

7. **18/1993/FUL – Conversion of garage into habitable accommodation and alterations to fenestration to include new doors within rear elevation at DELL FARM COTTAGE, RICKMANSWORTH ROAD, CHORLEYWOOD, HERTS, WD3 5SL (DCES)**

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 27 November 2018

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called in by Chorleywood Parish Council.

1 Relevant Planning History

- 1.1 02/00621/FUL - Erection of stable block – Permitted - 18.07.2002
- 1.2 98/0498 - Erection of replacement dwelling – Permitted - 27.08.1998
- 1.3 99/0099 - Erection of new dwelling - Permitted - 22.06.1999
- 1.4 06/0123/FUL - Conversion of garage into habitable accommodation and erection of triple carport with storage over – Withdrawn - 21.03.2006
- 1.5 06/0548/FUL - Conversion of existing garage to habitable accommodation and erection of double carport – Refused - 25.05.2006

Refused for the following reason:

The proposals introduce further development into the Metropolitan Green Belt. This would erode the openness of the Metropolitan Green Belt and be to the detriment of the visual amenities of the site and the Green Belt in general. The development would result in an urbanising appearance of the site that would be detrimental to the character and appearance of the Metropolitan Green Belt and the Chilterns AONB. The proposed conversion of the garage, insertion of windows and erection of a car port would be contrary to policies GB1, N20, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996- 2011.

- 1.6 06/0936/FUL - Conversion of garage to habitable accommodation – Refused - 24.07.2006

Refused for the following reason:

The proposal would be to the detriment of the visual amenities of the site and Metropolitan Green Belt in general. The development would result in an urbanising appearance of the site that would be detrimental to the character and appearance of the Metropolitan Green Belt and the Chilterns AONB. The proposed conversion of the garage and insertion of windows would be contrary to policies GB1, N20, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996- 2011.

2 Description of Application Site

- 2.1 The application site contains a detached dwelling which is sited at the end of a single track road, which is also a public footpath within the Chorleywood House Estate. The dwelling is served by an attached pitched roof double garage. The site lies within the Metropolitan Green Belt and The Chilterns Area of Outstanding Natural Beauty. The dwelling is set in the centre of its plot and is served by a large drive to the front. There is a detached stable building sited to the west of the dwelling and a paddock sited to the

west of the curtilage. The rear amenity space provision is sited on higher ground to the dwelling.

2.2 The dwelling sits in an isolated position with no neighbouring residential properties.

3 Description of Proposed Development

3.1 This application seeks full planning permission for the conversion of the garage into habitable accommodation including alterations to fenestration.

3.2 The proposed converted garage would contain a sitting room, store and utility room at ground floor level with a study and shower room at first floor level. The first floor level would be accessed via existing internal stairs. The conversion would include the insertion of a first floor window within the rear gable and French doors and windows at ground floor level within the rear elevation. The existing door within the west elevation would be re-sited and the existing garage doors within the front elevation would be retained.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objects]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.

- The property has been considerably extended from its original footprint and feel that any more increases would be an extreme over development in a Green Belt Area.
- The development would have a detrimental effect on the character and visual amenity of the Green Belt and in an area of Outstanding Natural Beauty.

4.1.2 Herts and Middlesex Wildlife Trust: No comments received.

4.1.3 Herts Ecology: [No objection]

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site itself, which includes a well-built brick and part timber clad structure with pitched roof. The property is surrounded by a Local Wildlife Site known as "Chorleywood House Estate North", which is designated for its woodland and grassland interest. These habitats will provide suitable foraging and commuting opportunities for bats, and there are records of roosting bats within close proximity.

Although habitat connectivity to the property is good, I consider the well-sealed nature of the garage makes it sub-optimal for bats to use for roosting, particularly crevice-dwelling species. A roof light is present, which will generally discourage void dwelling species from using the garage void.

I do not consider there to be any ecological constraint associated with the proposed works to fenestration / new doors within the rear elevation.

Consequently, I do not consider bat surveys, or any other ecological surveys, are necessary in this instance. Notwithstanding, as bats are known to be roosting in the area, I recommend a precautionary approach to the works is taken and advise the following **Informative** is added to any permission granted:

"If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England."

4.1.4 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 0

4.2.2 No of responses received: No objections received.

4.2.3 Site Notice Expired: 14 November 2018 Press notice: 2 November 2018

4.2.4 Summary of Responses:

Not applicable.

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, CP11 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, DM2, DM6, DM7, DM13 and Appendices 2 and 5.

6.3 Other

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

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

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

7 Planning Analysis

7.1 Green Belt

7.1.1 The site is located within the Metropolitan Green Belt. In relation to developments within the Green Belt the NPPF stipulates that new buildings are inappropriate; the proposed development is for the conversion of an existing garage and would not result in any alterations to the bulk and massing of the existing building. As such, the proposal would not constitute the provision of a new building.

7.1.2 As the proposed development would result in the re-use of the existing attached garage as habitable accommodation the provisions of paragraph 146 of the NPPF would be more applicable. Paragraph 146 of the NPPF stipulates that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. Although the existing attached garage is already being used for residential purposes in connection with the dwellinghouse there is a condition restricting the use for the garaging of cars, thus the proposal would result in the change from an ancillary garage to residential accommodation.

