

**11. 19/0703/RSP – Part Retrospective: First floor side and rear extension, front porch, alterations to fenestration detail, removal of chimneys and change to materials to include render at 8 FULLER WAY, CROXLEY GREEN, RICKMANSWORTH, WD3 3PJ. (DCES)**

Parish: Croxley Green Parish Council

Ward: Durrants

Expiry of Statutory Period: 10 June 2019

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

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

## **1 Relevant Planning History**

- 1.1 8/59/80 – Kitchen, dining room and roofline – Refused 03.04.1980.
- 1.2 8/152/81 – Extension to garage, hall, bedroom, kitchen – Permitted 23.03.1981.
- 1.3 8/693/87 – Dining room – Permitted 25.08.1987.
- 1.4 11/2542/RSP – Part Retrospective: Two storey and single storey rear extension and first floor side extension – Permitted 12.01.2012.
- 1.5 16/0794/FUL – First floor side extension – Permitted 08.06.2016.
- 1.6 18/1884/FUL – First floor side and rear extension, front porch, alterations to fenestration detail and removal of chimneys – Permitted 06.11.2018.

## **2 Description of Application Site**

- 2.1 The application site is rectangular in shape and is located on the northern side of Fuller Way, Croxley Green, close to the junction with Rugby Way. Fuller Way is a residential street characterised mainly by two storey semi-detached dwellings of similar architectural styles and designs, some of which have been extended or altered. The application site comprises a two storey semi-detached dwelling with an existing single storey flat roofed side projection to the western flank and a pebbledash rendered exterior.
- 2.2 The dwelling is set back approximately 5m from the highway. To the frontage, there is hardstanding with space for two vehicles. To the rear, there is an existing single storey rear extension with a hipped roof form. A patio area abuts the rear of the dwelling leading to an area of lawn and soft landscaping. Close boarded fencing encloses the rear amenity space provision.
- 2.3 The neighbour to the east, No.6 Fuller Way, adjoins the eastern flank of the host dwelling. This neighbour is of a similar architectural style and design to the host dwelling and has an existing single storey rear extension which extends in line with the rear of the application dwelling. The neighbour to the west, No.10 Fuller Way, is set in approximately 2m from the shared boundary with the application site. This neighbour has no readily apparent existing extensions or alterations.
- 2.4 During a site visit it was ascertained that the works relating to the permitted application reference 18/1884/FUL have begun. The blockwork for the first floor extensions and front porch have been constructed.

### **3 Description of Proposed Development**

- 3.1 This application seeks part retrospective planning permission for the construction of a first floor side and rear extension, front porch, alterations to fenestration detail, removal of chimneys and a change of materials to include smooth painted render. The proposal would result in a three bedroom dwelling (no additional bedrooms). Whilst a first floor study is proposed, given the limited floorspace of the study which would have an area of 3.2sqm, it could not be used as a bedroom.
- 3.2 The proposal includes the construction of a front porch structure. The porch would hold a depth of 1.35m, extending beyond the existing front elevation of the dwelling and a width of 2.35m. The proposed porch would have a pitched roof form with a maximum height of 3.4m, sloping down to an eaves height of 2.5m. A standard door and single-casement window are proposed within the front elevation of the porch and a single-casement window is proposed within the eastern flank of the porch.
- 3.3 The proposal would also include the construction of a first floor side and rear extension. The first floor extension would hold a width of 1.2m from the western flank elevation to the frontage, and a depth of 9.2m, including a rear projection with a depth of 1.7m and a width of 4m. The extension would be set in approximately 1m from the western flank boundary and would comprise an en-suite bathroom, family bathroom and study. The extension would have a part hipped, part pitched roof form with a maximum height of 7.8m, sloping down to an eaves height of 5m. The hipped roof form would extend the width of the maximum ridge of the dwelling by approximately 1.2m. The pitched roof to the frontage would reflect the existing gable feature, set down approximately 2.8m from the maximum ridge of the host dwelling. The first floor rear extension would have a hipped roof form with a maximum height of 6.4m, sloping down to an eaves height of 5m. The existing four-casement window at first floor level within the front elevation would be reduced to a three-casement window and the existing single-casement window would be replaced with a two-casement window. One window is proposed within the western flank elevation at first floor level serving a bathroom and one two-casement window and one single-casement window are proposed within the rear elevation of the extension at first floor level.
- 3.4 The current application has a similar description to that previously approved under application reference 18/1884/FUL. The current proposal seeks to amend the roof form of the proposed porch, from a hipped roof to a pitched roof and alter the external materials from pebbledash render to smooth render in dulux weathershield sandstone. The proposed extensions have the same dimensions as those previously approved and are of the same design.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Croxley Green Parish Council: [Objection]**

