant and unneighbourly form of development that would also result in overlooking and loss of privacy to neighbouring properties to the detriment of the residential amenities of their occupiers. The residential amenity of future occupiers of the proposed dwelling would also be unacceptable by reason of the scale and disposition of amenity space provision, the outlook from fenestration and overlooking from existing residential neighbours. The development would therefore be contrary to 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).

R3 The proposed development would provide insufficient amenity space and parking provision and has not demonstrated that there would be a safe and adequate means of access to serve the dwelling. This would emphasise the cramped nature of the development and would compromise the safe movement and free flow of other highway users. The proposal would therefore be contrary to Policies CP1, 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).

R4 The proposed development would result in a significant increase in demand for education, libraries, childcare facilities, youth facilities, open space/children's play space and sustainable transport provision in the area. There is currently a shortage of these 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 Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The proposal would also attract a requirement for

fire hydrant provision. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011), Policy DM11 of the Development Management Policies LDD (adopted July 2013) and the Open Space, Amenity and Children's Playspace Supplementary Planning Document (adopted December 2007).

R5 The scheme is for a market dwelling and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 would fail to contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

- 1.3 8/156/90 – Single and double storey side extension – Permitted and implemented – 08.06.1990
- 1.4 18/1193/FUL - Single storey and two storey rear extension and alterations to front entrance porch – Pending consideration.

2 Description of Application Site

- 2.1 The application site consists of a semi-detached four bedroom dwelling with rear garden positioned on a corner plot at the junction of Lancing Way and Winchester Way, Croxley Green. The application dwelling is on the west side of Lancing Way which is a residential street of semi-detached dwellings of similar styles. Winchester Way is also a residential street of semi-detached dwellings but there is more diversity of design of the properties.
- 2.2 The existing dwelling on the site is finished in white render and has been previously extended through a single and two storey extension to the side and a conservatory across part of the rear elevation of the dwelling. There is hardstanding to the front of the dwelling with space to park two vehicles.
- 2.3 To the rear of the dwelling is a garden of approximately 175sqm. There is a patio area close to the dwelling with a step up to an area laid to lawn. The garden is enclosed by 1.8m high close boarded fencing.
- 2.4 At the rear of the garden is a detached garage/storage outbuilding which is 7.0m wide and 5.4m deep. The building is single storey and has a flat roof but there is a high flank parapet wall facing the application dwelling. There is a gate providing access to the building from Winchester Way but there is no dropped kerb to provide vehicular access.
- 2.5 The adjoining neighbour of no.18 Lancing Way to the south of the application site is on the same building line as the application dwelling but has a single storey rear extension. This neighbour has a small wooden outbuilding within the rear garden, adjacent to the outbuilding on the application site.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing outbuilding and the construction of a replacement outbuilding to provide annexe accommodation.
- 3.2 The proposed outbuilding would be sited to the rear of the garden and would largely replace the existing garage structure. The outbuilding would be set off the shared boundary with the adjoining neighbour at no.18 and the rear site boundary by 0.2m. The outbuilding would have a depth of 7.0m and a width of 5.4m. The outbuilding would have a hipped roof form with an eaves height of 2.5m and a maximum overall height of 3.2m. A door and two windows would be inserted in the 'front' elevation which would face the host dwelling. Two windows would also be inserted in the 'side' elevation which faces towards Winchester Way.

- 3.3 Amended plans were received during the application process which reduced the level of accommodation within the proposed outbuilding. This reduction in accommodation includes the removal of the entrance hallway, the removal of the shower, and the removal of the kitchen area. The rooms were not labelled on the amended plans however it would be reasonable to assume that there would be a living area, a bedroom and a toilet. The outbuilding was also reduced in depth by 1.0m and in width by 0.3m. The entrance door was also re-sited to the 'front' elevation of the outbuilding so it would be facing the host dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

“Croxley Green Parish Council objects to this application for the following reasons: The construction will result in a huge loss of light for neighbouring properties; The construction will result in a serious loss of privacy for residents in neighbouring properties; The application will exacerbate existing drainage and sewer problems in the area; The Parish Council are extremely concerned that this construction will be used as a habitable dwelling which in time will become completely separated from 16 Lancing Way; If approved the application will result in a highly unwanted precedent being set for Croxley Green; The Parish Council objects fully and in the strongest possible terms to this development; We must insist that this application is considered at the Three Rivers District Council Planning Committee meeting.”

- 4.1.2 National Grid: No comments received. Any comments received will be verbally updated at Committee.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 7 No of responses received: 35

- 4.2.2 Site Notice: not required Press notice: not required

4.2.3 Summary of responses:

- The proposals will exacerbate flooding in the area
- The proposals will make drainage problems worse
- Overdevelopment of the plot
- The proposals will exacerbate parking situation
- It will increase the strain on local services
- A dwelling was refused on this site
- Development is too close to the boundary
- Out of character with the area
- The proposals will set a precedent for similar development
- The proposals will affect privacy
- The proposals will lead to a loss of light
- Concerns that the annexe won't remain associated with the host dwelling
- House prices will be negatively affected
- The proposal will create noise pollution

All neighbours were re-notified as a result of amended plans, with the consultation period expiring on 17 July 2018. Any further comments received will be verbally updated at the Planning Committee.

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 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 Relevant policies include DM1, DM6, DM8, 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 seeks to support buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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'.

