

**10. 19/0894/RSP – Part Retrospective: Erection of three storey front/side extension with balcony to rear at 62 TOWNFIELD, RICKMANSWORTH, HERTFORDSHIRE, WD3 7DD. (DCES)**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 25 July 2019

Ward: Rickmansworth Town  
Case Officer: Matthew Roberts

Recommendation: That Part Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as the applicant is an employee of Three Rivers District Council.

**1 Relevant Planning & Enforcement History**

- 1.1 15/1534/FUL: Side extension including balconies to front and rear, and addition of solar panels. Permitted, not implemented (now expired).
- 1.2 19/0108/COMP: Enforcement Enquiry: Construction of three storey extension without planning permission. Pending consideration.

**2 Description of Application Site**

- 2.1 The application site is located on the south side of Townfield in Rickmansworth. Townfield is a residential cul-de-sac built around Parsonage Farm which is a Grade II Listed Building. The street scene within Townfield includes detached dwellings and three storey flat roofed terraced townhouses which are of generally similar appearance.
- 2.2 The host site includes a three-storey end of terrace townhouse which is finished in red brick with white painted weatherboarding. To the front of the dwelling there is a flat-roofed single storey projection which provides for an entrance porch and access to an integral garage. To the side of the house building work has commenced with the partial construction of the ground floor element of the extension subject to this application. To the rear there is a small garden area of approximately 85sqm which is enclosed by brick walls with the neighbour to the east, Kildare, and fencing to the west and south (rear).
- 2.3 The frontage is open in character and is predominately hard surfaced, capable of providing two off street parking spaces. In terms of the topography of the site, the land level slopes from north to south meaning that the level of the house is lower than Townfield but higher than Rectory Road which adjoins the rear boundary.
- 2.4 To the west of the host site the adjoining neighbours at Nos.58 & 60 Townfield are of similar design and have identical front and rear building lines although further beyond the above mentioned houses the building line is staggered with dwellings set further back from Townfield.
- 2.5 To the immediate east of the host site there is a two storey pitched roofed building which has been subdivided into flats, known as Kildare. This particular building extends to a similar depth to the host dwelling but is also set on a lower land level and set in from the boundary with the application site by approximately 7m. The neighbouring property contains a number of flank windows at ground and first floor levels which face the host property while a detached outbuilding also exists in close proximity to boundary with the application site.

**3 Description of Proposed Development**

- 3.1 This application seeks part retrospective planning permission for the erection of a three-storey side extension with a balcony to the rear.
- 3.2 The proposed three storey extension would have a width of 2.5m and a depth of 10.2m, extending 1.5m forward of the main principal elevation at first and second floor levels (but

level with the front of the existing single storey front projection) and built flush with the rear elevation. The extension would be built to a height level with the existing dwelling and would be set in from the eastern boundary by 0.8m.

- 3.3 In terms of fenestration detailing, glazing would be included at every level with the inclusion of Juliette balconies to the front and rear and obscurely glazed windows within the eastern elevation at first and second floor levels. At first floor level to the rear a true balcony is proposed measuring 1.6m in depth by 2.2m in width, set in from the western boundary with No.60 by 5m and 1.3m from the boundary with Kildare. During discussions with the applicant an obscurely glazed privacy screen is to be proposed along the eastern elevation of the balcony (as required under the previous planning application 15/1534/FUL) and updated plans will reflect this addition in due course (members to be verbally updated).
- 3.4 In respect of materials, the extension would be constructed out of brickwork similar in appearance to the existing dwelling (Ibstock Hamsey Mixed Stock) and UPVC double glazed windows and doors.
- 3.5 Internally and as per the existing house, the ground floor level would be stepped with the inclusion of an "upper ground level" towards the front and a "lower ground level". The applicant has been requested to include more specific details in terms of labelling the existing and proposed rooms and updated plans will reflect such changes.
- 3.6 As it stands, parts of the ground floor element of the extension have been built, making the application "part retrospective".
- 3.7 Differences between 15/1534/FUL & current submission:
- 3.7.1 One of the main differences between the two submissions is the fact that the ground floor would now be set in from the eastern boundary. Previously the three storey extension had a stepped flank elevation, built in close proximity to the boundary at ground and first floor levels but set in 1m from the same boundary at second floor level. In addition to the above, the materials and design have been simplified and the front true balcony has been removed, replaced with a Juliette balcony.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid: [No comments received]

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

4.2.1 Number consulted: 7

4.2.2 No of responses received: None to date (consultation expires on 25 June 2019)

4.2.3 Site Notice: Not applicable.

4.2.4 Press Notice: Not applicable.

4.2.5 Summary of Responses:

4.2.6 None.

## **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

On 19 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 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, 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 and Appendix 2.

## 6.3 Other

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.

