

PLANNING COMMITTEE – 14 FEBRUARY 2019

PART I – DELEGATED

18/2214/FUL – Two storey front, side and rear extensions, front porch and alterations to fenestration, site frontage to provide additional parking and external materials at 7 BRUSHWOOD DRIVE, CHORLEYWOOD, WD3 5RS.

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 1 January 2019

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in to Planning Committee by Chorleywood Parish Council.

Update: The application was deferred at the January Planning Committee in order for Members to make a site visit.

1 Relevant Planning History

- 1.1 18/1151/FUL – Two storey front, side and rear extensions, front porch and alterations to fenestration – Withdrawn 27.07.2018.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and comprises a two storey detached dwelling located on the south eastern side of Brushwood Drive, Chorleywood. The dwelling is finished in red brick at ground floor level and white render at first floor level with a single storey monopitched projection to the south western flank comprising a garage. To the rear, there is an existing single storey flat roof projection adjoining an existing single storey conservatory and close boarded fencing encloses the rear amenity space provision. To the application site frontage, there is an area of lawn and soft landscaping to the north eastern aspect, with a large Cherry tree to the centre of the frontage and hardstanding to the garage frontage with space for two vehicles. Land levels fall significantly from south west to north east within the streetscene of Brushwood Drive.
- 2.2 The neighbour to the south west, number 9 Brushwood Drive, is a two storey detached dwelling, finished in white render, and located at a higher land level than the application dwelling. The main two storey rear elevation of this neighbour extends approximately in line with the existing single storey rear projection of the application dwelling. This neighbour has two existing ground floor windows within the flank elevation facing the application site and one large window and one smaller window at first floor level within the flank elevation facing the application site, the larger of which serves a stairwell.
- 2.3 The neighbour to the north east, number 5 Brushwood Drive, comprises a two storey detached dwelling finished in buff brick with a similar single storey side projection providing a garage, with a monopitched roof form containing a side dormer window at first floor level facing the application site. This neighbour is located at a lower land level than the application dwelling. There is no existing glazing within the flank elevation of this neighbour facing the application site. The rear elevation of this neighbour is currently approximately level within the existing rear elevation of the single storey conservatory of the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of two storey front, side and rear extensions, a front porch and alterations to fenestration, the site frontage to provide

additional parking and to external materials. The application would result in a four bedroom dwelling (one additional bedroom).

- 3.2 At ground floor level, the proposed two storey front extension would be constructed in line with the existing main two storey front elevation with a width of 4.5m to the south west, infilling the area between the main two storey front elevation and the setback garage. At ground floor level, the front extension would be set in 0.8m from the south western flank boundary. At first floor level, the front extension would be set back approximately 1m from the main two storey front elevation with a width of 4.1m, set in 1.2m from the south western flank boundary. A three-casement window is proposed at ground and first floor levels of the front extension. At ground floor level, the front extension would have a hipped roof form with a maximum height of 3m, sloping down to an eaves height of 2.3m. At first floor level, the proposed front extension would have a hipped roof form, set down approximately 0.5m from the maximum ridge of the host dwelling with a maximum height of 7.4m for a ridge width of 4.1m to the south west, sloping down to an eaves height of 4.8m.
- 3.3 The front extension would adjoin the proposed two storey side extension. At ground floor level, the two storey side extension would hold a depth of 13.8m and a width of 4.5m and a depth of 11.4m and a width of 4.1m at first floor level, including the proposed front and rear extensions. The two storey side extension would be constructed to the south western flank of the host dwelling, and it would be set in approximately 0.8m at ground floor level and 1.2m at first floor level from the south western flank boundary. At first floor level the two storey side extension would have a hipped roof section to the front and rear with a flat roof section between, with a maximum height of 7.3m, sloping down to an eaves height of 4.9m. The flat roof section would have a height of 5.7m, including a 0.2m raised roof lantern. The ground floor element of the side extension would have a pitched roof form with a maximum height of 2.4m. One two-casement window is proposed within the south western flank at first floor level and three, high level windows are proposed at ground floor level.
- 3.4 The proposed rear extension would adjoin the proposed side extension, replacing the existing conservatory and flat roofed rear projection. At ground floor level, the proposed rear extension would hold a depth of 5.5m from the original rear elevation, approximately 2.2m deeper than the existing single storey rear projections, with a width of 10m, incorporating the side extension. At first floor level, the rear extension would hold a depth of 4m from the original rear elevation and a width of 9.6m, including the side extension. The rear extension would be set in approximately 1.4m from the north eastern flank boundary at ground and first floor levels and it would be set in 1.2m from the south western boundary at first floor level. At ground floor level, the rear extension would have a pitched roof form with a maximum height of 4m, sloping down to an eaves height of 2.8m. At first floor level, the rear extension would have a hipped roof form with a maximum height of 8m, sloping down to an eaves height of 4.8m.
- 3.5 The existing two-casement window at first floor level within the north eastern flank of the dwelling would be repositioned towards the rear of the flank. At ground floor level, the existing two-casement window would be replaced with a single-casement window, single door and two-casement window with two high level windows proposed within the north eastern flank of the proposed rear extension. Three rooflights are proposed within the pitched roof of the ground floor element of the rear extension. Bifolding doors are proposed within the rear of the extension and two three-casement windows and one single-casement window are proposed at first floor level within the rear elevation.
- 3.6 The proposed front porch would have a depth of 1.2m and a width of 3m, constructed to the central aspect of the front elevation. The porch would be an open structure with a pitched roof form with a maximum height of 3.7m, sloping down to an eaves height of 2.5m.
- 3.7 The proposal includes alterations to the application site frontage including additional hardstanding to the north eastern aspect to provide onsite parking provision for three vehicles. The existing front boundary wall would be retained and landscaping would be

