

11. 19/0153/FUL: Single storey front and side extension at 225 PRESTWICK ROAD, SOUTH OXHEY, WD19 6EJ (DCES)

Parish: Watford Rural
Expiry of Statutory Period: 26.03.2019

Ward: Carpenders Park
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 19/0159/PDE: Prior Approval: Single storey rear extension (depth 4 metres, maximum height 2.9 metres and maximum eaves height 2.8 metres). No objection.
- 1.2 19/0155/CLPD: Certificate of Lawfulness Proposed Development: Single storey side and rear extension, front porch extension and loft conversion including rear dormer. Pending consideration.

2 Description of Application Site

- 2.1 The application site consists of an end of terrace dwelling located on the eastern side of Prestwick Road, South Oxhey. The streetscene consists of a mix of dwellings of varied size and architectural design. To the south of the application dwelling are flats which are located at an elevated land level relative to the application site. To the front of the dwelling is a paved driveway with provision for three off street car parking spaces.
- 2.2 To the rear, there is a paved patio area with the remaining garden sloping up towards the rear boundary. The adjoining neighbour has been previously extended with a single storey rear extension. The flats located to the south also appear to have been extended at ground floor level.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a single storey front and side extension.
- 3.2 The proposed single storey front extension would have a depth of 1.2m forward of the existing front elevation. It would have a width of approximately 2.2m and would be constructed up to the flank boundary. The front extension would have a pitched roof form with a height of 3.2m.
- 3.3 The single storey side extension would have a width of approximately 2.2m at the front, widening to 2.4m to the rear due to the splayed nature of the boundary. The extension would extend the depth of the dwelling with the rear wall being flush with the rear wall of the existing dwelling. The extension would have a flat roof form with a maximum height of approximately 2.6m. The rear part of the extension would be used as a utility room, with a garage/store to the front with garage style doors to the front elevation.
- 3.4 Amended plans have been received during the course of the application removing the first floor side extension from the plans.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Watford Rural Parish Council: [Objection]

We write in connection with the above planning applications. WRPC have examined the plans and local councillors know the site well.

We understand there is a freedom to build outbuildings to function as workshops, but we are unsure of the planning legislation relating to internal workshops within a residential building and any impact it may cause, possibly as a material change of use. The obvious vicinity of neighbouring properties and the potential noise produced may also be an issue so we would ask conditions (such as noise dampening) to be placed upon this build should there be no legislative issue to the workshop itself.

With that in mind we respectfully please ask for these to be called into to planning committee, unless officers are minded to refuse, for councillors to discuss.

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

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13 No of responses received: None received

4.2.2 Site Notice: Not applicable Press notice: Not applicable

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 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 2019 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 The original plans sought permission for a two storey side extension which would have been constructed up to the boundary. Appendix 2 of the Development Management Policies LDD advises generally that extensions at first floor level should be set a minimum of 1m from the flank boundary to prevent a terracing effect and retain appropriate spacing for the character of the locality. In this case, a first floor extension constructed up to the boundary would have impacted on the character of the locality. As such, amended plans have been received which now only indicate a ground floor front and side extension.

7.1.3 Appendix 2 of the Development Management Policies LDD advises that applications for front extensions should be assessed on their own individual merits but should not be excessively prominent in the streetscene. Given that the styles of properties within the vicinity do vary and there are other examples of front extensions and porches it is not considered that this would be excessively prominent and no objection is raised in this regard.

7.1.4 With regard to single storey side extensions, Appendix 2 of the Development Management Policies LDD advises that the proximity to the side boundary will be individually assessed. The proposed extension would be constructed up to the southern boundary. However, it is not considered that any adverse harm would occur given that single storey side extensions are common within the wider area. Furthermore, the flats to the south of the extension are located at an elevated land level which also minimises the impact in terms of prominence.

7.1.5 Subject to a condition requiring the use of matching materials, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.2 Proposed Use

7.2.1 Watford Rural Parish Council have called the application to Planning Committee due to concerns arising from the use of the ground floor extension as a 'garage/workshop'. The scale of the extension is such that this would represent a development which is ancillary to the use of the residential dwelling. It would be unreasonable to add a condition with regard to 'noise dampening', particularly as a side extension of similar scale could be constructed as permitted development. No objections are raised to the development as a result of its intended use.

7.3 Impact on amenity of neighbours

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

7.3.2 The proposed single storey front/side extension would be set in from the boundary with no.223 and therefore would not appear unduly overbearing and would not result in a loss of light to this neighbour. The proposed extension would be set at a lower level relative to the flats to the south and therefore would not result in harm.

7.3.3 The rear wall of the extension would be flush with the rear wall of the existing dwelling and therefore there would be no harm to neighbours to the rear of the site relative to the existing situation. There would be no harm to neighbours located opposite the site due to the separation by the highway.

7.3.4 In summary, the development would not result in harm to the residential amenities of neighbouring dwellings. The development is acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 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 sets out that there would not be any impact on any protected species. Given the nature of the application, no objection is raised in this regard.

7.5 Trees and Landscaping

7.5.1 The proposed extension would not affect any existing trees or areas of landscaping.

7.6 Highways, Access and Parking

- 7.6.1 The plans indicate that three spaces would still be accommodated on the frontage after the proposed development.

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:

100, 110, 120, 200A, 210A, 200A

Reason: For the avoidance of doubt, in the proper interests of planning and visual amenity; 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)

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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.

- I2 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.
- I3 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.