

15. 18/1720/FUL Single store rear extension with basement beneath extension at 22 WHITELANDS AVENUE, CHORLEYWOOD, WD3 5RD

(DCES)

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 23 October 2018

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Councillor lives adjacent to the application site

1 Relevant Planning History

- 1.1 88/1782/CH- Extension to garage, kitchen, bedroom. Permitted. 01.09.1988. Implemented.

2 Description of Application Site

2.1 The application site contains a semi-detached two storey dwelling located along Whitelands Avenue. The streetscene consists of detached and semi-detached dwellings which vary in architectural design and have been built on a largely uniform building line. The land levels slope up from front to rear.

2.2 The application dwelling has a dark-tiled hipped roof with a front hipped roof projection and front porch canopy. It is finished in render. The dwelling is set back approximately 6m from the public highway. To the front of the site is an area of hardstanding with provision for one car parking space. To the rear of the dwelling is a patio area spanning the width of the rear elevation of the application dwelling. The remainder of the rear amenity space is laid to lawn and is situated on a higher land level to the patio area and slopes up to the rear of the amenity space. There is a shed located to the rear of the amenity space. The rear garden is enclosed by approximately 1.7m high close boarded fencing.

2.3 The adjoining neighbouring dwelling to the south-east (No.20) has a single storey rear extension which is constructed on the common boundary with the application dwelling. This boundary is lined by a brick wall topped with fencing. This neighbouring dwelling is located on a similar land level to the application dwelling.

2.4 The neighbouring dwelling to the north-west (No. 24) has a part single, part two storey rear extension. The common boundary is marked by close boarded fencing. It is located on a higher land level to the application dwelling.

3 Description of Proposed Development

3.1 This application seeks planning permission for a single storey rear extension with basement beneath extension.

3.2 The first rear extension (hereafter Extension A) would project from the recessed part of the rear elevation by a depth of 3.6m and a width of 4.5m. This element of the extension would have a flat roof form with a maximum height of 3.1m. A roof lantern with a maximum height of 0.2m would be inserted into the rear roofslope. A set of bi-fold doors with windows on either side would be inserted into the rear elevation.

3.3 The second rear extension (hereafter Extension B) would extend from the existing rear projection by 2.3m and would have a width of 3.6m. A door and window would be inserted into the south-eastern flank to serve the kitchen and a window would be inserted into the

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.2 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

6.3 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.

6.4 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, DM6, DM8, DM13 and Appendices 2 and 5.

6.5 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (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 sets out that development should not have an impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly in regard to roof form, positioning and style of windows and doors, and materials. The Design Criteria at Appendix 2 of the Development Management Policies document states that generally the maximum depth of single storey rear extensions to semi-detached dwelling should be 3.6m. Extension A would abut No.22 and Extension B would be set away from both boundaries. Given their single storey height and location within the site, it is not considered that either would adversely affect the appearance of the host dwelling or appear unduly prominent or incongruous within the streetscene. They would not be visible from Whitelands Avenue.
- 7.1.3 Submitted plans detail a flat roof form with a maximum height of 2.9m. It is noted that concerns were raised by neighbours regarding the flat roof form and that it is not in keeping with the design and style of the host dwelling. It is considered that the proposed rear extensions would be subordinate to the main dwelling and would not be higher than the roof ridge of the host dwelling, therefore whilst they would alter the host dwelling, the proposed roof form would not adversely impact the host dwelling or alter the appearance of the host dwelling when viewed from Whitelands Avenue.
- 7.1.4 The proposed fenestration and proposed rear rooflights would not be readily visible from the streetscene and therefore would not result in any harm to the character of the streetscene or the appearance of the application dwelling. To ensure that the development would be sympathetic to the appearance of the existing dwelling, a condition shall be added requiring the use of matching materials.
- 7.1.5 The proposed basement would be located beneath the proposed rear extension. The basement would be accessed internally and would be located to the rear of the dwelling as such it would not be visible from the Whitelands Avenue frontage.
- 7.1.6 A rear garden would be retained to the rear of the site such that the proposed rear extension would not appear disproportionate to the host dwelling.
- 7.1.7 Therefore, it is considered that the proposal would not have detrimental impact on the character or appearance of the host dwelling or area and therefore the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.2 Impact on amenity of neighbours

- 7.2.1 Appendix 2 of the Development Management Policies advises that generally single storey rear extensions to semi-detached properties can have a maximum depth of 3.6m. It is acknowledged that concerns were raised by neighbours regarding over development of the site and that the proposed extension would be too long. Proposed extension A would extend from the original L-shaped rear projection by 3.6m and from the original rear building line by 2.3m, which would comply with the guidelines. It is considered that it would not have a detrimental impact on the residential amenity of any neighbouring dwellings. No. 20 Whitelands Avenue has a single storey rear extension which is sited up to the common boundary with the application dwelling with a parapet wall which projects approximately 3.6m from its rear building line. No. 24 has no rear projection and is situated on a higher land level to the application dwelling. Given the scale and height and single storey nature of Extension A and that No. 20 has a single storey rear extension, it is

not considered that this extension would be overbearing to either neighbouring dwelling. Extension B would extend 2.3m from the existing rear projection and given the distance from the neighbouring properties and low roof height would not be overbearing.

7.2.2 The proposed fenestration within the rear elevation of both elements of the proposed rear extension would overlook the application site and therefore would not facilitate any overlooking to any neighbouring dwellings. A door and window would be inserted into the south-eastern flank to serve the kitchen. Given the single storey nature of the rear extension and that the proposed window would be set in 4.5m from the shared boundary with No.20, therefore no overlooking would be facilitated to this neighbour. A condition shall be added to any grant of planning permission to ensure that no windows/dormers are allowed within the flank elevations of the proposed rear extension to safeguard residential amenity to any neighbouring dwellings. The proposed roof lanterns are of a limited height and would be set into the rear roofslope of the proposed rear extension and therefore would not give rise to any overlooking to any neighbouring dwellings.

7.2.3 The proposed basement would be located to the rear of the dwelling. It is noted that concerns were raised that the basement would remove a significant amount of soakaway and structural integrity of the surrounding buildings. Whilst the concerns regarding flooding and the basement are noted, it is not a material planning consideration. The basement would not be evident from ground level; therefore it would have a limited impact on neighbouring dwellings.

7.2.4 In summary, the proposed development would be in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of Development Polices Local Development Document (adopted July 2013.)

7.3 Amenity Space Provision for future occupants

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 Following the proposed development the application site would retain sufficient amenity space for future occupiers and as such would comply with Appendix 2 of the DMP LDD.

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 The application has been submitted with a Biodiversity Checklist and 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 and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

7.5 Trees and Landscaping

- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.5.2 The proposed development would not result in any harm or removal of any protected trees within the vicinity of the application site.
- 7.6 Highways, Access and Parking
- 7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.6.2 The proposed development does not increase the number of bedrooms of the application dwelling and therefore the parking provision remains as existing. There is hardstanding for two vehicles to the frontage of the application site and therefore this would comply with the parking standards within Appendix 5 of the DMP LDD.

8 Recommendation

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: 001A, 002,003,004,005A, BP-01A, P001A, P002B, P003B, P004B, P005B, P006 and TRDC001 (Location Plan).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- 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 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/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes 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).

8.1 **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.