

18/1139/FUL - Erection of detached garage at THE OLD HOUSE, 3 WATFORD ROAD, CROXLEY GREEN, WD3 3DL (DCES)

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 21 August 2018

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called in by the Parish Council.

1 Relevant Planning History

1.1 No relevant planning history

2 Description of Application Site

2.1 The application site has an 'L' shaped plot and is located on the northern side of Watford Road. The application site is located within the Croxley Green Conservation Area and the application dwelling is a Locally Important Building. The local list describes the application dwelling as a large detached building secluded by tall fences and greenery. The dwelling has historically been used as a dentist's but is now in residential use.

2.2 The neighbour to the west is 'The Vicarage' and to the east are No.5 and No.5a Watford Road.

2.3 The application site is accessed via an access road off the Watford Road and is screened from the main road by mature trees.

2.4 The main garden area of the site is enclosed by closed boarded fencing with the fence running parallel with the Watford Road slightly taller than that running along the north-south boundary. In addition to the access there is a larger area of hardstanding serving as parking.

3 Description of Proposed Development

3.1 This application seeks full planning permission for the erection of a detached garage.

3.2 The garage would have a width of 5.4m with a depth of 6.4m and would be sited towards the south of the application site, 4.5m from the front boundary vegetation and 7m from the east boundary. The garage would be orientated such that the main garage door would face the access.

3.3 The garage would have a pitched roof with a maximum height of 5.5m and an eaves height of 2.4m. The garage would include a side door and a double casement window within the eastern and western elevation.

3.4 The application form submitted outlines that the garage would be built of a red facing brick with plain red tiles and painted timber doors.

3.5 Amendments have been received during the course of the application to remove the external staircase and rooflights and to lower the height by 0.5m. A more traditional vertical panelled door is also now proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

Objection. CGPC feel that the height of this proposal is inappropriate & as such object to the scale of the building in this setting. As the proposal sits within the conservation area we would like to see this application considered by the TRDC Planning Committee.

4.1.2 Conservation Officer: [Objection more details required]

The Old House is in the Croxley Green Conservation Area and is also a locally listed building. It is in section B of the Conservation Area as outlined in the Appraisal and is adjacent to listed buildings including All Saints Church.

It is a large detached building with an attractive multi-gable roof plan displaying a complex and historically noteworthy history.

There is no DAS and this is not in accordance with Conservation Area policy which directs that additional information should be submitted for proposals which include heritage assets (National Planning Policy Framework – NPPF - paragraph 128.)

The Planning (Listed Building & Conservation Areas) Act 1990 requires special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

This view accords with Development Management Policies, Local Development Document Adopted July 2013 policy DM3 and other national conservation law and policies as set out below. DM3:

“Within Conservation Areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area” and

“a) When assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.”

NPPF point 64 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

NPPF 131: In determining planning applications local planning authorities should take account of:

- The desirability of new developments making a positive contribution to local character and distinctiveness. Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation ... Significance can be harmed or lost through alteration or destruction of the heritage asset ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

NPPF 137: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve these elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

I consider that this proposal is overly large in the setting and would therefore due to its bulky massing will have a negative impact in the Conservation Area. The proposed garage is over six metres to eaves height.

There is also conservation concern regarding the negative effect that the large proposed garage would have on the generous spacing of buildings and open character in the Conservation Area. This generous spacing is referred to in the appraisal and would be harmed by this overly large garage.

There is scant information regarding materials and this is unacceptable.

I consider that the roller style garage door is unsuitable in this location and that more traditional options should be proposed.

Other materials should be specified in more detail.

4.1.3 Landscape Officer: [No objection subject to conditions]

I have no objections to the proposed developed in principle, but there are a number of trees at the site which may be impacted, both directly and indirectly, by the development.