*Croxley Green Parish Council objects to the proposal.*

*CGPC believes that the alteration to the porch is out of character with the street scene and does not comply with Policy CA2 of the Croxley Green Neighbourhood Plan. CGPC feels that further extension to the road is inappropriate and not in accordance with the Neighbourhood Plan.*

*CGPC also objects to the change of materials to the existing building.*

*If the officer is minded to approve the application then CGPC would like the application to be considered by the TRDC Planning Committee.*

4.1.2 National Grid: No response received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 5

4.2.2 No of responses received: 0 letters of objection, 0 letters of support

4.2.3 Site Notice: Not required. Press notice: Not required.

## **5 Reason for Delay**

5.1 None.

## **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 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 Development 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, DM4, DM6, DM10, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2019. Relevant policies include: Policy CA2 and Appendices B and C.

### **6.3 Other**

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

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

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

## **7 Planning Analysis**

### **7.1 Impact on Character and Street Scene**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. Appendix 2 of the Development Management Policies document also states that front extensions should not result in loss of light to windows of neighbouring properties nor be excessively prominent in the streetscene and that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, first floor side extensions shall be set in a minimum of 1.2m from the flank boundary. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas an absolute minimum of 1m will be considered.
- 7.1.3 The application site is located within Character Area 6: Winton Drive, Barton Way and Baldwins Lane. Policy CA2 of the Croxley Green Neighbourhood Plan states that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas described in Appendix B through the careful control of massing, alignment and height. Appendix B states that the main features to be considered for any proposal for extensions or redevelopment within Character Area 6 include the dominant materials of yellow and red brick and render on elevations, brown or red plain tile roofs.
- 7.1.4 Appendix C of the Croxley Green Neighbourhood Plan states side extensions should reflect the scale and proportion of the original house, including existing fenestration, architectural detail and materials. New front porches should complement the existing design and materials. They should not generally extend in front of the existing building line and they should not be permitted when they will reduce off street parking.
- 7.1.5 The proposed front porch would hold a depth of 1.35m extending beyond the existing front elevation of the dwelling with a width of 2.35m. It is acknowledged that the Parish Council raised concerns in relation to the impact of the front porch on the character of the streetscene however during a site visit it was ascertained that Fuller Way is varied in terms of front extensions at single storey and two storey levels. In addition, the depth of the front porch is the same as that previously approved under application reference 18/1884/FUL, and whilst the roof form of the porch would be pitched rather than hipped, it is not considered that the proposed front porch would appear unduly prominent or incongruous within the streetscene of Fuller Way or result in any adverse impact to the character and appearance of the host dwelling, streetscene or wider area.

- 7.1.6 The proposed first floor rear extension would have a depth of 1.7m from the original rear elevation of the host dwelling, therefore complying with the guidance set out within Appendix 2 of the Development Management Policies document and a width of approximately 4m when measured at the rear. Given the siting of the proposed extension and the proposed depth, height and roof form of the extension, it is not considered that the proposed extension would appear unduly prominent or result in any adverse impact to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.7 Appendix 2 of the Development Management Policies document states that in order to prevent a terracing affect and maintain an appropriate spacing between properties in character with the locality, first floor extension shall be set in a minimum of 1.2m from the flank boundary. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas, an absolute minimum of 1m will be considered. The proposed first floor extension would be constructed in line with the existing front elevation of the host dwelling with a width of 1.2m and a depth of 9.2m, including the proposed 1.7m deep rear extension as outlined above. The proposed extension would be set in approximately 1m from the western flank boundary for the entire depth. The proposed first floor side extension would not therefore strictly comply with the 1.2m spacing guidance set out within Appendix 2 of the Development Management Policies document however the location of Fuller Way is considered to be a high density area, thus a distance of 1m is considered acceptable in this instance. Therefore, given the depth, width, height and hipped roof form of the proposed extension, it is not considered that the first floor side extension would appear unduly prominent or incongruous within the streetscene of Fuller Way.
- 7.1.8 The proposed glazing would be in keeping with the character of the host dwelling and the streetscene of Fuller Way, and given the scale, design and siting of the glazing, it would not appear unduly prominent within the streetscene of Fuller Way or harm the character of the host dwelling.
- 7.1.9 The proposal would include alterations to the existing external materials, from pebbledash render to smooth render in dulux weathershield sandstone. Whilst it is acknowledged that the Parish Council have raised an objection to the alterations to the external materials, during a site visit it was ascertained that whilst Fuller Way is predominantly characterised by dwellings finished in pebbledash, there is some variation evident within the wider streetscene including cream painted render, partial brick and other features such as painted gables and mock Tudor detailing. Therefore, when considered in the context of the streetscene as a whole and within the wider area, the proposed render would not appear incongruous so as to result in detrimental harm to the character or appearance of the streetscene or wider area.
- 7.1.10 In summary, whilst the proposal has increased the scale of the dwelling, the proposed development would not result in demonstrable harm to the character or appearance of the host dwelling and would not appear unduly prominent in the street scene of Fuller Way. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and Appendix 2 of the Development Management Policies document and the Croxley Green Neighbourhood Plan.

