

## PLANNING COMMITTEE - 14 NOVEMBER 2019

### PART I - DELEGATED

#### 7. **19/1823/FUL – Single storey rear extension at 62 KENILWORTH DRIVE, CROXLEY GREEN, WD3 3NW**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 20.11.2019

Ward: Durrants  
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted subject to conditions.

Reason for consideration by the Committee: The applicant is a TRDC Councillor

#### **1 Relevant Planning History**

- 1.1 96/0149: First floor side extension – Refused – 16.04.1996
- 1.2 96/0489: First floor side extension – Permitted – 20.08.1996
- 1.3 19/1404/PDE: Prior Approval: Single storey rear extension (depth 3.85 metres, maximum height 3 metres, maximum eaves height 3 metres) - Withdrawn

#### **2 Description of Application Site**

- 2.1 The application site is a semi-detached dwelling on the north side of Kenilworth Drive with a light yellow painted render and red brick exterior finish.
- 2.2 The street scene consists of other semi-detached dwellings of a similar size and appearance. The land along this part of Kenilworth Drive is of a relatively uniform level.
- 2.3 The application dwelling has a bay window to the western side of the front elevation at both ground and first floor level. The dwelling has a front porch with a pitched roof which is constructed in line with the front building line and which extends to include a garage and first floor extension. The application dwelling has a dark tiled hipped roof form.
- 2.4 To the side and rear of the dwelling is an existing stepped single storey extension. It has a maximum depth from the original rear building line of the dwelling of approximately 3.7m and a maximum full width of approximately 9.3m. The extension has a pitched roof with a maximum height of approximately 3.6m.
- 2.5 To the rear of the application site is a patio area abutting the rear of the application dwelling which leads down to an area laid to lawn. The boundary treatment to the rear consists of close boarded fencing approximately 1.7m high.
- 2.6 To the front of the dwelling is a hardstanding driveway with space for two cars. The boundary treatment with the neighbouring dwellings comprises of vegetation.
- 2.7 The attached neighbour to the west, No.64 Kenilworth Drive, has an existing single storey rear extension with a flat roof. The extension is of a similar height and depth to the existing rear extension of the application dwelling. This neighbouring dwelling has a dark tiled hipped roof form and has a similar front building line to the application dwelling.
- 2.8 The neighbouring dwelling to the east, No.60 Kenilworth Drive, is set approximately 1.2m forward in relation to the application dwelling and has an existing single storey full width rear extension with a flat roof.

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

- 3.1 This application seeks full planning permission for the construction of a single storey rear extension including alterations to the existing rear extension.
- 3.2 The existing rear extension roof form to the western flank would be altered from a pitched to flat roof to a maximum height of 3.3m with the installation of a roof lantern.
- 3.3 The proposed single storey rear infill extension to the eastern flank would project by 3.85m from the original rear elevation of the application dwelling to adjoin the existing single storey rear extension and would include a roof lantern. It would have a width of 3.2m and be set close to the common boundary with No. 60. It would have a flat roof with a maximum height of 3m and two rear windows and access door.
- 3.4 Bi-fold doors would be inserted into the rear elevation. No flank glazing is proposed. The roof lanterns would have a maximum heights of between 0.4m – 0.5m.
- 3.5 A revised block plan has been received, which indicates the extent of the rear extension to the neighbouring dwelling, No. 60 to the eastern flank.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

- 4.1.1 Croxley Green Parish Council: [No grounds for objection]
- 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
- 4.2.3 Site Notice: Posted – 07.10.2019 Expired – 28.10.2019
- 4.2.4 Summary of Responses: Not applicable.

#### **5 Reason for Delay**

- 5.1 [No delay]

#### **6 Relevant Planning Policy, Guidance and Legislation**

##### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In 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, DM6, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: 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 CA2 of the Croxley Green Neighbourhood Plan outlines that domestic extensions should seek to conserve and enhance the Character Areas through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.
- 7.1.3 Policy DM1 and Appendix 2 of the Development Management Policies document sets out that development should not have an impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly in regard to roof form, positioning and style of windows and doors, and

materials. The Design Criteria at Appendix 2 of the Development Management Policies document states that generally the maximum depth of single storey rear extensions to semi-detached dwelling should be 3.6m. The proposed extension would have a depth of 3.85m, which would not strictly comply with the guidance. However, it is not considered that it would adversely affect the appearance of the host dwelling or appear unduly prominent or incongruous within the street scene as it would be constructed to the rear of the host dwelling and therefore would not be visible from Kenilworth Drive.

- 7.1.4 The submitted plans detail alterations to the roof form of the existing rear extension to change from a shallow pitch to a flat roof with a maximum height of 3.3m which would include a roof lantern. The proposed infill extension would have flat roof form to match the alterations of the existing rear extension with a maximum height of 3m and would include a roof lantern. It is considered that the proposed rear extension would be subordinate to the main dwelling and would not adversely affect the character or appearance of the host dwelling.
- 7.1.5 The proposed fenestration and proposed roof lantern would not be readily visible from the street scene and therefore would not result in any adverse harm to the character of the street scene or the appearance of the application dwelling. To ensure that the development would be sympathetic to the appearance of the existing dwelling, a condition shall be added requiring the use of matching materials.
- 7.1.6 Therefore, it is considered that the proposal would not have a detrimental impact on the character or appearance of the host dwelling or area and therefore 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 and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (adopted December 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 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 Appendix 2 of the Development Management Policies advises that generally single storey rear extensions to semi-detached properties can have a maximum depth of 3.6m. The proposed extension would extend from the original rear elevation by 3.85m adjacent to the shared boundary at No.60 to the eastern flank. However, given that this adjacent neighbouring building line is set further back and that the proposed extension would only project to a depth of 1.7m from this neighbour's rear extension, the proposal is considered to be acceptable. It is considered that the proposed extension would not result in a loss of light or have an overbearing impact upon this neighbour.
- 7.2.3 The existing extension would still hold a depth of 3.85m on the shared boundary with the neighbour at No.64 to the western flank and as this depth is not proposed to change, no objections are raised in respect of any impact on No. 64. The proposed change from a pitch to a flat roof would reduce bulk. As such, it is considered that the proposal would not have an overbearing impact or result in any loss of light to this neighbour.
- 7.2.4 The proposed fenestration within the rear elevation of the proposed rear extension would overlook the application site and therefore would not facilitate any overlooking to any neighbouring dwellings. No flank glazing is proposed and therefore no overlooking would be facilitated to any neighbouring properties. The proposed roof lanterns are of a limited height and would be set into the rear flat roofs of the rear extensions and therefore would not give rise to any overlooking to any neighbouring dwellings.

7.2.5 In summary, the proposed development would be in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of Development Policies Local Development Document (adopted July 2013)

### 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.

7.3.2 Following the proposed development the application site would retain sufficient amenity space for future occupiers and as such would comply with Appendix 2 of the DMP LDD.

### 7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist and 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.

### 7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.5.2 The proposed development would not result in any harm or removal of any protected trees within the vicinity of the application site.

### 7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 The proposed development does not increase the number of bedrooms of the application dwelling and therefore the parking provision remains as existing. There is hardstanding for two vehicles to the frontage of the application site and it is therefore considered that the proposal is acceptable in terms of parking.

## 8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002A, 003, 004, 005, 006, 007, 008, 009

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) 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 and C of the Croxley Green Neighbourhood Plan (adopted December 2018).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, and texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013)

## 8.2 Informatives:

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

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

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