- There are two proposed flank windows towards the rear of the North Eastern elevation serving a kitchen, breakfast and family area which should be considered as a habitable room as it is an open plan layout. The rearmost window would overlook the patio area and ground floor rear windows and glazed doors which all serve habitable rooms. Due to the land level changes, this window would fall closely in line with the level of my first floor rear windows. It could therefore provide a viewpoint directly into rear bedrooms. At night, light from the window would illuminate our rear patio and windows. This window is unnecessary as this area would be served by light from other sources and this window poses as an invasion of my privacy.
- Externally, the proposed rear extension would be very prominent beyond the rear wall of the neighbouring dwelling and again, because of the difference in land levels, the proposed ground floor would stand very much higher than that of the neighbouring ground floor. Therefore, the applicant should be prevented from installing any kitchen extraction fans or flues that blow across the rear of the neighbouring dwelling.
- Concerns that the extension to the mains facilities to accommodate the internal alterations and locations of bathrooms and toilets would require considerable and heavy excavation work through ground which forms the crest of a retaining wall forming part of the combined boundary.
- Concerns regarding the addition of a new ensuite bathroom and toilet to the first floor flank of the proposed extension of the south west elevation. There are no mains facilities to that side of the dwelling and it is therefore unclear how waste and sewerage would flow to the main sewer in the street. Any heavy excavation work on that side of the dwelling to position a new sewer pipe with correct rise and fall to the street would seem likely to be in close proximity to the retaining wall forming the combined boundary with the adjacent property on that side. It would also be against the difficulty of trying to meet the main sewer, given the impact of the different land levels, particularly following heavy excavation works.
- The submitted plans indicate that no trees or bushes will be affected by this development. There is presently a large tree immediately adjacent to the side of the hand standing front drive. No alteration to vehicular or pedestrian access is proposed and it is stated that off road car parking will be retained. The provision for onsite car parking will be increased as the number of bedrooms would increase from three to four.
- Re-landscaping and excavation work to the frontage is not shown on submitted plans.
- Present external walls of the garage are single skin and support only a small load structure above them. Doubtful that there are footings in place to support a two storey house development.
- Concerns over possibility of land movement or present retaining structures being endangered through heavy excavation work.
- Some alterations to the fenestration are made clear from the submitted plans however there is no indication of how the external building materials, such as brickwork, facing or roof tiles are intended to be altered. The proposed development should be in keeping and consistent with the character and appearance of adjoining and other close properties.
- The proposed development is overbearing and will disturb the character of the street and the amenities and environment presently enjoyed by occupiers of adjoining properties.
- The proposed rear extensions are excessively deep and in view of the difference in land levels, will appear unduly prominent and overbearing when set against neighbouring dwellings.
- Concerns in relation to overlooking and loss of light to windows of adjoining properties.
- Failure to provide adequate parking would contribute to increased disturbance and disruption of the streetscene and cause safety issues.
- Revised plans are similar to the originally withdrawn application.
- Size and scale is too big for size of plot, the current house and compared to neighbouring properties.
- Plans show no accurate or detailed dimensions.
- Front extension would reduce onsite parking.
- Proximity of extension to flank boundaries is too close, restricting light.
- Flank elevation is plain except for one window giving neighbours a bleak outlook.