I would therefore request that a tree protection plan, in accordance with BS 5837, is submitted, detailing trees to be retained, removed and demonstrating how trees to be retained will be protected, e.g. fencing specification and locations. I would therefore suggest that the applicant instructs an arboricultural consultant to provide the required information, and to the required standards.

I do not wish to raise any objections to the proposed development, but do have some arboricultural concerns. I am happy for the required information to be submitted post consent, and would therefore request that a suitable condition is attached, if consent is to be granted.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 13 No of responses received: 0

4.2.2 Site Notice: Expired 26.07.2018 Press notice: Expired 27.07.2018

5 **Reason for Delay**

5.1 Not applicable

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside 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 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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, DM3, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Croxley Green Conservation Area Appraisal 1996.

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 the character of the Conservation Area, Locally Important Building and streetscene

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 In respect of Conservation Areas Policy DM3 outlines, amongst other points, that development will only be permitted if the proposal would retain historically significant boundaries, important open space or other elements including gardens. Development should ensure that it does not harm views into, or out of, the Conservation area and should protect landscape features, hedgerows and trees

- 7.1.3 With regards to Locally Important Buildings, Policy DM3 outlines that they make a significant contribution to the local area in terms of their historical/architectural characteristics and are considered to be an impact part of the District's heritage.
- 7.1.4 It is acknowledged that the proposed garage would be sited forward of the existing building line of the application dwelling and The Vicarage. However the front boundary of the application site includes substantial mature vegetation and trees which provide screening for the application site and the neighbour to the east. The proposed detached garage would not therefore be readily apparent from Watford Road or from The Vicarage to the west. The comments of the Conservation Officer are noted and whilst objections were raised initially amended plans have been submitted during the application, reducing the height of the proposed garage and to introduce a more traditional garage door.
- 7.1.5 Given that it would not be prominent, in addition to its pitched roof nature, the use of traditional materials and the separation between the garage and main dwelling, it is considered that the proposed garage would be sympathetic to the setting of both the Locally Important Building and Conservation Area. Whilst as acknowledged above it would be sited in a more open part of the application site, it would appear as a subordinate and ancillary structure, as evident on the proposed block plan, and would not obscure the main views towards the Locally Important building which itself is a substantial two storey building with over 500sqm of garden retained.
- 7.1.6 Whilst the immediate neighbouring properties do not have detached outbuildings of this scale the proposed garage would not appear incongruous within the wider setting of the streetscene or Conservation Area.
- 7.1.7 In summary it is not considered that the proposed development would result in any significant adverse impact on the character or appearance of the Locally important Building, streetscene or Conservation area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal 1996.
- 7.2 Use of the garage
- 7.2.1 The application form submitted outlines that the proposed building is to be used as a garage. It is acknowledged that there is some first floor accommodation within the roof space however given the limited floor area and low eaves, this is unlikely to be able to provide habitable accommodation. Nevertheless this application only seeks permission for an ancillary garage and a condition is also considered appropriate to ensure that its use remains ancillary.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The proposed outbuilding would be sited 7m from the eastern flank boundary and approximately 23m from 'The Vicarage' and approximately 25m from the front elevation of No.5 as such it is not considered that the proposed garage would result in any harm to neighbouring amenity.
- 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 Local Biodiversity Checklist has been completed by the applicant and submitted with the application. The Checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.
- 7.4.4 Given the nature of the development, it is not considered that there would be any significant impact on any protected species or wildlife therefore complying with Policies CP1 and CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is located within a Conservation Area and as such all trees are protected. The Landscape Officer has reviewed the application and does not wish to raise an objection subject to the attachment of a condition requiring the submission of a tree protection plan.

7.6 Highways, Access and 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.
- 7.6.2 The proposed development would not result in any additional bedrooms and the proposed garage would provide parking provision with the existing hardstanding also retained which could accommodate at least three cars

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 3758 2C
Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area, Locally

Important Building and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal (1996).

- C3 The detached garage hereby permitted shall be constructed using materials as stated within the submitted application form.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) 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.