

10. 18/1600/RSP - Part Retrospective: First floor side extension, two storey rear extension, loft conversion including rear dormers and front rooflights and conversion of garage into habitable accommodation at 1 PARROTTS CLOSE, CROXLEY GREEN, WD3 3JZ. (DCES)

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 1 October 2018

Ward: Dickinsons
Case Officer: Matthew Roberts

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Croxley Green Parish Council.

1 Relevant Planning and Enforcement History

- 1.1 71/01104/DC - 5 Houses and garages in detail - Permitted and implemented.
- 1.2 8/640/79 - First floor side extension - Permitted on 22.10.1979 (not implemented)
- 1.3 97/0096 - Single storey rear extension and single storey detached garage and workshop – Permitted on 10.04.1997 (implemented).
- 1.4 17/0477/PREAPP - Pre-Application: First floor side extension, two storey rear extension, loft conversion including rear dormers and front rooflights and conversion of garage into habitable accommodation. Response sent on 13.04.2017
- 1.5 17/0916/FUL - First floor side extension, two storey rear extension, loft conversion including rear dormers and front rooflights and conversion of garages into habitable accommodation. Permitted on 31.07.2018.
- 1.6 18/0107/COMP – Enforcement enquiry: Without planning permission, the insertion of a first floor window (not shown on approved plans 17/0916/FUL). Pending consideration.

2 Description of Application Site

- 2.1 The application site relates to a detached dwelling of Georgian style which in the process of being extended to the side and rear following the grant of planning permission under 17/0916/FUL. The dwelling is situated on the eastern side of Parrotts Close, a residential cul-de-sac in Croxley Green.
- 2.2 The local area is heavily characterised by a large open common which is located to immediate west of the host property. Parrotts Close comprises a number of detached dwellings of similar character, all of which are located within modest plots. Due to the topography of the area, the neighbour to the south, Amberley, is positioned on a lower land level. To the north there are two cottages, Tudor Cottage and Clarendon Cottage which front the Croxley Green common.
- 2.3 The frontage of the host property is open in character and contains a wide driveway with lawn and soft landscaping sited either side. The frontage slopes down towards the dwelling.
- 2.4 To the rear of the house there is a modest garden enclosed by fencing and vegetation, the rear boundary of which is densely populated with trees and hedging.
- 2.5 With regards to policy designations the application site is located within the Croxley Green Conservation Area (designated 1980).

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the erection of a first floor side extension, two storey rear extension, loft conversion including rear dormers and front rooflights and the conversion of garage into habitable accommodation.
- 3.2 The extensions permitted by planning permission 17/0916/FUL which form part of this application have been substantially completed. The extensions are described in more detail below.
- 3.3 The first floor side bricked extension is set back from the main principal elevation by 0.5m and has a width of 5.8m, set in from the ground floor northern elevation by 4.3m. It extends the entire depth of the original dwelling measuring 7.6m and has a hipped roof set 0.2m below the original ridge. A hipped rear dormer measuring 1.5m in width, 1.7m in depth by 1.3m in height is to provide second floor accommodation in the form of a bedroom.
- 3.4 At the rear the two storey bricked extension has been built flush with the original southern elevation whilst projecting 2.5m in depth with a width of 11.7m. The extension has a part flat roof (measuring 1.5m in width, 1.7m in depth and 1.3m in height), part hipped roof which is set down 0.2m from the original ridge. Two hipped roof dormer windows have been inserted within the rear roofslope.
- 3.5 At ground level, a single storey bricked extension has been built flush which projects from the original rear building line in two separate depths, ranging from 1.4m towards the north increasing to 4.2m towards the south. A new bay window was inserted within the principal elevation whilst the garages are to be converted to a games room and bathroom.
- 3.6 A total of four rooflights were permitted within the front roof slopes; however, a condition was imposed under 17/0916/FUL to require them all to be flush with the adjacent roof. The rooflights have recently been amended to ensure that they accord with the previous condition.
- 3.7 The main changes between 17/0916/FUL and the current application are as follows:
- The introduction of a side first floor window within the northern elevation serving an en-suite bathroom (the window has not yet been installed)
 - Single storey rear extension bricked rather than rendered white (has occurred)
 - Internal changes to the layout of the house (under construction)
- 3.8 During the application process the plans have been amended to remove the three air conditioning units which were previously proposed adjacent to the northern elevation.
- 3.9 The application has been supported by a Design & Access Statement, Biodiversity Checklist and CIL Information Requirement Form.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Object]

“CGPC would like to bring your attention to the comments of the resident from the neighbouring property Tudor Cottage. Most significantly their concerns over privacy, parking, and the potential damage to the natural environment caused by the installation of 3 air conditioning units. As a result of these comments, and the scale of the application, we would like this application discussed by the TRDC Planning Committee.”

