

**7. 18/1540/FUL - Single and two storey side extension, single storey extension to porch, conversion of garage into habitable accommodation and extension to raised patio to rear at RYLSTONE COTTAGE, 10 HADDON ROAD, CHORLEYWOOD, WD3 5AN (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 21.09.2018

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

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

Update: The application was deferred at September Committee in order for Members to make a site visit.

**1 Relevant Planning History**

1.1 No relevant planning history

**2 Description of Application Site**

2.1 The application site is roughly rectangular in shape and located on the north eastern side of Haddon Road within the Chorleywood Station Estate Conservation Area. The application dwelling is detached dwelling built of a light brown brick with a pitched roof and gable ends. The application dwelling has a single storey mono pitched projection to the front and a conservatory to the rear

2.2 Land levels slope down wards from north west to south east.

2.3 The neighbour at No.8 is a two storey detached dwelling sited on a higher land level than the application dwelling and has a single storey rear projection.

2.4 The neighbour at No.12 is a two storey detached dwelling sited on a lower land level to the application dwelling and has an existing single storey rear projection with a cantilevered projection at first floor level facing the application site.

**3 Description of Proposed Development**

3.1 The application seeks full planning permission for a single and two storey side extension, single storey extension to porch, conversion of garage into habitable accommodation and extension to raised patio to rear.

3.2 The proposed part single part two storey side extension would extend the depth of the existing building at ground floor with the two storey element comprising a depth of 4m towards the rear. The single storey element would have a dummy pitched roof to the front with a maximum height of 4m with a flat roof section with a minimum height of 3.4m increasing to 3.6m adjacent to the two storey element owing to the changing land levels. The proposed two storey element would have a pitched roof and gable to the side with a maximum height of 7.5m, maximum eaves height of 5.7m and would be set down from the main ridge by 1.7m.

3.3 A higher level first floor window would be included within the flank of the two storey side extension and three higher level windows within the single storey side extension.

3.4 The proposed development also includes the conversion of the existing garage into habitable accommodation and the replacement of the garage door with a triple casement



- Loss of privacy
- Overlooking
- Discrepancies in plans (proximity to boundary)
- Footprint of No.12 incorrectly shown
- Concerns regarding harm to trees
- Parking concerns
- Issues regarding substantial demolition
- Drainage issues
- Loss of light
- Concerns regarding damage to telephone cables/internet access
- Flood risk
- Loss of value
- Impact on street scene

4.2.4 Officer comment: A number of the points raised by the neighbour including damage to telephone cables and loss of property value do not constitute material planning considerations. The material planning considerations are outlined in the analysis section below. It should also be noted that the proximity to the boundary has now been amended on the plans to ensure a minimum distance of 1.2m from the two storey flank to the boundary and to reduce the width of the raised patio with the added introduction of a privacy screen.

## **5 Reason for Delay**

5.1 Deferred for Committee Site Visit.

## **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, 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, DM3, 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.

Chorleywood Station Estate Conservation Area 2005 is also relevant.

## 7 **Planning Analysis**

### 7.1 Impact on Character, Street Scene and Conservation Area

- 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 the area. Appendix 2 of the DMP LDD sets out a guideline that single storey side extension will be assessed on their own individual merits in relation to their proximity to the boundary. Two storey extensions should be set in 1.2m from the boundary at first floor level.
- 7.1.3 The proposed two storey side extension would be set in a minimum of 1.2m towards the rear increasing to 1.3m at the front owing to the splayed boundary. Given this in addition to its siting set back 5m from the front elevation and set down from the main ridge it is considered that this element would appear as a subordinate addition to the host dwelling and would not appear incongruous within the varied street scene of Haddon Road, retaining appropriate spacing to the flank of the dwelling.
- 7.1.4 The proposed single storey side extension would be set off the flank boundary by a minimum of 1.2m. Given this in addition to its single storey nature, that it would not project beyond the existing front and rear elevations and that there is an existing wall to this side of the dwelling it is not considered that it would appear incongruous or unduly prominent so as to result in detrimental harm to the character of the street scene or Conservation Area.

