

PLANNING COMMITTEE - 17 OCTOBER 2019

PART I – DELEGATED

10. **19/1677/RSP – Retrospective: Addition of obscure glazed window to bathroom and doors to undercroft storage in flank elevation at MAPESBURY, SANDY LANE, NORTHWOOD, HA6 3HA**

Parish: Batchworth Community Council
Expiry of Statutory Period: 01.11.2019

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor lives within the neighbour consultation area.

1 Relevant Planning and Enforcement History

- 1.1 18/0534/FUL - Construction of single storey front extensions and two storey rear extension - 11.05.2018 – Permitted, implemented
- 1.2 8/4/78 - Two storey side extension and porch (Amended scheme) - 20.01.1978 – Permitted
- 1.3 8/519/77 - Two storey side extension - 13.09.1977 – Permitted

2 Description of Application Site

- 2.1 The application site comprises a two-storey, detached dwelling on the south-western side of Sandy Lane, Northwood. The application dwelling is set back from the public highway by approximately 35m.
- 2.2 The application dwelling has dark tiled hipped roof forms with front gable end features. The exterior of the dwelling is white painted with dark wooden beam features in a Tudor revival style. The extensions permitted under 18/0534/FUL have been substantially carried out to the dwelling.
- 2.3 To the front of the dwelling is a soft landscaped front garden and a gravel driveway. There is a row of mature trees abutting the front site boundary which largely obscures views of the application dwelling from the public highway.
- 2.4 The neighbouring dwellings are largely positioned on the same building line on this part of Sandy Lane. The neighbour to the south-east at Milverton Lodge is of similar scale and architectural style and finish to the application dwelling. The neighbour to the north-west at Lathom Lodge is of similar scale to the application dwelling however differs in architectural style and finish.
- 2.5 The streetscene along this part of Sandy Lane can be characterised by detached dwellings of varied style, set back from the public highway.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the addition of an obscure glazed window at first floor level to serve a bathroom and two doors to serve undercroft storage in the north-western flank elevation of the dwelling.
- 3.2 The window at first floor level would be obscure glazed and top-level opening only at a height of 1.7m from the internal floor level. Two timber doors would serve two undercroft storage areas below the ground floor level of the dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 3

4.2.2 Responses received: 0

4.2.3 Site Notice posted: 30.09.2019, expiry date: 21.10.2019

4.2.4 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 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, DM9, 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 Appearance

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 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.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.1.3 Views of the proposed additional fenestration would be significantly limited from the street scene of Sandy Lane given the arrangement of the dwellings, particularly their position in relation to the public highway. It is also considered that the additional of a single window at first floor level and two doors would not appear excessive or out of character in the context of the host dwelling.

7.1.4 In summary it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal 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 document.

7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.2 The proposed development would introduce additional glazing at first floor level adjacent to the neighbours to the north-west. It is however considered, given that the glazing is to serve a bathroom and is obscurely glazed and top level opening only, it would not provide an outlook that would be detrimental to the privacy of this neighbour. It is therefore not considered that the proposed development would lead to overlooking. It is considered appropriate to include a condition on any planning permission for this window to be permanently maintained as obscure glazed and top-level opening. It is not considered that the proposed doors at ground floor level would lead to any impact upon any neighbours.

7.2.3 In summary, the proposed development would not result in any significant adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore 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 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.3.2 The proposed development would not alter the existing access arrangements or impact upon the existing parking provision serving the site. The site would retain a driveway large enough to accommodate at least three cars, in line with the Council's adopted parking standards for a dwelling of this size.

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 privacy, prospect, amenity and garden space.

7.4.2 The dwelling would retain a garden of approximately 1,300sqm and as such would be acceptable in this regard

7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies LDD 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 proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.6 Biodiversity

7.6.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 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.

8 **Recommendation**

8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that retrospective PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was started and is subject to the following conditions:

8.2 Conditions

- C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: TRDC0001 (Location Plan), PL/M/02, PL/M/01 Rev A

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) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B & C of The Croxley Green Neighbourhood Plan (December 2018).

- C2 The window at first floor level in the north-western flank elevation hereby approved shall be permanently retained as obscurely glazed and top level opening only at 1.7m above the floor level of the room in which the window is installed.

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).

8.3 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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.