4.1.2 Conservation Officer: [Concerns raised]

"1 Parrotts Close, is a late twentieth century house in a modern close in the Croxley Conservation Area and in the historic curtilage of Parrotts house. This development was permitted by 17/0916/FUL. Rooflights, a side window and installation of air conditioning units have been installed retrospectively.

Condition C5 from 17/0916/FUL reads:

The front rooflights hereby permitted shall be set flush with their adjacent roofing materials, and not project above the plane of the roof in which they are located. The rooflights shall be permanently retained in that condition thereafter.

These front rooflights have now been installed and are not flush. This condition specifically asked for flush rooflights due to the sensitive heritage location of this house. I would therefore, object to this. The side window and air conditioning units will not be widely seen in the Conservation Area and I do not object to that aspect of the application."

Officer comment: The rooflights have now been altered to comply with Condition 5 of 17/0916/FUL.

4.1.3 Landscape Officer: [No objection]

"The main elements of construction are complete and do not appear to have significantly impacted trees on or immediately adjacent to the site. There is an off-site tree and on-site conifers which are retained a little too close to the newly constructed elevations, however these are all unremarkable trees and their health will need to be monitored over the next few years to determine whether there has been any impact.

In light of the nature of the application, likely level of impact and quality of trees I would not wish to raise any objections to the application."

4.1.4 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 12 No of responses received: 4

4.2.2 All neighbours were re-consulted on 4 October for a further 7 days following the change of the description and submission of an amended plan removing the air conditioning units.

4.2.3 Site Notice: Expired 29.08.2018 Press notice: 07.09.2018

4.2.4 Summary of Responses:

- Our cottage is affected adversely to the side and rear due to the nature, size and height of the extension
- It will be out of proportion and character to neighbouring properties
- Builders have not screened the site
- Dust has prevented us from enjoying our rear garden
- Regularly overlooked by building workers
- Noise pollution from works
- Deliveries have been chaotic at times
- Strongly oppose to the air conditioning units given the noise they would generate
- Opposed to the side window looking into our garden, positioned directly facing into our seating area
- Where will they keep their cars?
- Our property is not indicated on the planning application as required at A36 of Addendum to Planning Policy Statement 7 Residential Extensions and Alterations

- Original drawings under the previous application included a window to the north side which were revised

Officer response: In response to the comments received it should be acknowledged that matters concerning noise pollution from works, dust control and deliveries fall outside of the planning remit and are controlled by other legislation. The Planning Policy Statement referred to by a resident relates to planning guidance for Northern Ireland. As highlighted previously the air conditioning units have been removed from the application. The extensions have been previously granted planning permission and thus considered acceptable. There was no first floor window shown on the original plans under 17/0916/FUL.

5 Reason for Delay

5.1 Committee cycle.

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 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.

Croxley Green Conservation Area Appraisal (1996).

7 Planning Analysis

7.1 Overview

7.1.1 Following the grant of planning permission under reference 17/0916/FUL a report from a member of the public was received concerning the addition of a new first floor side window which was not shown on the approved drawings. A condition had also been imposed under 17/0916/FUL to enable control over future windows within the flank elevations of the extensions.

7.1.2 An enforcement case was opened under reference 18/0107/COMP and the applicant was subsequently advised to remove the opening or apply retrospectively. This part retrospective application has therefore been submitted in an attempt to formalise the window.

7.1.3 The extensions have been previously agreed and therefore the following analysis section is solely concerned with the new first floor side window, external changes to the appearance of the single storey rear extension and internal changes as described at paragraph 3.7 above.

7.2 Impact on neighbouring properties:

7.2.1 The *Design Criteria* as set out in Appendix 2 of the Development Management Policies LDD state that extensions must not appear excessively prominent, result in loss of light to the windows of neighbouring properties or allow overlooking. In the interests of privacy and to prevent overlooking the *Design Criteria* states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m (from the internal floor level) and obscurely glazed. In addition it states that:

“...a proportion of each garden should be a private zone abutting or close to the dwelling that is not visible from the gardens or ground floor habitable rooms of adjoining properties. This should be a minimum distance of 3 metres from a wall of the dwelling and be permanently screened by walls or fences.”

7.2.2 The proposed first floor window within the northern elevation will be evidently visible from neighbouring properties to the north, namely Tudor Cottage, Clarendon Cottage and Brackendale. The window would serve a non-habitable room and would face directly towards the rear garden of Tudor Cottage with the newly extended northern elevation, set back from the shared boundary with this neighbour by approximately 5.8m.

