

**7. 18/2413/FUL – Demolition of existing detached bungalow and erection of a replacement detached bungalow including accommodation in the roofspace served by rear dormer window and front rooflights and provision of a single storey detached garage at 72 EASTWICK CRESCENT, MILL END, WD3 8YJ**

Parish: Non-Parished

Ward: Penn & Mill End

Expiry of Statutory Period: 04.02.2019

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Applicant is related to a TRDC member of staff

**1 Relevant Planning and Enforcement History**

1.1 No relevant planning history.

**2 Description of Application Site**

2.1 The application site consists of a detached bungalow located on Eastwick Crescent adjacent to the junction with Kenwood Drive, Mill End. Eastwick Crescent is a residential street characterised by bungalow dwellings of varied design, many of which have been extended.

2.2 The application dwelling has a dark tiled hipped roof form and a yellow facing brick exterior. To the front of the dwelling is a soft landscaped front garden. On-site parking is provided to the rear of the dwelling which includes a parking space and a garage accessed via a gate.

2.3 The neighbouring property at No.70 is also a detached bungalow of similar scale and design. This dwelling is positioned on an inward bend in Eastwick Crescent meaning the property splays away from the building lines of the application dwelling.

**3 Description of Proposed Development**

3.1 This application seeks full planning permission for the demolition of the existing dwelling and the construction of a replacement bungalow with loft accommodation served by a rear dormer and front and side rooflights and a replacement garage.

3.2 The proposed dwelling would have a maximum principal depth of 12.0m and a maximum width of 13.8m. The proposed dwelling would have a hipped roof form, which would include a crown section, with an eaves height of 2.4m and a maximum overall height of 5.9m. The proposal would not involve any increase in the maximum overall ridge height of the existing dwelling. There would be a single-storey side extension type projection from the northern flank which would have a width of 2.0m and be built in line with the rear elevation. There would be a single-storey rear extension type projection from the rear elevation which would have a depth of 2.8m and would extend beyond the western flank wall by 0.8m.

3.3 There would be a dormer window inserted in the rear roofslope of the dwelling. This would have a width of 6.3m, a depth of 3.0m and would have an eaves height of 2.1m and a maximum height of 2.7m. The dormer would be set in from the flanks and would be set down 0.2m from the ridge and 0.6m up from the eaves.

3.4 The proposed exterior finish of the dwelling, as detailed on the application form includes yellow multi stock bricks, concrete sand finish roof tiles and white UPVC windows.

3.5 The proposed replacement garage would be sited in the same position as the existing garage at the end of the garden and would utilise the same access from Kenwood Drive. The proposed garage would have a width of 4.0m and a depth of 7.5m and would have a hipped roof with an eaves height of 2.4m and a maximum overall ridge height of 4.3m.

3.6 Amended plans were received during the course of the application which removed the proposed flank dormer windows and reduced the size of the proposed rear dormer window.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid: [No response received]

4.1.2 Hertfordshire Ecology: [No response received]

4.1.3 Herts & Middlesex Wildlife Trust: [No response received]

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

4.2.1 Number consulted: 4

4.2.2 No of comments received: 0

4.2.3 Site Notice: posted 18.12.2018, expired 11.01.2019

4.2.4 Press notice not required.

## **5 Reason for Delay**

5.1 Committee cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### **6.2 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies of the adopted Core Strategy include 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 of the adopted Development Management Policies LDD include DM1, DM4, 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.

Moor Park Conservation Area Appraisal (2006).

## 7 **Planning Analysis**

### 7.1 Principle of Development

7.1.1 The application site is not situated within a Conservation Area and the existing building is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling.

### 7.2 Impact upon Character & Appearance

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the 'Design of Development' and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy CP1 of the Core Strategy (adopted October 2011) states the development should promote buildings of high enduring design quality that respects local distinctiveness.

7.2.2 Eastwick Crescent and the surrounding area comprise bungalow 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. As such, it is not considered that the principle of the proposed design within the varied streetscene would result in demonstrable harm to the character or appearance of the streetscene or wider area.

7.2.3 The replacement dwelling would represent an increase in principle depth of the dwelling of some 3.5m. The existing dwelling however has implemented a rear extension therefore the ground floor depth of the replacement dwelling would largely be the same as existing.

7.2.4 There would be a spacing of some at least 0.8m retained between the flank elevations of the proposed replacement dwelling and the flank boundaries although this figure increases given the splayed nature of the site boundaries. It is not considered that the proposals would give rise to a terracing effect within the street scene given the spacing in excess of 1.5m towards the front and the hipped roof forms of the proposed bungalow and the omission of side dormer windows which added to the flank bulk.

7.2.5 The replacement dwelling would represent an increase in the overall scale compared to that of the existing however it is considered that replacement dwelling would retain ample spacing to the boundaries and the development would not appear cramped within the plot or pose as a dominant form of development within the street scene. The proposed replacement dwelling would also respect the local character in terms of its design and roof form.