- Building line at the rear of properties are approximately in line up and down the road. The proposed extension should be in line.
- Application form contains inaccuracies in relation to trees as there is a large Cherry tree to the frontage.
- Concerns in relation to water supply and drainage.
- Concerns in relation to risk of flooding.
- Permission to remove tree to frontage has not been requested.
- Proposed plans include an enclosed flat roof which seems structurally, to be a very poor design.
- Concerns over extent of demolition.
- Proposed side extension would double the height of the existing side wall and the length would extend significantly further forward and back, thus having enormous overbearing and overshadowing impact.
- Proposed side extension would diminish quality of natural light entering neighbouring house through the existing three side windows.
- Window will now face a large extended wall and roof at all angles and result in a complete loss of a view other than a rendered wall and bathroom window, and potentially unsightly soil pipes and extractor fans.
- Neighbour would potentially be inhibited from opening window any longer with potential odours, vapours and steam from applicant bathroom.
- The extension includes a large bathroom window at first floor level opposite existing window of neighbouring property, in direct eye line. It appears this can be opened, both of which raise intimate privacy concerns. Window would add regular unwanted noise of toiletry activity and related plumbing and regular distressing visual details of occupants using the toiletry and washing facilities.
- Concerns in relation to impact of excavation and demolition works on neighbouring foundations.
- Party wall issues.
- Construction vehicles on the pavement and road will be hazardous for drivers and pedestrians.
- Concerns over measurements and accuracy of building works.
- Gradient is steeper than indicated on plans.
- If the extension is built beyond the plans what measures will be taken to rectify this?
- The house will be too big for the plot and will make the road look ugly and unbalanced.
- The proposal could lead to the drains blocking more easily.

Officer comment: 'All material planning considerations are outlined within the relevant analysis sections below. All objections in relation to sewage and drainage are addressed by Building Regulations. In addition, land movement, foundations and footings, damage to boundary walls or retaining structures and damage to neighbouring foundations or properties do not fall within the planning jurisdiction. There is no requirement for measurements to be detailed on submitted plans, provided an accurate scale bar is annotated and therefore the submitted plans are acceptable in line with the Council's validation requirements.'

5 Reason for Delay

5.1 Deferred for Committee Site Visit

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, CP8, 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, DM10, 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 In relation to front extensions, Appendix 2 of the Development Management Policies document states that applications will be assessed on their individual merits but should not

result in loss of light to windows of a neighbouring property nor be excessively prominent within the streetscene. In addition, in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. In terms of size and volume, each application for two storey rear extensions will be assessed on its individual merits according to the characteristics of the particular property.