- 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 and that extensions should not be excessively prominent in relation to the general street scene and respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 The proposed outbuilding would be sited to the rear of the garden and would replace the existing garage. The outbuilding would be set off the shared boundary with the adjoining neighbour at no.18 and the rear site boundary by 0.2m. It is considered that the proposed outbuilding is of a scale that would not appear overly cramped or contrived within the plot given the size of the rear garden. Outbuildings of various sizes exist within the immediate vicinity such that the proposed building would not appear out of character with the area. The proposed outbuilding would remain within the height and footprint limitations of the current garage building. Some limited views of the outbuilding would exist from public vantage points given the prominent location of the application dwelling; however it is considered that the outbuilding would not appear as an unduly prominent feature in the context of the streetscene. It is also considered that the proposed outbuilding would enhance the appearance of the street given the design of the existing garage. The proposed outbuilding would be finished in white render and have a tiled roof to match the host dwelling.
- 7.1.4 In summary, it is not considered that the proposal would appear prominent within the streetscene, or disproportionate in relation to the application dwelling or to other dwellings within the vicinity so as to result in unacceptable harm justifying the refusal of planning permission. The proposed development would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) in this regard.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that Three Rivers District Council will seek a high standard of design. Appendix 2 of the Development Management Policies LDD states that extensions must not be excessively prominent in relation to adjacent properties and not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.2.2 The proposed outbuilding would be sited to the rear of the garden. It is considered, given the similarities between the height and massing of the existing garage to the proposed outbuilding, that it would not appear overbearing or result in a loss of light to the adjoining neighbour at no.18 or the adjoining neighbour to the rear of the site. The glazing to the proposed outbuilding would be at ground floor level only as such it is not considered that it would give rise to overlooking to any neighbour.
- 7.2.3 In summary, it is not considered that the proposed development would result in any adverse impact on the residential amenity of any neighbouring dwelling; subject to conditions 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 document.

7.3 Proposed Use

- 7.3.1 The applicant is seeking permission for the demolition of the existing garage and the erection of a single-storey outbuilding. It is submitted by the applicant that the proposed outbuilding is to be used as an annexe by family members and would be ancillary to the host dwelling. The declaration on the submitted application form was signed by the agent on behalf of the applicant confirming that the proposed outbuilding would be solely for an ancillary purpose and not an independent dwelling; for which a separate planning application would be required.

- 7.3.2 It is noted that a planning application (14/1736/FUL) was previously refused for the subdivision of the site, demolition of the existing outbuilding and the erection of two-storey 3-bedroom detached dwelling.
- 7.3.3 Pre-application advice was sought in relation to the proposed outbuilding (18/0410/PREAPP) in which the Council's response was the level of accommodation and facilities proposed within the outbuilding would need to be reduced to a level that could be regarded as a secondary or ancillary use to the host dwelling.
- 7.3.4 This current application was received by the Council unchanged from the pre-application scheme however amended plans were received during the application process which reduced the level of accommodation within the proposed outbuilding. This reduction in accommodation includes the removal of the entrance hallway, the removal of the shower, and the removal of the kitchen area. The rooms were not labelled on the amended plans however it would be reasonable to assume that there would be a living area, a bedroom and a toilet. The outbuilding was also reduced in depth by 1.0m and in width by 0.3m so it is contained within the footprint of the garage which exists currently. The entrance door was also re-sited to the 'front' elevation of the outbuilding so it would be facing the host dwelling, ensuring a meaningful ancillary association with the main house.
- 7.3.5 It is noted that there is scope to access the building from Winchester Way. It is considered that the ability to access an outbuilding without the need to pass through the main dwelling is not an uncommon characteristic or unique to the proposed development. Nevertheless, it is considered unjustifiable to refuse planning permission for the outbuilding on the grounds that it could be accessed from a gate into the garden.
- 7.3.6 Therefore, given the level of accommodation provided within the proposed outbuilding and the changes made, it is considered that the proposal would be acceptable as an ancillary outbuilding to the main residential dwelling. It is considered appropriate, necessary and reasonable to condition any permission granted to ensure that the outbuilding remains ancillary to the main dwelling and is not used as a separate dwelling.
- 7.4 Amenity Space Provision for future occupants
- 7.4.1 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. Appendix 2 of the Development Management Policies LDD states that 'amenity space must be provided within the curtilage of all residential development. As a result of the proposal a rear garden area of 175sqm would be retained which is considered sufficient to serve the dwelling and exceeds the indicative levels within Appendix 2
- 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 The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.6 Trees and Landscaping

7.6.1 No protected trees or landscaping would be removed or harmed as part of the proposal.

7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. Policy DM13 of the Local Development Management Document states development should make provision for parking in accordance with the parking standards set out in Appendix 5. Proposed floor plans have been provided which indicate that there would be an increase in one bedroom as part of the proposals increasing the total number of bedrooms that the dwelling would provide to four. The Council's adopted parking standards state that for a four or more bedroom dwelling the parking standard is 3 spaces.

7.7.2 There are currently parking provisions for 2 vehicles in the form of two spaces on the area of hardstanding to the front of the dwelling. Although three cars were parked on the driveway at the time of visiting the site, it is noted that one parked car noticeably encroached upon the pavement and as such cannot be considered a formal parking space completely within the residential curtilage. It is also noted that there are no parking restrictions on Lancing Way or Winchester Way therefore a degree of on-street parking does exist. Whilst a shortfall of one space would exist, it is not considered that this would justify the refusal of planning permission.

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: 3252 EX1, 3252 AN1 A, 3252 SPAN 2.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the 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, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The outbuilding shall not be erected other than in the materials, including white render and roof tiles, as have been approved in writing by the Local Planning Authority as stated on the application form and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the outbuilding is in keeping with 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 The outbuilding hereby permitted and shown on drawing numbers 3252 EX1, 3252 AN1 A, 3252 SPAN 2, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Lancing Way and shall not be used as an independent dwelling at any time.

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).

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.

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.