

10. **18/1364/FUL - Part single, part two storey rear extension, loft conversion including hip-to-gable extension, rear dormer and front rooflights and change of use of dwelling (Class C3) to six bedroom House of Multiple Occupation (Class C4) with parking to rear at 304 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, WD3 3DE (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 17.09.2018

Ward: Dickinsons
Case Officer: Scott Volker

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called in by three Members of the Planning Committee and by the Parish Council.

1 Relevant Planning History

- 1.1 00/01255/FUL – Crossover to front of property – Permitted November 2000; implemented.

2 Description of Application Site

- 2.1 The application site is rectangular in shape located on the southern side of Watford Road, Croxley Green. This section of Watford Road consists predominantly of two-storey, semi-detached dwellings of similar scale, styles and designs, some of which have been extended and altered.
- 2.2 The application dwelling is a semi-detached property with a dark tiled hipped roof and a front gable roof feature which is shared with the adjoining neighbour to the west, and has a white render exterior. There is an existing detached garage to the east set back to the rear of the property. The garage is accessed by a shared driveway set between the application dwelling and 306 Watford Road.
- 2.3 The dwelling is at the same land level as the highway with an area of hardstanding to the front of the property which provides off-street parking for two vehicles. To the rear is a patio area abutting the rear elevation of the dwelling leading onto a lawn that slopes gradually downwards towards the rear of the garden. There is a large tree located within the rear garden however it is not protected.
- 2.4 The neighbour to the east, 306 Watford Road has a uniform front building line with the application dwelling and the neighbouring dwelling has an original single storey rear projection. As a result of the shared driveway, there is approximately 3 metres spacing between the application dwelling and this neighbour. The neighbour to the west, 302 Watford Road, is at the same land level and has benefitted from a storey rear extension.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for a part single, part two storey rear extension, loft conversion including hip-to-gable extension, rear dormer and front rooflights and change of use of dwelling (Class C3) to six bedroom House of Multiple Occupation (Class C4).
- 3.2 The proposed part-single part two storey rear extension would have a depth of 6 metres at ground floor level and 2.5 metres at first floor. The flank walls of the ground and first floor would be flush measuring 3.1 metres in width; built in line with the existing east flank elevation of the host dwelling and set in 3 metres from the west flank. Both the ground and first floor would have flat roof forms. The ground floor would measure a maximum of 2.9 metres and the first floor would measure 5.1 metres in height. Glazing is proposed at

ground and first floor levels within the rear elevations with a door and additional glazing proposed within the west flank of the extension at ground floor level.

- 3.3 The proposed hip-to-gable roof extension would increase the width of the main ridge of the application dwelling by 4 metres; to measure a total width of 6.1 metres. Three rooflights are proposed within the front roofslope and a dormer window is proposed within the rear roofslope. The dormer would measure 5 metres in width, set in from either flank walls by 0.4-0.5 metres. The dormer would have a flat roof form measuring 2.3 metre in height from the roofslope; set down 0.1 metres from the main ridge.
- 3.4 Alterations to the fenestration is proposed within the principal elevation at first floor level.
- 3.5 Two parking spaces are indicated to the frontage. It is also proposed to demolish the existing detached garage located to the rear of the property to create two further off-street parking spaces.
- 3.6 The extended property would contain two bedsits at ground floor level with a communal kitchen and a shared shower room within the ground floor extension. Three further bedsits and a shower room are provided at first floor level and one bedsit within the roof space. However, the bedsit within the loft space appears to be a self-contained flat rather than a bedsit as the submitted plans indicate that it would include a shower room and a small kitchenette.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

It is considered that the rear extension is excessive and the proposal development forms an over development of the site. Concern is expressed in respect of car parking and the potential number of cars given the multiple occupation envisaged particularly regarding access to the rear which may be restricted by the excessively sized rear extension.

The Parish Council wish this application to be considered by the TRDC Planning Committee.

4.1.2 Hertfordshire County Council – Highway Authority: [No Objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informative:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Comments/Analysis:

The application comprises of an extension to the existing dwelling at 304 Watford Road, Croxley Green. Watford Road is designated as a principle A main distributor road, subject to a speed limit of 30 mph and is highway maintainable at public expense.

Vehicle Access & Parking:

The proposals do not include any new or altered vehicular or pedestrian access from the highway. The present inter vehicle to vehicle visibility and pedestrian forward visibility from the access is deemed to be satisfactory and acceptable to be in accordance with guidelines in Roads in Hertfordshire; Highway Design Guide and Manual for Streets (MfS).

There is an existing driveway at the front of the property with space for two cars. The proposed works also include the creation of a parking area for two vehicles to the rear of the extended building which is accessed via an existing private access driveway between No.s 304 and 306. The general layout and dimensions of the parking is considered to be acceptable and vehicles would be able to turn around and egress down the access driveway in forward gear.

HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic along Watford Road due to the increased occupancy of the dwelling. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration additional parking spaces to the rear of the property. The applicant is reminded that Three Rivers District Council (TRDC) is the parking authority for the district and therefore ultimately should be satisfied with the level of parking.