- 7.1.3 The proposed front porch would have a depth of 1.2m and a width of 3m, constructed to the central aspect of the front elevation. The porch would be an open structure with a pitched roof form with a maximum height of 3.7m, sloping down to an eaves height of 2.5m. It is acknowledged that Brushwood Drive is varied in terms of architectural design and style of dwellings and several dwellings within the vicinity have implemented porches of varying designs, some of which are open structures, and some closed with varying roof forms, thus it is not considered that this element would appear unduly prominent or result in any harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.4 At ground floor level, the proposed two storey front extension would be constructed up to the existing main two storey front elevation with a width of 4.5m to the south west, infilling the area between the main two storey front elevation and the existing setback garage. At ground floor level, the front extension would be set in 0.8m from the south western flank boundary. At first floor level, the front extension would be set back approximately 1m from the main two storey front elevation with a width of 4.1m, set in 1.2m from the south western flank boundary. Whilst the ground floor element of the front extension would extend in line with the existing two storey front elevation, given that the first floor of the extension would be set back 1m from the front elevation, that the proposed extension would have a hipped roof form reflecting the existing roof form of the dwelling albeit with a lower height, the 1.2m spacing between the proposed first floor of the extension and the south western flank boundary of the application site and the existing variation in terms of extensions, alterations and architectural styles and designs of dwellings within the streetscene, it is not considered that this element would appear unduly prominent within the streetscene of Brushwood Drive or result in any adverse impact to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.5 At ground floor level, the two storey side extension would hold a depth of 13.8m and a width of 4.5m and a depth of 11.4m and a width of 4.1m at first floor level, including the proposed front and rear extensions. The two storey side extension would be constructed to the south western flank of the host dwelling, and it would be set in approximately 0.8m at ground floor level and 1.2m at first floor level from the south western flank boundary, thus the spacing would comply with the guidance set out within Appendix 2 of the Development Management Policies document. At first floor level the two storey side extension would have a hipped roof section to the front and rear, reflecting the existing hipped roof form of the dwelling, with a maximum height of 7.3m, sloping down to an eaves height of 4.9m and a flat roof section between with a height of 5.7m, including a 0.2m raised roof lantern. It is acknowledged that concerns have been raised by neighbours in relation to the flat roof section however, given the hipped roof forms to the front and rear, the neighbour to the south west would obscure the majority of views of the flat roof when viewed from Brushwood Drive and although some views of the flat roof section would be available, the flat roof would be read against the existing hipped roof form of the dwelling. Therefore, the proposed two storey side extension would comply with the guidance set out within Appendix 2 and it is not considered that the two storey side extension would appear unduly prominent within the streetscene of Brushwood Drive or result in any harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.6 The proposed rear extension would adjoin the proposed side extension, replacing the existing conservatory and flat roofed rear projection. At ground floor level, the proposed rear extension would hold a depth of 5.5m, approximately 2.2m deeper than the existing single storey rear projections with a width of 10m, incorporating the side extension. At first floor

level, the rear extension would hold a depth of 4m from the original rear elevation and a width of 9.6m, including the side extension. The rear extension would be set in approximately 1.4m from the north eastern flank boundary at ground and first floor levels and it would be set in 1.2m from the south western boundary at first floor level. It is noted that the single storey element of the proposed rear extension would exceed the guidance depth of 4m set out within Appendix 2 of the Development Management Policies document, and that the first floor depth would comply with the guidance. Whilst it is acknowledged that the ground floor depth of the rear extension would not strictly comply with the guidance depth set out within Appendix 2, given that a garden of over 30m in depth would be retained, that Brushwood Drive is characterised by large detached dwellings of which many have been extended or altered in a similar way to the proposal and that the rear extension would be constructed in line with the flank elevations, set in from the flank boundaries thus retaining some spacing around the dwelling, the proposal would not appear unduly prominent within the streetscene and it is not considered that this element would result in any harm to the character or appearance of the host dwelling, streetscene or wider area.

7.1.7 The proposal includes alterations to the application site frontage including additional hardstanding to the north eastern aspect to provide onsite parking provision for three vehicles. The existing front boundary wall would be retained and landscaping would be provided to the north eastern flank and site frontage. The hardstanding would comprise brick edging and permeable surfacing and the existing footpath and retaining wall to the north east would be retained. It is acknowledged that concerns have been raised by neighbours in relation to the impact of the proposed alterations to the frontage on the Cherry tree located centrally within the application site frontage. Given the concerns raised, the Landscape Officer was consulted on this application and has confirmed that the Cherry tree is not of such a quality to warrant a Tree Preservation Order. Whilst other concerns are noted including the loss of the lawn and softly landscaped area, it is acknowledged that several dwellings within the streetscene of Brushwood Drive benefit from wholly paved driveways and as such, it is not considered that this element would appear unduly prominent within the streetscene or result in harm to the character or appearance of the host dwelling, streetscene or wider area.