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

# 7 **Planning Analysis**

## 7.1 Overview

- 7.1.1 Following a report to the Local Planning Authority an enforcement investigation was opened in relation to unauthorised works at the host property, referenced 19/0108/COMP. It was ascertained that works had commenced in relation to a previous planning permission, referenced 15/1534/FUL. However, this particular permission had expired prior to the works commencing with no material operation evident on site. As a result the applicant was advised that a new planning application would be required. As such this application has been submitted utilising section 73A of the Town and Country Planning Act 1990 (as

amended). The following sections will assess the acceptability of the development against planning policies and material planning considerations.

## 7.2 Design & impact on street scene:

- 7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should also 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not lead to a gradual deterioration in the quality of the built environment, should not have a significant impact on the visual amenities of the area and should respect the character of the street scene, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.2.2 The Design Criteria at Appendix 2 of the Development Management Policies LDD specifically advises that front extensions should not be excessively prominent in the street scene and in order to prevent a terracing effect and to maintain spacing between properties in character with the area, development at first floor level and above should be set in from flank boundaries by 1.2m, although in high density areas an absolute minimum of 1m will be considered.
- 7.2.3 The proposed three storey extension would project forward of the main front elevation and also extends the width of the house, closing the existing gap with Kildare to the east. The extension would therefore alter the appearance of the existing dwelling and erodes the existing symmetry which is evident amongst the host dwelling and Nos. 58 & 60 to the west. Nevertheless, whilst the introduction of a front projection is not evident at the neighbouring dwellings, this does not mean that it would be unacceptable. Due to the context of the site, being an end of terrace dwelling, having regard to the general stepped character of the town houses on the southern side of Townfield and the fact that the front projection would not extend beyond the existing flat roofed projection it is not considered that this element of the extension would be unduly prominent or out of keeping so as to cause demonstrable harm to the street scene. Whilst the fenestration detailing within the front elevation would also be different to those generally found within the front elevations of the townhouses, the introduction of railings (acting as Juliette balconies) and French style doors would not have a harmful impact on the streetscene.
- 7.2.4 In respect of the side element of the extension, it would be set in from the boundary with Kildare by 0.8m, which is 0.2m below the required distance as set out above. Nevertheless, it should be noted that the previous planning application permitted a distance of 0.2m at first floor level towards the rear. Whilst the extension would not comply with the required distance of 1m, by virtue of the fact it is the last end of terrace within Townfield and its relationship with Kildare is such that it does not follow the same building line, land level or design, it is considered that a distance of 0.8m in such a high density area would be acceptable having regard to the site circumstances. Notwithstanding the views from Townfield, the extension would also be visible from Rectory Road; however, given the relationship between the host dwelling and Kildare, the latter of which has a more active frontage with Rectory Road, the existence of a pitched roof outbuilding and separation distance with the neighbouring detached dwelling, it is considered that the 0.8m separation with the boundary would ultimately ensure that a terracing impact would not arise.
- 7.2.5 At the rear, a true balcony would project at first floor level from the extension which would be visible from Rectory Road and from the neighbouring property Kildare. Whilst no other external balconies exist on properties which form part of the Townfield development, balconies are not uncommon within the local area. Due to the town centre location a number of balconies are evident at flatted developments along Rectory Road. A similar balcony was also approved under 15/1534/FUL. It is therefore not considered that the balcony would have a detrimental impact on the visual amenity of the area.

- 7.2.6 To ensure that the extension integrates with the existing dwelling, brickwork of similar appearance is being used. A condition has been recommended to ensure the extension is built in similar materials.
- 7.2.7 In summary, with regard to the design and siting of the development and the site circumstances, it is not considered that the proposal would result in demonstrable harm to the character or appearance of the host dwelling, street scene or area so as to justify refusal of planning permission and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.3 Impact on neighbouring amenity
- 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 LDD set out that development should not result in the 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 The Design Criteria at Appendix 2 of the Development Management Policies LDD 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 and high level windows with a cill height of 1.7m or more may be acceptable where a secondary light source is necessary. The criteria also advise that development should not incorporate balconies which overlook neighbouring properties to any degree.
- 7.3.3 Due to the location of the extension there is potential to impact the neighbouring property, Kildare. This property contains flats, is located on a lower land level and has clear glazed windows facing the application site at ground and first floor levels. However, the majority of these windows are set approximately 7m from the boundary with the site and the windows in the closer single storey projection which are 4m from the boundary face onto a detached outbuilding within this neighbouring site. As a consequence it is not considered that the development would result in demonstrable harm to the west flank elevation of Kildare through appearing overbearing or causing loss of light given the orientation of the sun and given the existing situation whereby the glazing to this neighbour would have views onto the flank of the application dwelling. The proposed glazing at first and second floor levels on the eastern flank elevation are noted as obscurely glazed and non-opening and will be secured by condition to ensure that neighbouring residents are safeguarded from direct overlooking (the condition would enable the ability for the windows to be top opening as this would not facilitate any overlooking issues).
- 7.3.4 To the front the extension would incorporate new glazing in the form of French style doors with external Juliette balconies (preventing outward opening). The outlook from the glazing would have views across the turning head within the highway and onto the flank of No.64 Townfield which is sited opposite and angled towards the south west. Views into the rear garden would be achievable, as per the existing arrangement; however, due to the angled relationship and distance between buildings of approximately 28m, any views would not result in any unacceptable levels of overlooking.
- 7.3.5 The forward projecting element of the extension would be set in from the boundary with No.60 Townfield by approximately 4.6m. This distance is considered acceptable to ensure that no loss of outlook or light would occur to the neighbouring dwelling.
- 7.3.6 At the rear a true external balcony is proposed, set in 0.5m from the flank elevation of the extension, thereby set in approximately 1.3m from the boundary with Kildare and 5m with No.60 Townfield. Due to the location of the balcony there would be views towards