7.1.3 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. In relation to the re-use/conversion of buildings Policy DM2 of the DMP LDD stipulates that the Council will only support applications for the re-use/ conversion of buildings in the Green Belt where:

- i) The form, bulk and general design of the building is in keeping with the surroundings;
- ii) Any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent;
- iii) The scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land);
- iv) The building is suitable for re-use/conversion without extensive alterations, rebuilding and or extension;
- v) Proposals do not include open or agricultural land to provide new gardens/amenity space or include doors giving access from buildings directly onto such land.

7.1.4 No alterations to the bulk or massing of the existing building would be required to accommodate the use of the garage as habitable accommodation. The proposal would include the provision of doors and windows within the rear elevation and re-siting of the flank door. All openings would open onto the residential curtilage and would not affect the openness of the Green Belt or make the building appear more prominent within the setting. Following the conversion, the garage would not be capable of garaging cars however the existing drive can accommodate in excess of three cars. It is therefore not

considered that the proposal would result in additional paraphernalia or clutter within the site. The proposed conversion would provide ancillary accommodation and would not in any intensification of use of the site or make the building or site appear any more prominent within the setting. No harm to the openness of the site or Green Belt would arise from the proposed conversion into habitable accommodation.

- 7.1.5 Planning permission 99/0099/8 included a condition stipulating that the garage shall be retained primarily for the garaging of private cars. This condition was attached in the interests of the visual amenities of the area and to ensure that on-site car parking provision is maintained to avoid standing of vehicles on the adjoining highway. As previously advised the existing drive can accommodate in excess of three cars and the conversion of the garage is unlikely to result in cars being parked outside of the curtilage of the site. As the site is served by a large drive it is not considered that the proposal would result in any additional clutter of residential paraphernalia, especially parked cars. The proposal would therefore not result in any greater harm to the visual amenities of the area.
- 7.1.6 There would be internal links between the dwelling and proposed converted garage however taking the sensitive location of the site into consideration any planning permission would include a condition restricting the use of the garage as a separate residential unit. Permitted development rights have already been removed from the property under planning permission 99/0099/8 as such this restriction would not be required to be reiterated within this permission.
- 7.1.7 The proposed development would not represent inappropriate development or result in greater harm to the openness of the Green Belt and would be in accordance with the requirements of Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP12 of the Core Strategy stipulates that development proposals shall make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials. The Design Criteria as set out in Appendix 2 of the DMP LDD stipulates that development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials. Policy DM7 of the DMP LDD stipulates that development should conserve and/or enhance the special landscape character and distinctiveness of the AONB.
- 7.2.2 The proposed alterations would not result in any material changes to the building that would be visible from public vantage points. The site is served by a large drive which can accommodate in excess of three cars. The garage conversion would not result in cars being parked outside of the curtilage of the site and it is not considered that the proposed conversion would result in any additional clutter of residential paraphernalia within the site. The alterations to the flank and rear would not result in any increase in the bulk and massing of the building and would not make the building any more prominent within the landscape. The proposed development would not result in any harm to the Chilterns Area of Outstanding Natural Beauty or visual amenities of the area.
- 7.2.3 The proposal would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM7 and Appendix 2 of the DMP LDD.

7.3 Impact on amenity of neighbours

- 7.3.1 The dwelling sits in an isolated location and the proposal would not result in any increase in built form. As such, the proposed development would not result in any harm to the residential amenities or overlooking of any neighbouring properties.

7.4 Amenity Space Provision for future occupants

- 7.4.1 The plans indicate that the first floor level would include a study which could be used as a bedroom. The site is served by a generous rear amenity space provision of approximately 650sq.m which would be sufficient to serve the dwellinghouse.

7.5 Wildlife and Biodiversity

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 The site is located within an Ecological Site and is an isolated dwelling within a rural and woodland setting. Due to the sensitive location of the site Herts Ecology were consulted. They advised that the property is surrounded by a Local Wildlife Site known as Chorleywood House Estate North which is designated for its woodland and grassland interest which provides suitable foraging and commuting opportunities for bats.
- 7.5.4 Herts Ecology consider that the well-sealed nature of the garage makes it sub-optimal for bats to use for roosting and the existing rooflight will generally discourage void dwelling species from using the garage void. Herts Ecology does not consider there to be any ecological constraints associated with the proposed works and suggests an informative be attached to any planning permission.

7.6 Trees and Landscaping

- 7.6.1 No trees would be affected by the proposed development.

7.7 Highways, Access and Parking

- 7.7.1 The proposed development would not result in any alterations to the existing access. The drive can accommodate in excess of three cars; sufficient parking will be provided to accommodate the loss of the use of the garage and serve the dwelling without cars having to park outside of the curtilage of the site.

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: TRDC001 (Location Plan), 1917.1, 1917.2 Rev A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM7 and 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 The converted garage hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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 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

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).

- 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.
- 14 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 development maintains/improves the economic, social and environmental conditions of the District.