- 7.2.6 The proposed external finish to the dwelling includes traditional materials such as facing brickwork and concrete roof tiles. Detailed specification of the proposed materials is provided on the application form therefore it is not considered necessary to include a condition on any permission requiring samples. It is considered that the proposed finish materials would be acceptable to ensure that the external appearance of the dwelling is satisfactory.
- 7.2.7 The proposed detached garage is located towards the rear of the garden of the dwelling however would be visible from public vantage points from Kenwood Drive. It is considered that the scale of the building respects the context of the site and does not result in overdevelopment causing demonstrable harm to the open character and appearance of the site. It is considered that the traditional material to match the dwelling would soften the appearance of the building within its surroundings and minimises any harm to the character and appearance of the area.
- 7.2.8 It is considered appropriate for permitted development rights to be removed under Schedule 2, Part 1, Class A, Class B and Class E of the Town and Country Planning (General Permitted Development) Order 2015 as part of a condition that would be included to any planning consent to prevent overdevelopment within the plot.
- 7.2.9 The dwelling in terms of its scale and design would not appear unduly prominent in relation to existing neighbouring dwellings in the streetscene and the property would retain ample spacing to maintain the character of the area. The development is therefore considered to comply with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.3 Impact on amenity of neighbours
- 7.3.1 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.
- 7.3.2 It is considered that the proposals would not have an overbearing impact or result in a loss of rear outlook of adjoining neighbours. Furthermore, by virtue of the orientation of the sun in conjunction with the relationship of the buildings, it is not considered that a loss of light would arise as a result of the proposed development. It is not considered that the proposal would result in a demonstrable loss of light to the front or rear windows serving habitable rooms of either neighbour. It is not considered that the proposals would result in harm to justify refusal of planning permission and would therefore be acceptable.
- 7.3.3 The Design Criteria sets out that a proportion of each garden should be a private zone abutting or close to the dwelling; some 3.0m from the rear wall. It is proposed that a rear dormer window is inserted in the new rear facing roofslope. It is not considered that the proposed dormer window, would lead to overshadowing to any neighbour nor would give rise to any unacceptable levels of overlooking giving the positioning of the dwellings.
- 7.3.4 It is considered that, given the garages scale and position within the site, it would not have an overbearing impact or result in a loss of light to the neighbours of any adjoining property. Parts of the building would be visible from the rear gardens of the neighbouring dwelling to each side and to the rear however it is considered that the building does not result in harm to the residential amenity of any of these neighbours in this regard.
- 7.3.5 Permitted development rights will be removed under Schedule 2, Part 1, Class A, Class B and Class E of the Town and Country Planning (General Permitted Development) Order 2015 as part of a condition that would be included to any planning consent in order to

prevent potential development that would impede on the residential amenities of nearby neighbours.

- 7.3.6 Overall, it is not considered that the proposed development would result in a significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Rear Garden Amenity Space

- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Appendix 2 requires that 3 bedroom dwellings should have a minimum of 84sqm amenity space. The application site would retain a rear garden amenity space of over 200sqm which would be acceptable.

#### 7.5 Landscape

- 7.5.1 The proposal would not require the removal of any trees within or adjacent to the application site.

#### 7.6 Traffic & Car Parking

- 7.6.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

- 7.6.2 The proposed development would result in a three bedroom property. Appendix 5 of the Development Management Policies LDD advises that a three bedroom property should contain an on-site parking provision of two spaces. The driveway and proposed new garage to the rear of the site would accommodate two parking spaces and the proposal would therefore be acceptable in parking terms.

#### 7.7 Refuse & Recycling

- 7.7.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

- 7.7.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable.

#### 7.8 Sustainability

- 7.8.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit a CPLAN Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

- 7.8.2 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is

therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.8.3 An Energy Statement has been submitted which demonstrates that the proposal would make a saving in excess of 5% through energy efficiency by focusing on the fabric of the proposed new dwelling and by creating a more efficient dwelling will ensure that the overall day to day energy use is reduced as a result. The proposed development would meet the Council's Policy requirements with regards to sustainability. A condition on any consent would require that the development is implemented in accordance with the submitted Energy Statement.

## 7.9 Infrastructure Contributions

- 7.9.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The application site is within 'Area A' in which the charge per sqm of residential development is £180.

## 7.10 Wildlife and Biodiversity

- 7.10.1 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.

- 7.10.2 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.

- 7.10.3 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 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, 03 (Garage), 03 Rev B (Dwelling), 04, 05, 06 Rev B, 07, 08 Rev B, 12 Rev B, 13, Rev B

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, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No external materials shall be used other than those approved on the application form.

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 Class A of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the garage hereby permitted shall be retained solely for the housing of private motor vehicles, and at no time shall alterations be undertaken that would result in it being used for other purposes.

Reason: To ensure the provision of sufficient off-street parking in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 Immediately following the implementation of this permission, 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 development within the following Class of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - additions etc. to the roof

Class E - Buildings

No development of the above class shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, 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 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement prior to the first use of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

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