neighbouring gardens to the west; however, given the separation distance and the fact that existing first and second floor windows exist on the host dwelling which are closer to the neighbour than the proposed balcony, it is not considered that any harmful impacts in terms of privacy levels would arise. Whilst there would be an increase in the level of perceived overlooking from the physical use of the balcony, it is considered that the proposed distance of 5m would be an acceptable distance to ensure that any perceived increase would not result in unacceptable harm to the neighbouring occupiers. It is also noted that a balcony of similar size was previously permitted under 15/1534/FUL. In relation to Kildare, given how close the balcony would be to be neighbouring property, a privacy screen is proposed along the eastern flank of the balcony to ensure it would not appear un-neighbourly. The screen would be secured by condition if approved.

7.3.7 In respect of other fenestration at the rear and the introduction of a Juliette balcony at second floor level, the level of outlook from these openings would not result in any material increase when compared to the current situation.

7.3.8 As such, subject to conditions the proposed three storey extension would be considered acceptable and prevent unacceptable impacts to neighbouring amenity.

#### 7.4 Amenity space

7.4.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD. For a four bedroom dwelling it states that an indicative level of 105 square metres is required.

7.4.2 The application site would retain a rear garden of approximately 85sqm which would be a shortfall of 20sqm against standards. However, the development includes a first floor rear balcony of 3.5sqm which reduces the shortfall to 16.5sqm. It is not considered that the shortfall would be unacceptable having regard to the fact that the application site is within a town centre location with good access to public open spaces. As a consequence, the small shortfall below the required amenity space standard is not considered to result in any demonstrable harm to the amenity of current or future occupiers justifying refusal of permission.

#### 7.5 Parking & Access

7.5.1 Policy CP10 of the Core Strategy states that development should make adequate provision for car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision and advises that a four bedroom dwelling should have parking for three vehicles.

7.5.2 The existing garage and parking for at least two vehicles within the site frontage would be retained which would accord with the standards.

#### 7.6 Trees and Landscaping

7.6.1 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. Planning permission will be refused for development resulting in the loss or deterioration of protected woodland, trees or hedgerows unless conditions can be imposed to secure their protection. Development likely to result in future requests for significant topping, lopping or felling will be refused.

7.6.2 There are mature trees on the boundary of the application site within the curtilage of Kildare to the east which would be in close proximity to the proposed extension. Under previous applications the Landscape Officer has advised that they have been topped in the past and are low value trees and thus their removal or reduction would not be unacceptable.

## 7.7 Wildlife and Biodiversity

7.7.1 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.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. 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. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

## 7.8 Infrastructure Contributions

7.8.1 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. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area C' within which the charge per sqm of residential development is £180, although exemptions for residential development can be applied.

## 8 **Recommendation**

8.1 That PART RETROSPECTIVE PLANNING PERMISSION BE APPROVED and has effect from the date on which the development is carried out and is subject to the following conditions:

Conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: P01 (Location Plan); PO2-Exist Plans-Rev B; PO3-Prop Plans-Rev F; PO4-Exist Elevations-Rev D; PO3-Prop Plans-Rev F; P05-Prop Elevations-Rev F & P08.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and the visual amenity of the area in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C2 Before the first occupation of the extension hereby permitted, the windows in the eastern elevation at first and second floor level; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the 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 Kildare 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).

- C3 Before the first occupation of the extension hereby permitted, details of screening to a height of 1.8m as measured from the surface of the balcony to be provided to the east flank of the first floor rear balcony, shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation of the development in accordance with the approved details and permanently maintained therefore.

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).

- 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the eastern elevation of the extension hereby approved.

Reason: To safeguard the residential amenities of Kildare 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 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).

**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 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 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 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.