

PLANNING COMMITTEE - 17 DECEMBER 2019

PART I - DELEGATED

5. **19/1880/RSP- Detached timber outbuilding to rear of 143 NEW ROAD, CROXLEY GREEN WD3 3EN (DCES)**

Parish: Croxley Green Parish Council

Ward: Durrants

Expiry of Statutory Period: 03 December 2019

Case Officer: Katy Brackenboro

Recommendation: That Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: Call in by Croxley Green Parish Council.

1 Relevant Planning History

- 1.1 05/1387/FUL – Change of use of office to residential flat with alterations to front elevation. Permitted. 01.12.2005. Implemented.
- 1.2 13/1565/FUL - Change of use from Class A1 (retail) to Class D2 for use as a pilates, yoga and meditation studio. Permitted. 29.10.2013. Implemented.

2 Description of Application Site

- 2.1 The application site is a pilates, yoga and meditation studio (D2 use) on the ground floor level of a two storey building on the north side of New Road, Croxley Green within a small parade of shops. The commercial unit is located at No. 143 New Road. At first floor level is a residential flat which is located at No. 145 New Road.
- 2.2 The front elevation of the application unit at ground floor level is mostly glazed, and to the side of the unit are solid wooden gates providing access to the rear of the application site and to the first floor residential accommodation. At first floor, the front elevation is finished in red and yellow brick.
- 2.3 To the front of the application unit is hardstanding with space for two vehicles. To the rear is an amenity space which is shared between the residential unit at first floor and the commercial unit at ground floor level.
- 2.4 To the west of the application unit is James Estate Agent which also has first floor level residential accommodation, and to the east are two storey terraced residential dwellings at No. 147-157 New Road. To the north of the application site are the residential properties at Green Court which consist of two bedroom flats.
- 2.5 To the rear of the application site, accessed by a side gate, is the detached timber outbuilding subject of this application. The remainder of the rear courtyard is paved and close boarded fencing approximately 1m high marks the northern, western and eastern boundaries of the application site.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for a detached timber outbuilding. The submitted plans confirmed it is to be used as a storage for yoga equipment in relation to the D2 use on the ground floor level of the unit at No. 143 New Road and the agent has confirmed this by email.
- 3.2 The outbuilding has been constructed to the rear of the application site at No. 143 New Road and is constructed of timber. It is sited 0.6m from the eastern boundary, 4.4m from the western boundary and 0.7m from the northern boundary. It has a width of 4.2m and

depth of 3.2m. It contains fenestration within the southern and western flanks. The roof is pitched with a maximum height of 2.6m and eaves height of 2.3m and made of felt.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

Croxley Green Parish Council object for the following reasons:

-Loss of privacy to neighbouring properties

-Apparent overdevelopment of the site and proximity to boundary

-Misleading plans showing a different use (D2) than is illustrated on the plans as storage

-We are aware that it is already in use as an exercise studio which results in loud and excessive noise to neighbouring properties.

-If the officer is minded to approve the application then CGPC would like the application to be considered by the TRDC Planning Committee.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted:14

4.2.2 No of responses received: 1

4.2.3 Summary of responses

- The outbuilding would result in overlooking and loss of privacy.
- Rear outbuilding is disproportionate to area of the rear amenity space.
- Outbuilding sited too close to common boundary

4.2.4 Site Notice: Posted 10/10/2019 and expired on 31/10/2019

4.2.5 Press notice: Not required.

5 Reason for Delay

5.1 Committee Cycle.

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 PSP2, CP1, CP6, 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 DM6, DM9, DM12, DM13 and Appendices 4 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1 and the site is within Character Area 3.

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 Principle of Development

7.1.1 The outbuilding provides storage for the commercial unit on the ground floor and is not an extension to the unit's commercial floorspace. It would provide ancillary facilities for the commercial business to store equipment.

7.1.2 The applicant has clarified that the existing use of the garden is shared between the commercial unit on the ground floor and the residential unit on the first floor. The rear amenity space would continue to be used by both the residential premises and the commercial unit. The principle of the development is dependent on the impact of the proposal on the character of the area, and the amenities of the neighbouring residential properties.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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.