Emergency Vehicle Access:

The proposed extended building is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.

Refuse/Waste Collection:

An on-site bin-refuse store has been provided as part of the application, which is within 30m of the dwelling and within 25m of the kerbside/bin collection and acceptable. The collection arrangements must be confirmed as acceptable by TRDC waste management.

Conclusion:

HCC as Highway Authority has considered that the proposal would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above informatives.

4.1.3 Environmental Health Officer: [No objection]

4.1.4 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8 No of responses received: 1

4.2.2 Site Notice: Not applicable. Press notice: Not applicable.

4.2.3 Summary of Responses:

- Overdevelopment
- Impact on parking
- Noise disturbance as a result of multiple occupancy

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 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, DM4, DM6, DM10, 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 Introduction

7.1.1 Houses of Multiple Occupation (Use Class C4 of the Town and Country Planning (Use Classes) Order 2015 do not require planning permission where a single Class C3 dwelling is to be converted into one, or vice versa (Class L of the General Permitted Development Order 2015 (as amended)). For the purposes of Part 3 of the General Permitted Development Order 2015 (as amended) a "dwellinghouse" does include a building containing one or more flats, or a flat contained within such a building. As such, the conversion of an existing flat/dwelling into an HMO for up to six people would not require planning permission.

7.1.2 Notwithstanding the above, the original dwelling is of a size that would be unable to facilitate a HMO for six people without the proposed extensions. For this reason the description of the proposed development includes the change of use of the extended building from a single dwelling (Class C3) to a House of Multiple Occupation (Class C4).

7.2 Impact on Character and Street Scene

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 In relation to two storey rear extensions, the Design Criteria at Appendix 2 of the Development Management Policies LDD states that they would be assessed on their own individual merits in terms of size and volume according to the characteristics of the particular property.

7.2.3 In this case, the proposed extension would result in a significant increase to the bulk and massing of the built form to the rear of the building and along the east flank. The proposed

ground floor element of the extension would have a depth of 6 metres which represents a 78% increase in depth which is considered to be excessive comparative to the host dwelling. Furthermore, the flat roof design of the first floor element is not considered to be in keeping with the character and appearance of the original dwelling. As such, the proposed part-single part two storey rear extension is considered to result in a disproportionate addition which would result in a significant detrimental impact to the character and appearance of the host dwelling.

- 7.2.4 The proposal includes a hip-to-gable loft conversion and the insertion of a flat roof dormer window. The Design Criteria at Appendix 2 state that dormers should always be subordinate to the main roof. They should be set down from the existing ridge level; set in from either end of the roof and set back from the plan of the front or rear wall. Finally the roof form should respect the character and appearance of the house if possible.
- 7.2.5 The proposed alterations to the roof of the dwelling include an increase in the width of the main ridge by 4 metres forming a gable end to both flanks. Whilst neighbouring dwellings have a hipped roof form, given the varied nature of Watford Road, including dormers and hip-to-gable alterations such as at 294 and 296 Watford Road, it is not considered that in the wider setting the proposed hip to gable roof alterations would appear unduly prominent or incongruous so as to result in harm to the character of the street scene.
- 7.2.6 Whilst the proposed dormer would be set in from both ends of the extended roof, set down from the ridge and set back from the rear elevation of the dwelling; the overall width, height and depth of the proposed dormer would result in a significant addition in terms of bulk and massing. The flat roof design, height and depth of the dormer dominates the roof, further exacerbating the bulk to an unacceptable degree. Therefore the proposed rear dormer would be a disproportionate rather than subordinate addition to the roofslope and would have the appearance of an additional floor being added to the property.
- 7.2.7 The proposed rooflights and alterations to the fenestration to the principal elevation are not considered to have a detrimental impact on the character or appearance of the varied street scene.
- 7.2.8 In summary the proposed development would significantly increase the bulk and mass of the dwelling with the size, scale and design of the two storey rear extension and roof form together with the size, scale and design of the rear dormer, resulting in disproportionate extensions, causing demonstrable harm to the character and appearance of the host dwelling. The development would therefore be contrary 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 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

