

10. 18/2118/RSP – Part Retrospective: Two storey side and rear extension, part single part two storey front extension including creation of gable and increase in height, conversion of garage to habitable space and loft conversion including extension to roof and rear dormer, insertion of rooflights and new external materials at 20 CHESTNUT AVENUE, RICKMANSWORTH, WD3 4HB.

Parish: Chorleywood
Expiry of Statutory Period: 17.12.2018

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: called to Committee by Members unless minded to refuse.

1 Update

- 1.1 The application was originally brought before the Planning Committee at the meeting held on 13 December 2018. The Committee resolved to defer the application to allow for a site visit and for Officers to seek amendments to the proposed grey roof tiles. Whilst the concerns of the Committee were discussed with the applicant, no amended plans have been received in relation to the proposed roof tiles

2 Relevant Planning and Enforcement History

- 2.1 18/1058/FUL - Two storey side and rear extension, part single part two storey front extension including creation of gable and increase in height, conversion of garage to habitable space and loft conversion including extension to roof and rear dormer - Permitted, part-implemented - 18.07.2018
- 2.2 18/0185/COMP - Enforcement Enquiry – Works not in accordance with approved plans - Pending consideration.
- 2.3 18/0406/FUL - Two storey side and rear extension, part single part two storey front extension, single storey front extension and conversion of garage to habitable space and insertion of rooflights - Permitted - 23.04.2018
- 2.4 8/297/86 - Garage, Store, Bathroom, 2 Dressing Rooms - 11.09.1986
- 2.5 8/174/84 - Porch - 06.04.1984

3 Description of Application Site

- 3.1 The application site comprises a two-storey, detached dwelling on the north-western side of Chestnut Avenue, Rickmansworth. The application dwelling is set back from the public highway by approximately 18m.
- 3.2 The application dwelling has dark tiled hipped roof forms with front gable end features and has a white painted render exterior.
- 3.3 To the front of the dwelling is a soft landscaped front garden and a gravel driveway large enough to accommodate at least three cars. There is a row of mature trees abutting the front site boundary which largely obscures views of the application dwelling from the public highway.
- 3.4 To the rear of the dwelling is an amenity garden of some 1,200sqm which is predominantly laid as lawn with a patio area adjacent to the rear of the dwelling and a swimming pool. The boundary treatment consists of mature trees, some of which are covered by a Tree Preservation Order, dense hedging and fencing.

3.5 The neighbouring dwellings are largely positioned on the same building line. The streetscene along this part of Chestnut Avenue can be characterised by detached dwellings of varied style, set back from the public highway.

3.6 The dwelling is currently undergoing extensions approved under 18/1058/FUL.

4 Description of Proposed Development

4.1 This application seeks full planning permission for a two storey side and rear extension, a part single part two storey front extension including creation of gable and increase in height, conversion of the garage to habitable space and a loft conversion including extension to the roof and the insertion of a rear dormer, the insertion of rooflights and new external materials.

4.2 This current application proposes design amendments to those approved under 18/1058/FUL. These amendments include alterations to the approved fenestration, new windows, internal changes, changes to the roof tiles and windows and a reduction in height to part of the roof. The extensions approved under 18/1058/FUL have largely been implemented however are set out in this section in comparison to how the dwelling existed before they were implemented.

4.3 The proposed two-storey side and rear extension has been built adjacent to the north-eastern flank elevation of the dwelling and would have a width of 1.6m. The side extension maintains the eaves height and profile of the pre-existing hipped roof however is set down 0.7m from the main ridge. Under 18/1058/FUL the north-eastern portion of the dwelling was set up to the maximum overall height of the dwelling. One window has been inserted at ground floor level and one window has been inserted at first floor level in the front elevation. Within the new north-eastern flank elevation there is a ground floor window and a door and two obscure glazed windows at first floor level.

4.4 The proposed two-storey rear extension has been built within the principal flank elevations of the dwelling including the proposed side extension and has a maximum depth of 5.0m. The two-storey rear extension has a hipped roof including a flat crown section with an eaves height to match the main dwelling and an overall height set down 0.7m from the main ridge. One window and two Juliet balconies have been inserted at first floor level and one window and a set of bifold doors have been inserted at ground floor level within the rear elevation of the extension. The Juliet balcony openings proposed under this application are not as wide as those approved under 18/1058/FUL. A flat roofed dormer window has been inserted in the rear roofslope of the rear extension which has a depth of 1.4m a height of 1.5m and a width of 3.2m. Two rooflights have been inserted in the north-eastern facing roofslope and one rooflight has been inserted in the south-western facing roofslope. These are indicated to be obscure glazed and fixed shut.

