

## PLANNING COMMITTEE - 17 DECEMBER 2019

### PART I - DELEGATED

#### 11. 19/2151/RSP: Part Retrospective: Ground floor rear extension at 22 PEVENSEY WAY, CROXLEY GREEN, RICKMANSWORTH, WD3 3FX

Parish: Croxley Green Parish Council

Ward: Durrants

Expiry of Statutory Period: 02 January 2010

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 19/0269/COMP - Enforcement Enquiry: works not in accordance with approved plans - 19/0697/FUL. Case pending, subject to this application.
- 1.2 19/1559/DIS - Discharge of Condition 4 (Tree Protection) pursuant to planning permission 19/0697/FUL.
- 1.3 19/0697/FUL - Ground floor rear extension. Application permitted 11.06.2019.

#### 2 Description of Application Site

- 2.1 The application site comprises a two storey detached dwelling located on the eastern side of Pevensey Way, Croxley Green. Pevensey Way largely comprises of detached and semi-detached dwellings of a similar architectural design and style.
- 2.2 The application dwelling has a gable end roof and is finished in red brick. It has a two storey gable projection to the front and is characterised by a bay window at ground floor level. The dwelling is set back from the highway with a front garden laid to lawn. To the northern side of the frontage there is a driveway and garage.
- 2.3 To the rear, there is a two storey gable projection located centrally and a part-implemented single storey rear extension (subject to this application) located on the southern side.
- 2.4 Boundary treatment with adjacent neighbours consists of 1.8m close board fencing and some vegetation. The northern flank boundary adjoins the rear gardens of neighbours 26-32 Scarborough Drive. Towards the rear there are a number of protected trees (TPO346).

#### 3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for a ground floor rear extension.
- 3.2 A ground floor rear extension was approved under reference 19/0697/FUL. This application retains the principles of this approval, with no alterations to the size of the extension, however, introduces fenestration within the northern flank elevation of the approved ground floor extension.
- 3.3 The ground floor rear extension has a maximum depth of 3.6m from the rear elevation. It has a mono-pitched roof with a ridge height of 3.5m, falling to an eaves height of 2.4m. It extends in line with the southern flank of the main dwelling and is set in from the northern flank of the main dwelling by 3.8m. It has a width of 6.9m.

3.4 There is fenestration within all elevations. There are two roof lights within the rear roof slope. It is finished in red brick, matching the existing dwelling.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Croxley Green Parish Council: [Objection]

*Croxley Green Parish Council supports the concerns of No.30 Scarborough Drive re loss of privacy. If the officer is minded to approve the application then CGPC wish for it to be discussed by the TRDC Planning Committee.*

4.1.2 National Grid: No response.

4.1.3 Landscape Officer: [No objection].

*My comments are unchanged from previous applications, and I do not wish to raise any objections on arboricultural grounds.*

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

4.2.1 Number consulted: 11

4.2.2 No of responses received: 4 [Objections].

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

4.2.4 Summary of Responses:

- The addition of bi-fold doors to the side elevation (northern flank) have eroded the right to privacy and encourage overlooking.
- The bi-fold doors have a direct view into the living areas of Scarborough Drive neighbours.
- There are no other clearly glazed windows or doors to the side of 22 Pevensey Way facing Scarborough Drive.
- The works differ to the original plans.
- The plans indicate the extension area will be a habitable room and used often by residents.

#### **Officer Comment:**

- The impact upon neighbours is a material planning consideration and is fully assessed 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 Overview

7.1.1 Following a report concerning a breach of planning control an enforcement case was opened under reference 19/0269/COMP. After a visit to the site it was evident that fenestration had been introduced within the northern flank elevation of the ground floor extension which was not shown on the planning permission 19/0697/FUL. As a result the applicant was made aware of the breach and has submitted this application in an attempt to formalise the breach under section 73(A) which states that:

*...“on an application made to the local planning authority, the planning permission which may be granted includes planning permission for developer carried out before the date of the application.”*

## 7.2 Impact on Character and Street Scene

7.2.1 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'.

7.2.2 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 'backland', '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.)

7.2.3 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 in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or to the general streetscene. Further, single storey rear extensions to detached dwellings should generally not exceed a depth of 4m.

7.2.4 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”*

7.2.5 The character of the single storey rear extension was found to be acceptable under reference 19/0697/FUL and the case officer noted that:

*“The proposed rear extension would be located to the rear of the application dwelling and therefore would not be readily visible from public vantage points along Pevensey Way, as such it is not considered that the proposed rear extension would be excessively prominent and therefore would not result in an adverse impact to the character of the host dwelling or*

*the street scene. The proposed fenestration and rooflights would be located to the rear of the dwelling and therefore would not result in a detrimental impact on the streetscene.”*

- 7.2.6 This application introduces fenestration within the northern flank elevation. This fenestration is not visible from the streetscene nor readily visible from public vantage points and therefore, would not have an adverse effect on the character of the area.
- 7.3 In summary, the ground floor rear extension does not result in demonstrable harm to the character or appearance of the dwelling or area and is acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).
- 7.4 Impact on amenity of neighbours
- 7.4.1 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’.
- 7.4.2 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.
- 7.4.3 The size and extent of the single storey rear extension was previously found acceptable under 19/0697/FUL. However, this application introduces fenestration within the northern flank elevation, closest to neighbours 26-32 Scarborough Drive which has attracted objections. Thus, the impact of the introduction of the northern flank fenestration is outlined below.
- 7.4.4 Given that the fenestration is located within the northern flank elevation and neighbour No. 20 Pevensey Way is located to the southern side of the host dwelling, the introduction of the fenestration would not have an adverse impact on this neighbour.
- 7.4.5 Neighbour No. 26 Scarborough Drive is orientated away from the host dwelling and is screened by the existing garage such that the introduction of fenestration would not impact upon this neighbour in anyway.
- 7.4.6 The fenestration is oriented in the direction towards the rear of the northern neighbours, No. 28-32. Although facing these neighbours, the fenestration located within the northern flank of the single storey extension is set in from the shared boundary by approximately 4.7m. As such, the ground floor fenestration is sited approximately 20m from the rear elevation of these neighbours. Further, the fenestration is limited to a single storey height and has a height of 2.3m and width of 1.4m. The boundary treatment with these neighbours is approximately 1.8m close board fencing which would predominately screen the fenestration from the gardens and ground floor of these neighbours. Whilst the fenestration would be more prominent from first floor windows, given the separation distance between the extension and these neighbours, the limited width of the fenestration and the boundary treatment, it is not considered that unacceptable overlooking would occur towards these neighbours to justify the refusal of planning permission. It should also be noted that site visits were undertaken to the 30 and 32 Scarborough Drive during the application process to aid the assessment.
- 7.4.7 The development is not considered to result in any adverse impact upon the amenity of 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).
- 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 Parking

- 7.7 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.8 No new bedrooms are proposed and as such, there is no change in the existing parking circumstances.

## 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 condition:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan); 2012.1; 2012.2 REV C

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).

## 8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard

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

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

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

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.