7.2.3 A number of objections have been raised in respect of the window due to privacy and overlooking concerns. Without the requirement for the window to be obscurely glazed and top opening only (above an internal floor level of 1.7m), it would directly overlook into neighbouring gardens thereby unacceptably eroding their privacy levels. The submitted plans show that the window will be inserted with obscure glazing and would be top opening only with high levels of obscurity.

- 7.2.4 Whilst the window would be visible from neighbouring vantage points and is to be inserted within a new wall which has been brought closer to Tudor Cottage, there would be no direct overlooking potential if purpose made obscure glass was used. It is accepted that they may be a level of perceived overlooking from the window's visibility; however, it faces towards the rear of Tudor Cottage and not directly into the private zone as described above.
- 7.2.5 Concerns have also been raised in respect of the possible commercial use of the converted garage. No material change of use has been proposed and any use of the garage for commercial purposes may require planning permission depending on its nature and extent.
- 7.2.6 As a result, subject to a condition requiring the window to be obscurely glazed and top opening only, it would accord with the *Design Criteria* of the Development Management Policy LDD and would not result in any direct overlooking issues.

7.3 Impact on Character and Street Scene

- 7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the same 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'. The *Design Criteria* as set out in Appendix 2 of Policy DM1 of the Development Management Policies LDD states that extensions must not be excessively prominent to the general streetscene whilst Policy DM3 states that 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.
- 7.3.2 The proposed window would only be visible from neighbouring vantage points given its location to the side. The window would appear similar to other fenestration detailing on the house.
- 7.3.3 The change to the exterior of the single storey rear extension is in keeping with the house with the use of brickwork rather than white rendering.
- 7.3.4 As such, it is not considered that the changes would or have adversely affected the character and appearance of the Croxley Green Conservation Area.

7.4 Amenity space provision for future occupiers

- 7.4.1 The *Design Criteria* as set out within Appendix 2 of the Development Management Policies LDD states that a six bedroom dwelling should have 147sqm of amenity space.
- 7.4.2 The development would result in amenity space in excess of 280sqm which exceeds the indicative levels.

7.5 Highways, Access and Parking

- 7.5.1 The proposal would involve the creation of a further bedroom by virtue of the internal changes bringing the total number of bedrooms within the extended dwelling to six.
- 7.5.2 The Parking Standards as set out in Appendix 5 of the Development Management Policies LDD state that a six bed dwelling should have three assigned spaces within the curtilage.
- 7.5.3 The existing frontage is to remain unaltered. There is sufficient space to accommodate more than three vehicles. Whilst both existing garages would be converted and thus

would be no longer able to support internal parking, acceptable space would be maintained within the frontage in accordance with Appendix 5.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD advises that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 Historically, the northern boundary included a number of individually protected trees; however, following a site visit under the previous application none of the trees were in existence apart from an Ash and low grade shrubs of limited amenity value. No trees are to be removed as part of the development.

7.7 Wildlife and Biodiversity

7.7.1 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.

7.7.2 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.

7.7.3 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.

7.8 Conclusion

7.8.1 In conclusion the proposed changes are considered acceptable, subject to conditions to protect neighbouring amenity. Previous conditions imposed under 17/0916/FUL which are still relevant have also been re-imposed to ensure the character and appearance of the Conservation Area is safeguarded. The development would therefore accord with Policies CP1, CP9, CP10 and CP12 of the Core Strategy, Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD and the Croxley Green Conservation Area Appraisal (1996).

8 **Recommendation**

8.1 That PART RETROSPECTIVE PLANNING PERMISISON BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: PC1-02-1001 & PC1-02-1002A.

Reason: For the avoidance of doubt, to safeguard neighbouring amenity and the character and appearance of the Croxley Green Conservation Area and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal (1996).

- C2 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 extensions integrate with the existing dwelling and do not harm the character and appearance of the Croxley Green Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal (1996).

- C3 Before the first occupation of the first floor side extension hereby permitted, the window in the northern elevation serving an en-suite bathroom; 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 as shown on drawing number PC1-02-1002A. The window shall be permanently retained in that condition thereafter.

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

- C4 The front rooflights hereby permitted shall be set flush with their adjacent roofing materials, and not project above the plane of the roof in which they are located. The rooflights shall be permanently retained in that condition thereafter.

Reason: In the interests of visual amenity and to safeguard the character of the Croxley Green Conservation Area in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first floor flank elevations or roofslopes of the extensions hereby approved.

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

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 Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 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.