4.5 The proposed front extension has converted the two pre-existing gable features to the front into a single gable. The recessed gable feature has been increased in depth by 0.7m to match the depth of the other gable. The overall roof height of each gable has been increased by some 1.7m to form a single roof. The overall ridge height has not exceeded the pre-existing overall ridge height of the dwelling.

4.6 A window has been removed from the front elevation at first floor level which was approved under 18/1058/FUL.

4.7 It is proposed that the existing integral garage is converted to habitable accommodation. The existing garage door on the front elevation would be replaced by a door and a window.

4.8 Other amendments to the plans approved under 18/1058/FUL include the replacement of the two windows at first floor level in the south-western flank elevation of the front gable with a single obscure glazed window which is non-opening below 1.7m from internal floor

- There are discrepancies between the plans approved under 18/1058/FUL and those submitted under this application labelled as 'approved plans'
- The concrete grey roof tiles are not in keeping with the houses in the street.
- The loft prayer room can be a fire risk if candles are lit
- The property can become a House in Multiple Occupancy (HMO) if planning permission is granted for this current application which objection is raised to
- The proposed development will cause parking issues if the property becomes a HMO.
- The increased size and the type of construction lends itself to be used for commercial use or a care home

5.2.6 Officer comments:

- A site visit to the property was conducted on 20.11.2018 following neighbour comments that a 'self-contained residential unit' was being constructed within the property. It was noted from inspecting the internal aspect of the property that various internal changes have occurred which are shown on the amended plans. The stepped access at first floor from between the bedroom and walk-in wardrobe is built as indicated.
- A ground floor plan forms part of the submission and neighbours have been notified and have the statutory 21 day period to comment on the particulars of this plan.
- The plans submitted under this application labelled as 'approved plans' have no weight in the consideration of this application and regard will be had to those on the Council's file approved under 18/1058/FUL.
- This planning application applies for extensions to a single residential unit and not for subdivision or the creation of an independent residential unit or annexe. If the property were to be subdivided or become a dwelling in multiple occupancy (e.g. if more than 6 occupiers sharing facilities) then separate planning permission would be required. The application will therefore be assessed accordingly.
- Further amended plans S/565/06 Rev H and S/565/08 Rev H were received on December 3rd 2018 which indicated the proposed rooflights serving the loft space to be obscurely glazed and fixed shut. A condition would be attached to any permission for the rooflights to be installed and maintained as such.

5.2.7 Other material planning considerations are addressed in this report.

5.2.8 Further comments were received following the December Committee meeting which are summarised below:

- The concrete grey roof tiles are not in keeping with the houses in the street.
- The built height of the extensions are higher than the height of the dwelling which existed before.

6 Reason for Delay

6.1 Deferred to request amended plans.

7 Relevant Planning Policy, Guidance and Legislation

7.1 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.

7.2 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, DM9, DM13 and Appendices 2 and 5.

7.3 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.

8 **Planning Analysis**

8.1 **Overview**

8.2 Following reports to the Local Planning Authority in August that works were not in accordance with the plans approved under 18/1058/FUL an enforcement investigation was opened. Following a site visit and letter to the applicant, this planning application has been submitted in an attempt to formalise the works.

8.3 Impact on Character and Street Scene

8.3.1 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 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.

- 8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 8.3.3 The side extension maintains the eaves height and profile of the pre-existing hipped roof however is set down 0.7m from the main ridge. It is considered that the scale and design of the proposed side extension, although it would be visible from the streetscene, would preserve and respect the character and roof form of the dwelling. There would also be a spacing of some 1.2m maintained between the proposed flank elevation and the shared site boundary such that the proposals would not give rise to a terracing effect within the streetscene. The rear extension would largely be screened from public views however it is also considered that the scale and design of the proposals would not result in harm to the character of the dwelling or street scene. It is considered that the proposed flat roof section of the rear extension would not cause significant harm to the character of the dwelling or street scene given that it would be set down from the main ridge and largely obscured from public views
- 8.3.4 The proposed front extension would involve converting the two existing gable end features to the front into a single gable. The recessed gable end feature would be increased in depth by 0.7m to match the depth of the other gable end. The overall roof height of each gable would be increased by some 1.7m to form a single pitched roof matching the height of the main ridge of the dwelling. Although the proposed front extension would increase the scale of the dwelling and be visible from the streetscene it is not considered that it would result in a prominent feature to the detriment of the streetscene or the character of the dwelling.
- 8.3.5 It is proposed that the existing integral garage is converted to habitable accommodation. The existing garage door on the front elevation would be replaced by fenestration matching the style and profile of the existing dwelling. The garage is also set back from the principal front elevation of the dwelling such that its impact upon the streetscene would be limited.
- 8.3.6 Chestnut Avenue and the surrounding area consists of relatively large detached dwellings which, while largely traditional in architectural style, vary in their specific design with numerous examples of relatively modern development or extensions and alterations to original dwellings. The area is therefore characterised by its sense of spaciousness rather than the architectural style of dwellings within it. As such, it is not considered that the proposed new exterior finishes included dark grey roof tiles and dark grey window frames within the varied streetscene would result in demonstrable harm to the character or appearance of the streetscene or wider area.
- 8.3.7 In summary it is not considered that the proposed development would result in a significant adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal 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 document.