## 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 LDD set out that residential 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 proposed first floor side extension would hold a width of 1.2m from the existing western flank of the host dwelling, extending towards the neighbour to the west, No.10 Fuller Way. Whilst the proposed extension would extend from the flank elevation closest to this neighbour, given the width, height, hipped roof form, that the extension would be set in 1m from the shared boundary and that this neighbour is set in from the shared boundary, it is not considered that the first floor side extension would appear overbearing or result in loss of light to this neighbour. Given the location of the proposed first floor side extension, it is not considered that this element would result in any adverse impact to the neighbour to the east, given its siting to the west.
- 7.2.4 The proposed first floor rear extension would extend 1.7m beyond the main two storey rear elevation of the host dwelling and it would be constructed in line with the proposed western flank of the side extension. The proposed rear extension would intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour to the west, No.10 Fuller Way, by approximately 0.7m. Whilst this is acknowledged, when taken from the corner of the two storey rear elevation of this neighbour, the proposal would not intrude the 45 degree splay line. Therefore, given the depth, height, hipped roof form and spacing between the proposed extension and the neighbour to the west, that the extension would not intrude a 45 degree splay line when taken from the corner of the rear elevation of this neighbour and the siting of this neighbour to the west, it is not considered that the first floor rear extension would appear overbearing or result in loss of light to this neighbour.
- 7.2.5 The proposed first floor rear extension would be set in approximately 2.4m from the existing eastern flank of the host dwelling. In addition, the proposed extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour to the east, No.6 Fuller Way. Furthermore, this neighbour has an existing single storey rear extension constructed in line with the existing rear elevation of the host dwelling. Therefore, it is not considered that the proposed first floor rear extension would appear overbearing or result in loss of light to this neighbour.
- 7.2.6 The proposed glazing within the front elevation of the porch and side extension would have an outlook of the application site frontage. Whilst one additional window is proposed within the western flank of the first floor side extension, this window would serve a bathroom, thus it is considered reasonable to attach a condition to any granted consent to require this window to be obscurely glazed and top level opening. The fenestration to the rear would have an outlook of the rear amenity space of the application site, and whilst some views of neighbouring gardens may be visible, these views would not be significantly different to those already available from the first floor fenestration within the rear.
- 7.2.7 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 three bedroom dwelling. Appendix 2 of the DMP LDD outlines that a three bedroom should retain 84sqm of amenity space. The application dwelling would retain approximately 92sqm of amenity space to the rear and would therefore accord with Appendix 2 of the Development Management Policies document 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.

#### 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 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development 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 proposed development would result in a three bedroom dwelling. Appendix 5 of the DMP LDD sets out that a dwelling with three bedrooms should provide 2 onsite parking spaces. It is acknowledged that the proposed porch would extend beyond the existing front elevation, thus would impact the existing parking provision. Notwithstanding this, the submitted block plan indicates that the area of soft landscaping to the south eastern aspect of the frontage would be reduced, and given the location of the dropped kerb along the majority of the frontage, it is considered that the hardstanding to the frontage could accommodate two vehicles and would therefore accord with Appendix 5 of the Development Management Policies document in this regard.

### **8 Recommendation**

8.1 That Part Retrospective PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

- C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of 3 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: 001, 002 B, 003, 004, 005, 006 B, 007 B, 008 B and 009 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, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).
- C3 The development shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number 006 B and 007 B or stated within the submitted application form; and no external materials shall be used other than those approved.  
Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the western flank and rear elevations or roof slopes of the extension/development hereby approved.  
Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C5 Before the first occupation of the building/extension hereby permitted the window at first floor level in the western flank elevation; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.  
Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:  
All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.  
There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you

on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

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

- I2 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.
- I3 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.