- 7.1.5 Whilst the proposed front extension would result in an increase in its width, given that it would be in line with the existing height and depth it is not considered that it would appear as an unduly prominent addition to the host dwelling so as to result in harm to character of the streetscene or Conservation Area.
- 7.1.6 The proposed privacy screen and raised terrace would not be readily visible from the street scene and would not appear as incongruous features within a residential area.
- 7.1.7 A structural method statement has been submitted during the course of the application given the number of walls that would need to be removed in order to facilitate the extensions. A condition would be attached to any consent in order to ensure the works are carried out in accordance with the method statement submitted. The proposed development would remain acceptable for the reasons outlined above and is considered to constitute extensions rather than demolition.
- 7.1.8 The proposed extension would be constructed of materials to match the existing dwelling. As such given this in addition to the reasons outlined above and that the Conservation Officer has no objections to the application it is not considered that it would result in detrimental harm to the host dwelling, streetscene or Conservation Area. The proposal therefore complies with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 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 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.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the 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 positions of windows and development on neighbouring properties.
- 7.2.3 Appendix 2 of the DMP LDD also sets out that single storey side extensions should be assessed on their own individual merits.
- 7.2.4 The proposed two storey side extension would not intrude a 45 degree splay line when taken from the point on the boundary level with the two storey rear elevation of No.12. This element would also be set off the shared boundary by a minimum of 1.2m. Given this and that it would be set down from the main ridge and would not project beyond the existing two storey rear elevation it is not considered that it would result in unacceptable loss of light so as to result in detrimental harm justifying the refusal of planning permission in this respect.
- 7.2.5 The proposed single storey side would be set off the boundary by 1.2m. It is acknowledged that No.12 is on a slightly lower land level to the application site however given the spacing to the boundary, its single storey nature and that it would not project beyond the existing rear elevation it is not considered that this element would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.2.6 The proposed first floor flank window would be conditioned to be obscure glazed and top level opening only in order to prevent unacceptable overlooking to No.12. It is acknowledged that this neighbour is on a slightly lower land level however the proposed windows would be a minimum height of 1.6m above floor level. Given this in addition to

their siting at ground floor level, set off the boundary, it is not considered that they would result in unacceptable overlooking to this neighbour.

- 7.2.7 The proposed raised terrace would project closer towards the neighbour at No.12 compared with that existing. However given that it would be set off the boundary by a minimum of 1.2m with a privacy screen to along the nearest edge and that the section splayed away would be 3.6m off the boundary it is not considered that it would result in unacceptable overlooking to No.12 or their private amenity space.
- 7.2.8 The proposed extension to the front projection would be set off the boundary by 5.8m. Given this in addition to its siting to the front with a height and depth in line with that existing it is not considered that this element would result in unacceptable harm to No.12.
- 7.2.9 Given the siting of the proposed extensions to the south eastern side of the site they would not be readily visible to the neighbour at No.8.
- 7.2.10 As such, for the reasons outlined above, the proposal would not result in detrimental harm to neighbouring amenity and would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Amenity Space

- 7.3.1 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
- 7.3.2 The proposed development would not result in any additional bedrooms with 260sqm of amenity space retained to serve the dwelling. As such it is considered that the application site would retain sufficient amenity space to serve current and future occupiers.

### 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 this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. However, given that the development would affect the roof of the dwelling an informative would be added to any granted consent advising the applicant what to do should bats be discovered during the course of development.

### 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 with a Conservation Area and as such all trees are protected. However it was noted whilst on site that there were no significant trees that could be impacted as a result of the proposed development.

## 7.6 Highways, Access and Parking

7.6.1 Appendix 2 of the DMP LDD outlines that a dwelling with 4 or more bedrooms should provide 3 on site spaces. The proposed development would not result in any additional bedrooms however it would result in the conversion of the existing garage. However it is noted that the existing garage is not large enough to accommodate a car. As such given that the existing 2 spaces to the front would be retained there would be no alterations to the provision or requirements of parking against standards.

## 7.7 Flood Risk and Drainage

7.7.1 Policy DM8 of the Development Management Policies document sets out that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate risk of flooding elsewhere and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution with sufficient surface water drainage.

7.7.2 The application site is not located within a Flood Zone. The proposed development would be largely contained within the existing extent of hardstanding with substantial areas of soft landscaping maintained around the site. As such it is not considered that the proposed development would result in significant adverse levels of surface water run-off.

## 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: 01 Rev A, 02, 03 Rev A, 04 Rev E, 05 Rev E

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Conservation Area Appraisal (2005).

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 Before the first occupation of the extension hereby permitted the window in the first floor side elevation shall be fitted with purpose made obscured glazing and shall be

top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first occupation of the development hereby permitted the proposed privacy screen as show on approved plan numbers 04 Rev E and 05 Rev E shall be installed and permanently maintained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development hereby permitted shall be carried out in accordance with the Structural Method Statement outlined within the email dated 24.08.2018.

To preserve the character and appearance of the Conservation Area in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM3 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](mailto: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](http://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.
- 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](http://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).