8.4 Impact on amenity of neighbours

- 8.4.1 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.

- 8.4.2 The extensions proposed under this application have previously been approved under 18/1058/FUL which has been partially implemented. The only material difference in terms of proposed bulk and massing between the current proposal and the approved proposal is that the overall height of the north-eastern side portion, where the side extension has been built, is set down 0.7m from the main overall ridge height. It was considered in the Officer's report for 18/1058/FUL that given the scale of the proposed extensions when taking into account extensions to neighbouring properties; the positioning of the neighbouring properties; and their proximity to the application dwelling, that the proposal would not lead to a detrimental loss of light to any neighbour.
- 8.4.3 The alterations proposed to the fenestration under this application include two rooflights in the north-eastern facing roofslope and one rooflight in the south-western facing roofslope; one window removed from the front elevation at first floor level; the replacement of the two windows at first floor level in the south-western flank elevation of the front gable with a single window; the two Juliet balconies in the rear elevation are less wide; and the insertion of an obscure glazed, fixed shut window in the south-western flank elevation of the existing side projection which would serve a room adjacent to the bathroom.
- 8.4.4 The Design Criteria at Appendix 2 of the Development Management Policies DPD states that, in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level should not generally be located in flank elevations and that flank windows of other rooms should be non-opening, below 1.7m (from internal floor level) and obscure glazed.
- 8.4.5 It is considered that the flank rooflights serving the loft would not give rise to overlooking. Given that they are a secondary source of light and as such are proposed to be obscure glazed and fixed shut, that they would be acceptable. A condition will be attached to any planning permission for the rooflights to be installed and permanently maintained as such.
- 8.4.6 The proposed window on the south-western flank elevation of the front gable is indicated to be obscure glazed and non-opening below 1.7m from internal floor level. It is also positioned a considerable distance, some 6.0m, from the flank boundary and largely screened from the neighbouring dwelling by the existing side projection. As such it is considered that any outlook at all would not be materially different to the front facing windows and would not be detrimental to the residential amenity of any neighbour.
- 8.4.7 A fixed shut, obscure glazed high-level window, the base of which being above 1.7m from internal floor level, is proposed within the south-western flank elevation of the existing side projection which would serve a bathroom. It is not considered that any outlook would be achievable from this window given that it would be fixed shut and obscure glazed. It is not considered that there would be any loss of privacy or residential amenity through actual or perceived overlooking. The fact that the window may be visible from neighbouring properties would not be sufficient grounds for the Council to justify refusal of planning permission. A condition will be attached to any planning permission for the window to be maintained as such.
- 8.4.8 In summary, the proposed development would not result in any significant adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore 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.

8.5 Wildlife and Biodiversity

- 8.5.1 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.
- 8.5.2 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.
- 8.5.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.
- 8.5.4 As the proposed development would affect the roof of the dwelling, an informative has been added to this consent advising what to do in the event that bats are discovered during the construction period.

8.6 Trees and Landscaping

- 8.6.1 The proposed development would not involve the removal or harm to any significant trees within the site. Within the rear amenity garden there are two mature trees which are covered by Tree Preservation Orders however, given their distance from the dwelling, it is not considered that they would be affected by the proposed extensions.

8.7 Highways, Access and Parking

- 8.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 8.7.2 The dwelling would retain a driveway large enough to accommodate at least three parking spaces in its current form. It is therefore considered acceptable in accordance with the Council's adopted parking standards for a dwelling containing four or more bedrooms.
- 8.7.3 It is also noted that the garage is proposed to be converted partly into a home office. Dwellings which contain some form of office or study room are highly common and whilst the proposals would facilitate the occupier of the dwelling to work from home, it is considered that the increase of traffic movements associated with this would be negligible.

9 **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: S/565/05 REV D, S/565/06 REV G, S/565/07 REV J, S/565/08 REV G
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, 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 The garage conversion 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 or for any other purpose 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).

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

- C6 Before the first occupation of the development hereby permitted the windows in the flank elevations at first floor level shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the window are installed. The windows 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).

- C7 Within two months of the date of this permission, the rooflights within the flank roofslopes shall be fitted with purpose made obscure glazing and fixed shut as shown on drawing numbers S/565/06 Rev H and S/565/08 Rev H and permanently maintained as such 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).

9.1 **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) - 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 development 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

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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).