7.1.8 The proposal includes alterations to the external materials, replacing the existing brick and render with self-coloured render and the existing windows which are a mix of painted wood, metal and UPVC, double and single glazed, would be replaced with UPVC or power coated aluminium double glazed windows and double glazed velux windows. It is noted that concerns have been raised by neighbours in relation to the materials not appearing appropriate and in keeping within the streetscene of Brushwood Drive. Whilst no objection is raised, given that the alterations would apply to the entire dwelling, it is considered reasonable to attach a condition to any planning permission to require additional details including samples of the render, roof tiles and windows to be submitted to and approved by the Local Planning Authority prior to the commencement of works above ground level.

7.1.9 In summary, whilst the proposed development would increase the size and scale of the host dwelling, it is not considered that the proposal would appear excessively prominent within the streetscene, or disproportionate in relation to the application dwelling or to other dwellings within the vicinity. The proposed development would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

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 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.2.3 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.2.4 The proposed front porch would be constructed to the central aspect of the front elevation, set in approximately 2.7m from the north eastern flank and approximately 4.3m from the south western flank. Therefore, given the spacing between the proposed porch and the flank elevations of the host dwelling and the scale of the proposed porch, it is not considered that this element would result in any adverse impact to neighbouring amenity.
- 7.2.5 The proposed two storey front extension would infill the area between the existing setback garage and the main two storey front elevation. The extension would not project beyond the existing main two storey front elevation and it would be constructed to the south west of the dwelling, thus it is not considered that this element would result in any adverse impact to the neighbour to the north east, number 5 Brushwood Drive. Whilst the ground floor of the proposed extension would extend approximately 1.6m forward of the existing front elevation of the neighbour to the south west, the first floor of the front extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with this neighbour, and whilst this measure is usually used for the assessment of two storey rear extensions, this indicates that the proposed two storey front extension would not result in loss of light to the fenestration within the front elevation of the neighbour to the south west, number 9 Brushwood Drive or appear overbearing. The proposed fenestration within the front elevation of the proposed extension would have an outlook of the application site frontage and as such, would not result in unacceptable overlooking to neighbouring amenity.
- 7.2.6 The proposed side extension would be to the south western flank of the host dwelling and given this location would not result in any adverse impact to the neighbour to the north east, number 5 Brushwood Drive. The proposed two storey side extension would be set in approximately 0.8m from the south western flank boundary at ground floor level and 1.2m at first floor level. Whilst it is acknowledged that concerns have been raised by neighbours in relation to a loss of light to the flank fenestration of the neighbour to the south west, number 9 Brushwood Drive, the loss of light to such windows is not a material planning consideration as these windows have historically relied on the application site to allow light to these windows. In addition, these windows serve a stairwell, landing area and downstairs toilet, none of which are habitable rooms. Additional concerns in relation to the noise and activity which would be visible from the proposed first floor window serving an en-suite bathroom are noted, however, it is not considered that the additional noise would be sufficient to warrant the refusal of planning permission as this is not an unusual relationship. Furthermore, a condition would require the proposed first floor flank window to be obscurely glazed and top level opening only in the interests of protecting residential amenity and to avoid unacceptable overlooking from occurring. Three high level windows are proposed at ground floor level of the south western flank to replace the existing one ground floor window within this flank elevation. These windows would be located 1.7m above ground level, however, the rearmost window would be in line with the existing patio area of the neighbour to the south west with this neighbour located at a higher land level, and as such, it is considered reasonable to attach a condition to any granted consent to require this window to be obscurely glazed and top level opening.

