

PLANNING COMMITTEE - 17 OCTOBER 2019

PART I – DELEGATED

11. 19/1691/RSP: Part Retrospective: Construction of detached building at 23 LEWES WAY, CROXLEY GREEN, RICKMANSWORTH, WD3 3SN (DCES)

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 31 October 2019

Ward: Durrants
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called in by Croxley Green Parish Council.

1 Relevant Planning History

- 1.1 19/0156/COMP - Enforcement Enquiry: Outbuilding on raised platform with no planning permission. Case Pending.
- 1.2 18/0204/COMP - Enforcement Enquiry: Alleged breach of planning conditions (18/0049/PDE). Case Closed 12.10.2018.
- 1.3 18/1680/FUL - Demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height. Application Permitted 16.11.2018.
- 1.4 18/0049/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres). Application Permitted 06.02.2018.

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling located on the southern side of Lewes Way, Croxley Green. Lewes Way is a residential street which comprises of two storey detached dwellings of a similar design and style. The land slopes gently upward from west to east.
- 2.2 The application dwelling has a hipped roof form and finished in red brick. It is characterised by a two storey hipped projection to the front. The dwelling is set back from the highway and has a driveway to accommodate at least 2 vehicles in addition to an attached garage which would provide a 3rd parking space.
- 2.3 To the rear, the application dwelling is undergoing works to implement planning permission 18/1680/FUL and Prior Approval application 18/0049/PDE. There is an area of synthetic lawn and an outbuilding (subject of this application) located to the rear of the site. The outbuilding is partially finished, although the structural walls and roof have been erected. The boundary treatment with adjacent neighbour is 2m close board fencing.
- 2.4 The adjacent neighbour to the east (no.21) benefits from a single storey rear extension and multiple outbuildings located to the rear of the neighbouring site. Due to land elevations, this neighbour is sited at a lower elevation to the application site.
- 2.5 The adjacent neighbour to the west (no.25) benefits from a single storey rear extensions and outbuildings located to the rear of the neighbouring site.
- 2.6 The neighbouring properties on the next road to the south (no.28 and 30 Hastings Way) benefit from multiple outbuildings set off the rear boundary line with the application site. These outbuildings are of various sizes.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the construction of a detached building. The applicant has confirmed it would be for ancillary use as a gym and for garden storage.
- 3.2 The outbuilding is located to the rear of the application site and is set off the rear and side boundaries with adjacent neighbours by 0.1m and 0.7m from the opposing neighbours to the rear.
- 3.3 Including the concrete base which has been newly laid, the outbuilding has a width of 8.2m, and a depth of 3.6m. It has a mono-pitched flat roof with a maximum height of 2.9m to the front, sloping to 2.7m at the rear.
- 3.4 Fenestration is included within the front and rear elevations.
- 3.5 The frontage is finished in grey cladding and submitted plans indicate the rear will be finished in painted brickwork.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council:

Croxley Green Parish Council objects to the application for the following reasons:

Concerns on the scale, height and potential use of the building as the plans submitted do not show height measurements. CGPC feel that this development represents an overdevelopment of a site on which a very large extension has already been built.

Concerns that the building is or could be connected to mains drainage and could be used as a separate dwelling.

It appears that the site has been built up with excavated earth from a previous extension. Clarification is requested on whether the building conforms to the requirement that it is no higher than 2.5 meters as it is within 2 meters of the boundary.

If the Planning Officer is minded to approve the application then CGPC would like it to be called into Committee.

4.1.2 National Grid: No response.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 18
- 4.2.2 No of responses received: 5 objections.
- 4.2.3 Site Notice: Not required. Press notice: Not required.
- 4.2.4 Summary of Responses:
- Built in excess of 2.5m height (Permitted Development rights).
 - Potential to be used as a residential unit.

- The main dwelling has increased by almost 100% and at the time of the main dwelling extensions approval, TRDC was not aware of the intentions to build an outbuilding.
- Increased noise and privacy concerns as a result of the outbuilding.
- The outbuilding is tall and imposing on all direct neighbours.
- The applicant lists the outbuilding as a wooden shed on the block plan.
- The application is missing critical information including the height of building, the name of the applicant and the agent are being withheld from the applicant, and the application does not specify the proposed use class of this building.
- The grass verge outside has been trashed but cars and a white van and there is mud on the pavement.
- Overdevelopment.
- Overshadowing.
- Too close to the boundary.
- The outbuilding is inappropriate as there are substantial extensions to the original house already in progress.
- It is an eyesore.
- There is no reason for the outbuilding being there.
- The owners have boasted to others they want to make lots of money when they sell the property.
- The applicant should be made to pull the outbuilding down in case it is linked to the main house in the future.
- The outbuilding is not in-keeping with smaller neighbouring developments.
- It will result in increased occupancy.
- The rear garden has been raised by the applicant.
- A raised platform was built and the outbuilding has been placed on top of this.
- It has been done without planning permission.
- 2 entrances suggest it will be used as a dwelling.

