

**8. 18/2112/FUL: Construction of a single storey front extension and two storey side extension at 1 BELFAIRS GREEN, SOUTH OXHEY, WATFORD, WD19 6YQ (DCES)**

Parish: Watford Rural Parish Council  
Expiry of Statutory Period: 24.12.2018

Ward: South Oxhey  
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by Watford Rural Parish Council.

**1 Relevant Planning History**

- 1.1 96/0498: Single storey conservatory to the rear. Application refused.
- 1.2 96/0604: Single storey conservatory to the rear. Application permitted.

**2 Description of Application Site**

- 2.1 The application site consists of a two storey semi-detached dwelling located at 1 Belfairs Green, a cul de sac accessed via Heysham Drive, South Oxhey. The streetscene of Belfairs Green consists of 8 dwellings, two pairs of semi-detached dwellings and four terrace dwellings located around a central green amenity verge. The dwellings are of similar architectural design, with gabled roof forms. No.1 has two velux windows located within the front roof slope. The agent has advised that this is not served by a staircase and the loft is used for storage only.
- 2.2 No.1 occupies a corner plot location and is located at a right angle relative to no.46 Heysham Drive. As a result, the existing rear elevation of the dwelling faces towards the rear amenity spaces of a number of dwellings which front Heysham Drive. Currently, the dwelling has an existing single storey detached outbuilding with flat roof form which is located adjacent to the boundary with no.46 Heysham Drive. None of the dwellings have off street car parking provision, however, there are a number of car parking bays located at the front of the cul de sac. The parking bays are not allocated.
- 2.3 To the rear, the dwelling has been previously extended with a single storey rear conservatory. Beyond this is a small rear amenity space enclosed by close boarded timber fencing.

**3 Description of Proposed Development**

- 3.1 The applicant is seeking full planning permission for a single storey front and two storey side extension.
- 3.2 The proposed single storey front extension would form a porch which would have a width of 2.5m and a depth of 1.2m. It would have a pitched roof form with a height of 3.5m.
- 3.3 The front wall of the proposed two storey side extension would be set back from the existing front wall of the dwelling by approximately 0.5m. It would have a width of approximately 4m and a depth of 6.85m so that the rear wall of the extension would be flush with the existing rear wall of the dwelling. The flank wall of the extension would be set in from the boundary by approximately 2.7m to the front of the dwelling with the distance reducing to 1.8m to the rear due to the splayed nature of the boundary. The two storey extension would have a gabled roof form with the ridge of the extension being set down from the ridge of the existing dwelling.
- 3.4 Amended plans have been received during the course of the application.

- The ground floor element of the two storey side extension is now set back from the main front wall of the dwelling by 0.5m. This results in the removal of the single storey front extension;
- The proposed first floor extension is now set back from the front elevation of the dwelling by 0.5m rather than the 1m previously indicated;
- The width of the extension has been reduced to 4m from approximately 4.4m;
- Neighbours have been re-consulted for a period of ten days on the amended plans.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Watford Rural Parish Council: [Objection]**

We believe that this proposed plan fails under policy “DM13 Parking” of the Local Plan, as it clearly states in Appendix 5 under C3 Residential that 4 bedroom properties must have three assigned spaces within the curtilage. Due to the severe parking issues currently experienced in the area Watford Rural Parish Council will contend that any development which adds to the parking issues will make the area deteriorate over time as more and more spaces are needed for these large extensions, meaning more and more visitors and household members park in the road causing issues to pedestrian and motorists alike which then causes failures under CP10 (I) of the TRDC’s Local Development Framework - Core Strategy Document where it states that a development must make “adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians”

We also would like to point out that currently for 8 houses there are 12 spaces which again falls under the suggested limit for three bed already. This can only lead to more congestion and danger to public and vehicles navigating the area.

We respectfully ask this to be pulled into to planning committee and ask TRDC councillors to finally put a stop to these types of conversion ongoing.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

#### **4.1.2 National Grid: No comments received.**

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 15                      No of responses received: 2

4.2.2 Site Notice: N.A                              Press notice: N.A

#### **4.2.3 Summary of Responses:**

- The first floor side extension will severely restrict the natural daylight and sunlight to my garden;
- Result in overdevelopment;
- Invasion of privacy, overlooking directly to my garden;
- In accordance with Article 8 and Part II The First Protocol, Article 1 ‘Protection of Property’; the proposed planning application will infringe on my human rights;

- View of the natural landscape will be lost, thus not allowing me to enjoy my garden and natural environment;
- Will not be in keeping with surroundings;
- No objection to one storey- object to the second floor.