- 7.2.7 At ground floor level, the proposed rear element would be approximately 2.2m deeper than the existing single storey rear projections. At first floor level, the rear extension would have a depth of 4m from the original rear elevation. The rear extension would be set in approximately 1.4m from the north eastern flank boundary at ground and first floor levels and it would be set in 1.2m from the south western boundary at first floor level. Given the alterations in land levels, it is considered reasonable to assess the ground floor element of the extension against the 45 degree splay line as it would appear more akin to a first floor when viewed from the rear garden of the neighbour to the north east, number 5 Brushwood Drive. The proposed ground floor extension would intrude a 45 degree splay line when taken from a point on the shared boundary level with this neighbour by approximately 0.8m. When the 45 splay line is taken from the corner of the neighbouring property, the ground floor element of the rear extension would intrude the line by approximately 0.2m. The proposed first floor element of the rear extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with this neighbour, and it would extend approximately 0.7m beyond the existing rear elevation of this neighbour. Therefore, whilst the intrusion at ground floor level is noted, given the spacing between the extension and the shared north eastern flank boundary, that the intrusion when taken from the corner of the neighbouring property is minimal and the windows of this neighbour are further set in, the existing high level close boarded fencing boundary treatment and existing site circumstances, it is not considered that the proposed two storey rear extension would result in significant loss of light or appear overbearing so as to justify the refusal of planning permission in this regard.
- 7.2.8 The proposal would include a two-casement window at first floor level within the north eastern flank which would serve a bathroom and a condition would require this window to be obscurely glazed and top level opening to prevent unacceptable overlooking. The existing high level close boarded fencing along the north eastern boundary would be retained, and a single-casement window, door, two-casement window and two high level windows are proposed at ground floor level within this flank elevation. Given the existing boundary treatment would be retained and the neighbour to the north east it located at a lower land level, it is not considered that the proposed ground floor fenestration would result in unacceptable overlooking to the detriment of neighbouring amenity.
- 7.2.9 The proposed fenestration within the rear of the extension would have an outlook of the rear amenity space of the application site. The three proposed rooflights within the pitched roof of the ground floor extension to the rear would serve the ground floor and would not result in any overlooking. The proposed roof light within the first floor flat roof section to the south west would be flush with the roof and would not result in unacceptable overlooking.
- 7.2.10 In summary, subject to conditions, the development is considered acceptable in terms of its impact on neighbouring residential amenity in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.3 Amenity Space Provision for Future Occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.3.2 The proposed development would result in a four bedroom dwelling (one additional bedroom). Appendix 2 of the Development Management Policies document outlines that a four bedroom dwelling should retain 105sqm of usable, private amenity space. The application dwelling would retain over 330sqm of amenity space to the rear and as such, would exceed the requirements set out within Appendix 2 in this regard.

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 which stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment; however given the development would affect the roofspace of the dwelling, an informative would be attached to any consent to advise the applicant of what to do should bats be discovered during the course of the development.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies document sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 Concerns have been raised by neighbouring residents in relation to the impact of the proposed development on the Cherry tree located within the frontage of the application site. In light of the objections raised, the Landscape Officer has been consulted on this application and raised no objection to the proposal as it is not considered that the Cherry tree within the application site frontage is of such a quality so as to warrant the making of a Tree Preservation Order.
- 7.5.3 The proposal also includes alterations to the application site frontage including an extension to the hardstanding to provide onsite parking provision for three vehicles. Soft landscaping would be retained to the frontage and north east of the application site frontage and given the existing variation within the streetscene of Brushwood Drive the proposal is considered acceptable in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document.
- 7.6.2 The application dwelling is currently a three bedroom dwelling; there is currently hardstanding to the frontage with space for two vehicles and an adjoining garage. The proposal would result in a four bedroom dwelling. Appendix 5 of the Development Management Policies document sets out that a dwelling with four or more bedrooms should provide 3 onsite parking spaces.
- 7.6.3 The proposed block plan indicates alterations to the frontage to accommodate three vehicles which would accord with the parking levels set out within Appendix 5 of the Development Management Policies document. Given that there would be a shortfall of two parking spaces should the additional proposed parking not be implemented prior to the occupation of the development hereby permitted, it is considered reasonable to attach a condition to any planning permission requiring further details of the proposed alterations to the frontage showing the levels of the proposed hardstanding and the heights of any

additional retaining walls and landscaping proposed. This condition would also require that the additional parking is implemented prior to the occupation of the proposed extensions.

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: 01 Rev J, 02, 03, 04 Rev I, 05 Rev J and 06 Rev H.

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

C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including self-coloured smooth render, roof tiles and fenestration shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension 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 windows at first floor level within the flank elevations and the rearmost ground floor south western flank window 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 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).

- C6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development and details of the hard landscaping details to show the levels of the proposed hardstanding and heights of any additional retaining walls together with all existing retaining walls to be retained or removed as part of the proposed development.

All hard landscaping works including the additional parking required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 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 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 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).

- 14 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- 15 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.