- 7.2.2 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 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'. 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 site is located within Character Area 3.
- 7.2.3 The outbuilding is located towards the rear courtyard of the application building and therefore is not widely visible from public vantage points or streetscene. It is considered that the scale of the building respects the context of the site and does not result in overdevelopment causing demonstrable harm to the open character and appearance of the site.
- 7.2.4 Glazing to the southern and western flanks is not considered excessive and is in keeping with a building of its size.
- 7.2.5 The building is finished in timber. It is considered that the use of timber softens the appearance of the building within its surroundings and would minimise any harm to the character and appearance of the area.
- 7.2.6 In summary, it is considered that the development does not result in any demonstrable harm to the visual amenities of the street scene or character and appearance of the area. The proposal is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and the Croxley Green Neighbourhood Plan.
- 7.3 Impact on amenity of neighbours
- 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'.
- 7.3.2 The outbuilding is located to the rear of the application site with its primary elevation facing towards the rear elevation of the application building, which contains a residential unit on the first floor and Pilate's studio at ground floor.
- 7.3.3 The outbuilding is set off the shared boundary 0.6m from neighbour at No. 147 New Road, 4.4m from No.141 New Road and 0.6m from the neighbours to the rear at Green Court. Given the scale and roof form of the outbuilding it is not considered it has an overbearing impact or results in a loss of light given its single storey nature. As such it does not result in any adverse harm to any neighbouring dwellings.
- 7.3.4 As noted in the report accompanying planning permission 05/1387/FUL a rear amenity space of approximately 64sqm is shared between the ground floor commercial unit and residential flat above (No. 145). Planning permission 05/1387/FUL granted approval for the residential flat to access the rear amenity space with 42sqm available for the use of the residential flat on the first floor. With the outbuilding in situ there remains 42sqm available for use of the first floor flat. This does not result in a reduction of amenity space for the first floor flat at No. 145. Whilst this represents a shortfall with regarding the indicative amenity levels for a 1 bedroom flat in the current local plan, it represents the same area of amenity space as approved under 05/1387/FUL and reflects the level of amenity space of other flats within the vicinity and therefore is considered acceptable.
- 7.3.5 The outbuilding would result in an intensification in the use of the rear courtyard area by reason of the number of people on the site. The applicant has confirmed that the outbuilding would be used for storing equipment for the commercial unit. Given the limited size of the courtyard area it is not considered that a large number of people would be able to use the

area. The equipment would be carried from the commercial unit to the outbuilding for classes and intensive access to the outbuilding would therefore not be constant.

- 7.3.6 Given the separation distance from neighbouring properties it is not considered that the use of the outbuilding for storage purposes would result in harm to the residential amenities of nearby properties. A condition shall be added to any grant of permission that the outbuilding shall only be used for storage.
- 7.3.7 The concerns raised by a neighbour regarding overlooking are acknowledged. Fenestration is included within the south and western elevations of the outbuilding. The fenestration within the southern flank faces towards the application site's rear courtyard. The window to the western flank of the outbuilding face the flank boundary fence of the site, beyond which is No. 141-143. The fenestration and doors within the proposed building all contain obscure glass. Given the boundary treatment of 1.5m high close boarded fencing, the positing of the fenestration and the single storey nature of the building which would be used for storage purposes only, it is considered that that the outbuilding does not result in any harm to the visual amenities of any neighbouring dwelling and does not result in any overlooking to any neighbouring building.
- 7.3.8 In summary, subject to conditions, the detached outbuilding does not result in any adverse impact on the residential amenity of any neighbouring dwellings and the development is considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy(adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013). .

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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.4.2 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 Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the DMP 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 application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value have been harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.
- 7.6.2 The outbuilding does not result in any additional bedrooms and the parking provision of the site is not altered. It is therefore considered that there is adequate parking provision to serve the development. The outbuilding is used for storage only and does not change the use or nature of the primary commercial unit. It is noted that there is car park to the north of the application site accessed via Community Way, which provide additional parking availability and transport for clients of the commercial business.
- 7.6.3 The proposal does not increase vehicular movements on the adjacent highway and does not have a detrimental impact on the highway safety.
- 7.6.4 Therefore, given the ancillary nature of the outbuilding, its nature and access to transport links the outbuilding does not result in demonstrable harm to highway safety and complies with Appendix 5 of the Development Management Policies LDD (adopted July 2013).

8 Recommendation

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

- C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: 1.1/2.1/3.1.

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 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, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C2 The detached outbuilding hereby permitted shall not be occupied or used for any other use other than storage in connection with the ground floor commercial unit (Use Class D2) at No. 143 New Road.

Reason: The creation and use of a separate and independent unit or related use 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).

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 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.