Officer Comment:

- Plan number 190810 clearly indicates the dimensions of the outbuilding and its location within the rear of the application site.
- Concerns raised highlight a potential residential use of the outbuilding. This outbuilding would require further permission to be used as a residential building. This outbuilding is intended for the private use of the residents of the main dwelling.
- Concerns relating to the design and character and the impact on neighbours will be analysed as part of this application below.

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

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

6.2 The Three Rivers Local 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.

6.3 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.

6.4 The Development Management Policies Local Development Document (LDD) 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, Appendix 2, and Appendix 5.

6.5 The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policy CA2 and Appendices B and C. The site is within Character Area 7.

6.6 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 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'back land', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.1.3 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the 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. As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or to the general streetscene.
- 7.1.4 The Croxley Green Neighbourhood Plan (adopted December 2018) states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The application site is located within Area 7.
- "Area 7 is a large district and more homogenous than the rest of the parish with 1930s two storey semi-detached houses dominating in the southern part and extensive frontages, particularly Links Way"*
- 7.1.5 Given that the outbuilding is cited to the rear of the application site and not visible from the wider streetscene of Lewes Way, it is not considered to be harmful to the wider area and does not compromise the character or appearance of the Character Area.
- 7.1.6 The outbuilding does not meet the limitations set out within Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended) which states that development would not be permitted where the height would exceed 2.5m in the case of a buildings within 2m of the boundary of the curtilage of the dwelling house. The application outbuilding would exceed 2.5m by 0.4m at the front and 0.2m to the rear due to the nature of the mono-pitch roof form. Despite exceeding these guidelines in terms of height the footprint of the outbuilding would be acceptable under Permitted Development rights.

- 7.1.7 The outbuilding is located to the rear of the dwelling and is not visible from the wider streetscene of Lewes Way. Therefore it is not considered to have an adverse impact on the wider area or become a prominent feature within the wider street. The outbuilding does expand in width across a large proportion of the application site, however the footprint of the outbuilding does not appear excessive and a significant proportion of the rear garden is retained with approximately 217sqm. Additionally, the outbuilding has a mono-pitched flat roof with a maximum height of 2.9m reducing to 2.7m at the rear which would further reduce its prominence. The development therefore, does not appear overbearing within the application site itself.
- 7.1.8 It is also noted that there are a number of outbuildings of various sizes located within the immediate vicinity including both adjacent and both opposing rear neighbours. Furthermore, the outbuilding would appear subordinate to the host dwelling and is considered to be appropriate for an ancillary outbuilding.
- 7.1.9 In conclusion, it is not considered that the proposed development would result in any adverse impact on the host dwelling or wider area. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (2018).
- 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 of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document 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.
- 7.2.3 Fenestration within with the front elevation would face into the garden of the application dwelling and would not face towards any neighbouring dwelling. Fenestration to the rear would face the existing boundary treatment which is a close boarded fence and this would provide a screening to the degree that no unacceptable overlooking would occur from this position.
- 7.2.4 It is noted that the application site outbuilding would be greater in height than an outbuilding permitted under the General Permitted Development Order 2015 (as amended) by 0.4m at the front, falling to 0.2m at the rear. Whilst the proposal would exceed Permitted Development limitations, this only means that express planning permission is required. The building is not considered to be an excessive addition which would result in any adverse visual impact or harm to any neighbour. Furthermore, the proposed outbuilding is located to the rear of the application site and is sited a sufficient distance from all adjacent neighbouring dwellings (no.21 and 25 Lewes Way in addition to the closest opposing neighbours no.28 and 30 Hastings Way). The separation distance from the outbuilding and the habitable neighbouring spaces would ensure there is no harm by virtue of overshadowing or loss of light.
- 7.2.5 The proposed outbuilding is proposed to be ancillary for the use of the residents of the main dwelling and therefore there will be no increase in the number of visitors.
- 7.2.6 The development is not considered to result in any adverse impact upon neighbouring occupiers and is acceptable in accordance with Policies CP1 and C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) or the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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 amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The application site has begun to implement extensions granted under application 18/1680/FUL, these extensions will result in a 4 bedroom dwelling. Combining the extensions under this permission and the application outbuilding the site will retain a private amenity area of approximately 217sqm private amenity space. Given the indicative amenity space standard for a 4 bedroom dwelling is 104sqm, the rear private amenity would significantly exceed the standards and is therefore considered sufficient in size to adequately serve current and future occupiers of the dwelling following the proposed development.

7.4 Use of outbuilding

7.4.1 The outbuilding is proposed for ancillary purposes and is not intended for use as a separate residential or commercial unit. The applicant has confirmed it would be for ancillary use as a gym and for garden storage.

7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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.

7.5.3 The application has been submitted with a Biodiversity Checklist and this confirms no protected species would be impacted by the proposal

7.6 Trees and Landscaping

7.6.1 Policy DM6 states that proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.6.2 There are trees and vegetation within the rear garden however, these not protected by a tree preservation order and are not considered to be of high amenity value such that they would warrant any statutory protection.

8 Recommendation

8.1 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:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan); 190810

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM9 and DM13 and Appendices 2 and 5 of the

Development Management Policies (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (2018).

- C2 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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.

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.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.