4.2.4 The material planning considerations are addressed in the analysis below.

## **5 Reason for Delay**

5.1 Not applicable.

## **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, 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.

## **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 LDD sets out that; *'few properties are designed to incorporate extensions, therefore any additions built need to take into consideration their effect on neighbouring properties and their visual impact generally. Oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original property and the general streetscene'*.
- 7.1.3 The original plans indicated that the proposed single storey front extension would project forward of the original dwelling by 1.2m for a width of approximately 6.8m and would be set approximately 0.2m from the flank boundary. Due to the narrower nature of the boundary at the frontage and the projection forward of the dwelling, concern was raised that the extension would have appeared excessive in width and prominent when viewed from the site frontage. As a result, amended plans have been received reducing the ground floor front extension. The plans now include a subordinate front porch extension which would be located away from both flank boundaries. There are other examples of front porches within the vicinity and therefore it is not considered that this element would result in significant harm to the streetscene.
- 7.1.4 A two storey side extension is also proposed. Concern was raised with regard to the original plans as the extension appeared wide at 4.4m, particularly when considered with regard to the splayed nature of the flank boundary and the corner plot location of the site. In response amended plans have been received which reduce the width of the two storey side extension by 0.4m to a width of 4m. In addition, the extension would be set back from the front wall of the dwelling by 0.5m with the roof form being set down from the roof of the main dwelling, such that it appears subordinate. It is considered that all these factors would minimise the prominence of the proposed extension. With regard to the spacing to the boundary, Appendix 2 of the Development Management Policies LDD advises that first floor element of a two storey side extension should be set in from the boundary by 1.2m to prevent a terracing effect. In this case the proposed two storey side extension would be set in from the boundary by approximately 1.8m – 2.7m due to the splayed boundary, therefore complying with the distance set out in Appendix 2. It is acknowledged that when viewed from the site frontage, that the extension would appear to be set in closer proximity to the boundary due to the splayed nature of the boundary. However, when viewed from Heysham Drive an appropriate degree of spacing would be retained. It is therefore considered that by reason of the proposed amendments that the extensions would not result in significant harm to the character and appearance of the host dwelling or area to justify refusal. To ensure that the extensions would appear as a sympathetic form of development, a condition shall be added requiring the use of matching materials.

7.1.5 In summary, given the amendments received, the development is considered to be acceptable and 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 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.

7.2.2 The proposed front porch would be set in from the boundary with the adjoining neighbour by approximately 3.9m, therefore it is not considered that the extension would result in harm to this neighbour. The two storey side extension would also not result in significant harm to this neighbour as it would be screened by the existing dwelling.

7.2.3 No.1 Belfairs Green occupies a corner plot location adjacent to Heysham Drive. The dwelling is set a right angle to no.46 Heysham Drive, such that the rear elevation of the dwelling faces towards the rear amenity spaces of 46 and 44 Heysham Drive. It is acknowledged that the proposed extensions would be readily visible and would close the gap at first floor level which currently exists. However, the rear wall of the extension would be set a minimum of 1.8m from the boundary with no.46 and in addition the rear wall of the extension would be flush with the rear wall of the existing dwelling which further minimises the impact of the extensions. As such, it is not considered that it would result in increased harm to justify refusal in this regard.

7.2.4 Neighbours have objected stating that the development would result in loss of light to the rear gardens and a loss of view of the natural environment. The extensions would be located to the west of the rear amenity spaces serving these neighbours, and therefore it is acknowledged that there would be some loss of light later in the day as a result of the development, however, this would not be so significant to justify refusal particularly given the existing relationship between the dwellings. In addition, the extension would not project beyond the rear wall of the existing dwelling and would be subordinate to the main roof form which would further minimise harm. With regard to loss of view, this is not a material planning consideration.

7.2.5 Concern has also been raised with regard to overlooking. It is acknowledged that two windows additional windows would be located at first floor level, however, the plans indicate that both windows would serve non habitable rooms (an ensuite bathroom and a dressing room) and therefore can be conditioned to be obscure glazed and top vent opening only. Therefore this would prevent harm to neighbouring properties. In addition, a condition shall be added preventing the installation of any further windows to the rear or flank elevation of the extension.

7.2.6 The rear boundary of the site adjoins the flank boundary with no.42 Heysham Drive. Again it is acknowledged that the spacing to the boundary that exists would be lost, however, the extension would project no further rearwards than existing. It is not considered that the proposed development would result in significant harm relative to the existing situation.

7.2.7 There would be no impact to neighbours opposite due to the separation by the highway.

7.2.8 In summary, given the amendments made and subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.3 Amenity Space Provision for future occupants

7.3.1 Appendix 2 of the Development Management Policies LDD advises that a four bedroom dwelling should have 105square metres of amenity space. In this case, the dwelling has an existing useable amenity space of 95square metres. The proposed development would not encroach into the useable area by reason of the siting of the extension, however, due to the increase in bedrooms there would be an increased shortfall. However, given the existing situation, it is not considered that this shortfall would result in such increased harm to justify refusal.

#### 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 sets out that there would be no impact on any protected species as a result of the development. However, given the development would affect the roofspace, an informative shall be added reminding the applicant what to do if bats are found to be present during the course of the development.

#### 7.5 Trees and Landscaping

7.5.1 No significant trees or areas of landscaping would be affected as a result of the development

#### 7.6 Highways, Access and Parking

7.6.1 Policy DM13 and Appendix 5 of the Development Management Policies LDD relate to access and car parking. Watford Rural Parish Council has raised concern regarding the lack of car parking.

7.6.2 Appendix 5 sets out that a three bedroom dwelling requires two off street car parking spaces whilst a four bedroom dwelling would require three. The existing dwelling has no off street car parking and due to the siting of the dwelling, it would not be possible to create any provision for off street car parking. As such, there is an existing shortfall of 2 spaces. Watford Rural Parish Council have raised significant concerns stating that there are currently 8 dwellings with 12 spaces available within the cul de sac. The development would therefore lead to more congestion and danger. These concerns are acknowledged, however, it is not considered that an increase of one bedroom which would increase the shortfall by 1 space, would result in such increased harm to justify refusal. Furthermore, the existing bays are not allocated and there are further bays within the area that can be used by residents and visitors to the site.

7.6.3 On balance, it is not considered that given the existing shortfall, that the development would exacerbate the situation to any significant degree to justify refusal on this basis. The development is considered acceptable.

### **8 Recommendation**

8.1 That subject to no new material considerations being raised 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:  
TRDC 001 (Location Plan), Proposed Block Plan Rev A, PL01 A, PL02 A, PL03 A, PL04 A,  
Reason: For the avoidance of doubt, in the proper interests of planning and visual amenities; 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 elevations or roof slopes of the extension/development 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).
- C5 Before the first occupation of the building/extension hereby permitted the first floor window(s) in the rear wall of the extension shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.  
Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build

project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).