- 7.3.3 In relation to the attached neighbour 302 Watford Road, this neighbour benefits from a single storey rear extension which has an approximate depth of 3 metres. The proposed part single, part two storey extension would be set off the common boundary with this neighbour by 3 metres and the first floor element of the extension would not intrude on a 45 degree splay line drawn from a point level with either the main rear elevation or the single storey rear extension of 302 Watford Road. Therefore, it is not considered that the proposed extension would result in any loss of light or become an overbearing form of development towards this neighbour. The proposed rear dormer would be contained within the roofspace and would not extend beyond the rear wall. As such, it is not considered that the dormer would have any impact on this neighbour with regard to loss of light or becoming an overbearing form of development.
- 7.3.4 With regard to 306 Watford Road, as a result of the shared driveway there is 3 metre spacing between this neighbour and the application dwelling. As such, the first floor element of the proposed extension would not intrude on a 45 degree splay line in relation to this neighbour and as such the proposed part single, part two storey rear extension would not result in any loss of light or become an overbearing form of development towards the residential amenities of this neighbour. The proposed hip-to-gable extension would bring built form closer to 306 Watford Road, however, given the separation between the dwellings, it is not considered that the formation of a gable end would result in demonstrable harm to neighbouring residential amenity through overshadowing or loss of light. No flank glazing is proposed therefore no demonstrable harm would result in terms of overlooking towards this neighbour.
- 7.3.5 The glazing proposed within the rear elevation of the extension and dormer window would primarily overlook the private amenity space of the application site. There is a distance of approximately 40 metres from the application dwelling to the rear boundary which backs onto the private amenity spaces of 5 and 7 Sycamore Road. Therefore it is not considered that any detrimental overlooking would occur towards these properties to the rear of either 302 or 306 Watford Road.
- 7.3.6 The proposed front rooflights and altered glazing within the principal elevation would overlook the frontage of the site and the highway and would not result in any overlooking towards neighbouring amenity.
- 7.3.7 Whilst the proposed extensions would not result in harm to the residential amenities of the abovementioned neighbours, the change of use of the dwelling to a HMO would result in an increase in occupancy and therefore additional vehicle movements along the shared access to the rear parking area. Policy DM9 of the Development Management Policies document states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development. The existing access is narrow with neighbouring windows evident along the access with the rear facing windows also in close proximity to the access. Whilst it is recognised that the access can be used by both properties, the loss of the existing garage and introduction of hardstanding at the host site would make the rear garden a more useable parking area for future residents. When considering that the extended dwelling would be used by 6 separate households there is concern that the level of activity in such close proximity to 306 Watford Road would result in unacceptable noise and disturbance thereby impacting on the living conditions of the occupants of the said neighbouring property.

7.4 Highways, Access and Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out Parking Standards. The Parking Standards require 0.5 parking spaces per occupant for HMOs. As such, a total number of 3 parking spaces should be provided.

7.4.2 The submitted site plan details that a total of four parking spaces would be provided to serve the HMO, two on the front driveway and two to the rear of the dwelling. This would exceed the parking standards detailed above however; the layout of the two parking spaces to the rear is such that the space to the left of the new parking area would not be accessible should the other parking space be occupied. In addition, whilst the comments from the Highways Officer are noted it is not considered that the layout of the parking spaces at the rear of the property and the existing driveway would allow for sufficient turning space to allow for vehicles to access and egress the site in forward gear.

7.4.3 Whilst it is not considered that this is a sufficient reason to justify refusal of planning permission, the layout of the parking arrangements further highlights that the application site would not be able to satisfactorily accommodate a HMO for up to six persons.

7.5 Amenity Space Provision for Future Occupants

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The application site currently benefits from an amenity space measuring approximately 240sq. metres.

7.5.2 The Design Criteria at Appendix 2 do not provide standards for HMOs but for one bed flats the requirement is 21sq. metres which can be allocated specifically to each flat or communally. When taking this approach the HMO containing 6 bedsits would require 126sq. metres of amenity space.

7.5.3 The submitted plans indicate that all occupants of the HMO would have access via the shared kitchen to the amenity space located to the rear of the property. A communal amenity space measuring approximately 220sq. metre would be retained which is considered sufficient to adequately serve the occupants of the HMO and is therefore considered acceptable.

7.6 Wildlife and Biodiversity

7.6.1 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.

7.6.2 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.

7.6.3 The application has been submitted with a Biodiversity Checklist with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. However, given that the proposal involves works to an existing roofspace, an informative regarding bats is suggested.

7.7 Trees and Landscaping

7.7.1 Policy DM6 states that proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.7.2 There is a tree located within the rear garden of the application site however it is not protected by a tree preservation order. The submitted application form states that the proposed development would not result in the loss of any existing trees or hedging within the site.

7.8 Refuse and Recycling

7.8.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.8.2 The submitted site plan indicates that a refuse and recycling area to serve the HMO would be located to the rear of the proposed extension which is considered acceptable in accordance with Policy DM10 of the Development Management Policies LDD. In the event planning permission is granted a condition is recommended requesting details of the refuse and recycling area to safeguard neighbouring properties.

7.9 Infrastructure Contributions

7.9.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq. metres of residential development is £180.

8 **Recommendation**

That PLANNING PERMISSION BE REFUSED for the following reasons:

- R1 The proposed development would significantly increase the bulk and mass of the dwelling by virtue of the size, scale and design of the two storey rear extension together with the size, scale and design of the flat roof dormer window resulting in disproportionate additions to the host dwelling and cause demonstrable harm to the character and appearance of the host dwelling. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.
- R2 The material change of use of the dwelling to a six bedroom House of Multiple Occupation (Class C4) would by virtue of the relationship between the shared narrow access and 306 Watford Road result in an increase in coming and goings to and from the rear of the site. This would have a detrimental and un-neighbourly impact on the adjacent occupiers at 306 Watford Road through noise and disturbance. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.