

17. 18/1781/RSP - Part Retrospective: Conversion of garage into habitable room, front porch extension, increase in height of existing side and rear extensions and construction of raised patio to rear at 53 HILLCROFT CRESCENT, OXHEY HALL, WD19 4PB

Parish: Watford Rural
Expiry of Statutory Period: 30/10/2018

Ward: Oxhey Hall and Hayling
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Site is adjacent to a Councillor's house

1 Relevant Planning History

- 1.1 8/249/82 - Covered area at side - 11.06.1982
- 1.2 8/512/80 - Carport, boundary wall - 28.07.1980
- 1.3 8/570/75 - Single storey rear extension - 03.10.1975 - Permitted

2 Description of Application Site

- 2.1 The application site contains a two-storey semi-detached dwelling located on the northern side of Hillcroft Crescent within the Oxhey Hall Conservation Area. The application dwelling has dark tiled hipped roof forms and a white painted render exterior. The application dwelling is a good example of 1930's 'Metroland' architectural style.
- 2.2 To the front of the dwelling is a paved driveway large enough to accommodate three cars. To the rear is an amenity garden of some 300sqm in area. The land levels decrease significantly towards the end of the rear garden. The rear garden therefore comprises stepped sections, some laid as lawn with a patio area adjacent to the rear wall of the dwelling.
- 2.3 The unattached neighbour to the west at No.51 is positioned on a lower land level. The attached neighbour to the east at No.55 is positioned on a relatively similar land level.

3 Description of Proposed Development

- 3.1 Part retrospective planning permission is sought for the conversion of the garage into a habitable room, a front porch extension, an increase in height of existing side and rear extensions and the construction of a raised patio to the rear.
- 3.2 The dwelling currently contains a porch which protrudes some 1.6m in depth from the principal front elevation. It is proposed that the depth of the porch is increased to have a total depth of 4.0m whilst retaining its mono-pitched roof with an eaves height of 2.6m and a maximum overall height of 3.4m. The front fenestration of the existing porch is proposed to be retained.
- 3.3 The existing side extension is comprised of three attached buildings of varying height. To the front is a garage with a dummy pitched roof and a garage door which has a height of 3.0m from natural ground level. Towards the rear of the side extension is a building with a flat roof and contains a set of doors out to the rear garden which has a height of 2.7m from natural ground level. Between the front and rear elevations of the existing side extension, one section of the building has a maximum overall height of 3.6m. It is proposed that the buildings forming the existing side extension are altered to form a side extension which would have a width of 2.4m, a depth of 12.8m and would have a flat roof with a height of 3.0m to the front and 3.4m to the rear. A window would be inserted in the front elevation and a door and a window would be inserted in the rear elevation.

- 3.4 It is proposed that the existing rear extension is increased in height by 0.3m. It is proposed that the patio to the rear is increased in depth by 0.5m including a raised section of 1.0m in depth and 0.7m in height adjacent to the rear elevation. A set of centrally located stairs are proposed to be constructed outside the rear doors.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection]

"The property is located in the Oxhey Hall Conservation Area. The Conservation Area includes some good examples of 1930s "Metroland" architecture with some fine open space.

No.53 Hillcroft Crescent is characteristic of the Conservation Area and is within a fine and well-established residential area built in the 1930s. No.53 is a two storey house characterised by a plain tiled hipped roof with wide overhanging eaves. It has white external render, large windows and cosmetic shutters to the front elevation. As is common in this Conservation Area, it has a large and generously proportioned garden and is overwhelmingly characterised by its attractive unaltered plan and staggered roadside appearance.

The conservation area appraisal:

3.6 The character of this area is determined by the houses being regularly spaced with access ways to gardens behind. The scale and proportions of the buildings are mainly regular.

5.10 Building Extensions: There have been a number of building extensions of varying sizes added to properties within the conservation area and although these have in most cases been designed to replicate the features of the original buildings the use of modern building materials has in some cases had a detrimental effect on the visual continuity of the property frontages. (Oxhey hall character appraisal)

The proposal is to convert the garage into a habitable room, a front porch extension, to increase in height the existing side and rear extensions and the construction of a raised patio to rear

Discussion:

I am concerned that the front extension and garage conversion will not be subservient and harmful to the visual continuity and attractive staggered nature of the architecture of the Conservation Area. The front extensions would introduce a regular and less staggered and harmful element which in my view would harm the character of the Conservation Area."

4.1.2 Watford Rural Parish Council: [No response received]

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 No of responses received: 0

4.2.2 Site Notice: posted 12.09.2018, expired 03.10.2018

4.2.3 Press notice: published 14.09.2018, expired 05.10.2018

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 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.

Oxhey Hall Conservation Area Appraisal (2007)

7 Planning Analysis

7.1 Impact on Character and Appearance of the Conservation Area

- 7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene.
- 7.1.2 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 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'. 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 an area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 The application site is located within the Oxhey Hall Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out of or within the Conservation Area.
- 7.1.4 The Council's Conservation Officer raised objection to the proposed development citing concerns over the front extension and side extension appearing harmful to the Conservation Area.
- 7.1.5 With regards to the proposed front extension, it is noted that this type front infill extension has been implemented widely throughout the Conservation Area on this style of dwelling. There are many examples of both attached neighbours implementing this extension together and further examples of just one of two attached neighbours implementing it. Therefore, whilst the comments of the Conservation Officer are noted, it is considered that this element of the proposal would not introduce a prominent feature or result in demonstrable harm to the Conservation Area to justify refusal of planning permission. It is therefore considered that the proposed front extension is acceptable.
- 7.1.6 The side extension as it exists currently is formed of buildings built as separate operations and, as a whole, contains varying roof forms and overall heights. The proposed side extension would install a uniform height to the extension whilst not representing an increase in scale in terms of its maximum overall height, width and depth. A window would be installed within the front elevation of the proposed side extension which would match the profile of the fenestration which exists to the front of the dwelling. It is considered that there would be no harm arising from the proposed alterations to the side extension.
- 7.1.7 The proposed alterations to the height of the rear extension would not be visible from public vantage points such that it is not considered that they would have a detrimental impact on the character and appearance of the street scene of Hillcroft Crescent or the Conservation Area.
- 7.1.8 It is considered the proposed extensions, including those visible and those obscured from the streetscene, would not appear disproportionate or out of character with the host dwelling and would not cause harm to the character and appearance of the Conservation Area.
- 7.1.9 In summary it is considered that the proposed development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Oxhey Hall Conservation Area Appraisal.

7.2 Impact on amenity of neighbours

- 7.2.1 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 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.
- 7.2.2 It is not considered that the proposed extensions and alterations to the dwelling would give rise to overlooking or result in a loss of light to any neighbour as they would largely be limited to the building's existing scale. It is considered that the proposed front extension would not lead to a loss of light to the habitable rooms of the attached neighbour or result in an overbearing impact.
- 7.2.3 The application proposes an extension to the raised patio area to the rear garden. The land levels on this part of Hillcroft Crescent slope downwards towards the end of the rear garden such that most of the gardens in the immediate vicinity are formed of a series of platforms. It is not considered that the proposal to extend the patio adjacent to the rear wall of the dwelling would result in overlooking over and above the existing situation or to an unacceptable level.
- 7.2.4 It is not considered that the proposed development would give rise to any impact upon the residential amenity of any neighbour. As a result the proposal complies with the Design Criteria as set out within Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 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. The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application.

7.4 Trees and Landscaping

- 7.4.1 The proposals would not impact upon any trees within the site and as such it is considered that the proposed development would be acceptable in this regard.

7.5 Highways, Access and Parking

- 7.5.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. Policy DM13 of the Development Management Policies Document states development should make provision for parking in accordance with the parking standards set out in Appendix 5.
- 7.5.2 Parking Standards state that a three bedroom dwelling should have a total of two parking spaces. The driveway however provides space for three parking spaces. It is therefore considered that there will be adequate parking space for present and future occupiers.

7.6 Rear Garden Amenity Space

- 7.6.1 Policy CP12 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 Appendix 2 of the Development Management Policies Document states that 'amenity space must be provided within the curtilage of all new residential developments.'
- 7.6.2 The application site would retain a rear amenity space of over 300sqm following the implementation of the proposed development. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

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: TRDC0001 (Location Plan), 001 Rev A, 002, 003

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, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Oxhey Hall Conservation Area Appraisal (2007).

C3 All other 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 dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

I1 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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.