

PLANNING COMMITTEE - 23 JANUARY 2020

PART I - DELEGATED

11. 19/2355/FUL – Two storey side and rear extension, internal alterations and alterations to fenestration at 10 THE CLOISTERS, RICKMANSWORTH, WD3 1HL (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 31 January 2020

Ward: Rickmansworth Town
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is related to a Councillor.

1 Relevant Planning History

- 1.1 1999/01960/FUL - Two storey side extension. Permitted. 12.10.1999. Implemented.

2 Description of Application Site

- 2.1 The application dwelling is a semi-detached dwelling located on the northern side of the southern arm of The Cloisters. The application site falls within the Rickmansworth Town Centre Conservation Area. The Cloisters is a residential road within a varied streetscene of detached, semi-detached and terraced dwellings, some of which have been extended and altered. There are flatted developments where the road adjoins the High Street to the east.
- 2.2 The application dwelling is finished in pebbledash and has a dark tiled hipped roof form. It has implemented a two storey side extension and single storey rear extension and has a porch and original bay window to the front elevation which spans both the ground and first floor.
- 2.3 The application dwelling is set back from the highway by approximately 6m. To the front of the application site is a driveway which provides parking for three vehicles. The front boundary is marked by a low brick wall.
- 2.4 To the rear is a patio area which abuts the rear elevation of the host dwelling and which leads to a rear amenity space which is predominantly laid to lawn. There is a shed located close to the common boundary with No. 12.
- 2.5 The adjoining semi-detached property to the east at No.8 is of a similar architectural style and design to the application dwelling and has been extended in the past. It is located on a similar land level and front building line in relation to the application dwelling. It has a pitched roof single storey rear projection which is set in from the common boundary with the application dwelling. This boundary is marked by close boarded fencing and trellis approximately 1.5m high.
- 2.6 The neighbouring detached property to the west at No. 12 The Cloisters is set on a similar building line and land level in relation to the application dwelling. The shared boundary with the application site is marked by close boarded fencing.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for a two storey side and rear extension, internal alterations and alterations to fenestration.
- 3.2 The proposed two storey side and rear extension would infill the current recessed element closest to No. 12, essentially squaring off the original rear elevation at ground and first floor level. It would have a width of 3.4m and depth of 3.2m. The proposed side element would

be constructed in line with the western flank of the existing dwelling and as such would be set in by 1m from the common boundary with No. 12. It would adjoin the existing two storey side extension and single storey rear extension. The existing ridge of the main roof would be continued and would retain a hipped roof form, hipped away from the western flank boundary.

- 3.3 Fenestration would be inserted into the western flank at ground floor to serve the utility room. Rear facing fenestration is proposed at first floor to serve the additional bedroom. An additional window is also proposed within the western flank of the existing dwelling at first floor to serve the bathroom.
- 3.4 The existing single storey rear extension would be retained, however, the internal layout would be altered and externally bi-folding doors are proposed to the rear elevation with 2 rooflights to be inserted in the rear roofslope.
- 3.5 The extension would be finished in pebbledash render and plain roof tiles to match the existing dwelling.
- 3.6 The existing windows would be replaced with white upvc windows which would match the existing. The white timber front entrance door would be replaced with a grey aluminium frame glazed door and white upvc garage door is also proposed.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Batchworth Community Council: No response received.
- 4.1.2 Conservation Officer: [No objection]

The application is for a proposed two storey side and rear extension, internal alterations and alterations to fenestration. The property is located within the Rickmansworth Conservation Area. The Cloisters is an attractive development of c.1930s predominantly semi-detached dwellings. The proposed extensions include the raising of the ridge height of the existing side extension in line with the main ridge. The same has been done at no.8 (the other half of the semi-detached pair) and so the symmetry of the two buildings will be reinstated. The rear extension infills a corner, rationalising the slightly awkward arrangement between the single storey rear lean-to and the rear wall of the house.

The proposals raise no objections as they are not considered to detract from the character or appearance of the conservation area, nor do they harm its significance.

- 4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted:14
- 4.2.2 No of responses received: 6
- 4.2.3 Summary of responses: 0
- 4.2.4 Site Notice: Posted 16/12/2019 and expired on 09/01/2020.
- 4.2.5 Press notice: Published 20/12/2019 and expired on 13/01/2020

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 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, DM3, DM6, DM12 and Appendices 2 and 5.

Rickmansworth Conservation Area Appraisal and Character Assessment (1993) is also relevant to this application.

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 Design and Impact on Streetscene and the Character and Appearance of Conservation Area.

- 7.1.1 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' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. Two storey side extensions should generally be set 1.2 metres from the flank boundary to prevent terracing, although in high density areas 1 metre may be considered.
- 7.1.3 As the site is located within the Rickmansworth Town Centre Conservation Area, Policy DM3 of the Development Management Policies document is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.1.4 The proposed two storey side extension would adjoin the rear of the existing two storey side extension and would have a maximum width of 3.4m and would be built to infill the area between the existing single storey rear extension and two storey side extension. It would be constructed in line with the western flank of the existing dwelling and would be set in 1m from the common boundary with No.12 The Cloisters. Whilst this would not comply with the Design Guidelines of the Development Management Policies document which advises that 1.2m spacing is generally required, it is not considered that it would result in a terracing effect and would maintain spacing appropriate to the area given that it would be sited to the rear of an existing extension and would be no closer to the flank boundary. The bulk of the roof would be increase to follow the original ridge line, however, it would remain hipped way from the western site boundary and it would create a sense of balance as the adjoining semi-detached property has a similar two-storey side extension which is not set down from the ridge.
- 7.1.5 The Council's Conservation Officer was consulted during the course of the application and raises no objection to the scheme noting that the extension would raise the ridge line of the side extension in line within the existing main ridge adding symmetry to the semi-detached pair. As such the proposed extension would not detract from the character and appearance of the host dwelling or wider Conservation Area.
- 7.1.6 The alterations to the existing single storey rear extension would not be visible from the street scene and would not adversely affect the Conservation Area.
- 7.1.7 Alterations are proposed to the windows, the front door and exiting garage door. These alterations would be readily visible from the streetscene and wider Conservation Area. Whilst the alterations to the windows to white upvc would alter the character and appearance of the host dwelling, there are a number of examples of similar windows in the street and it is not considered that they would result in harm to the host dwelling or the wider Conservation Area. Furthermore, there is no Article 4 direction restricting permitted development rights for the insertion/replacement of windows. The scale and design of the window, whilst altering the character and appearance of the host dwelling would not have a detrimental impact on the host dwelling or wider Conservation Area and are considered acceptable.
- 7.1.8 Subject to a condition on any planning permission requiring the extensions to be finished in materials to match the existing dwelling, it is not considered that the proposed development would result in any adverse impact on the character or appearance of the host dwelling, street scene or Conservation Area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Rickmansworth Conservation Area Appraisal and Character Assessment (1993).

7.2 Impact on 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 two storey rear/side extension would extend from the western flank of the dwelling, with the development closest to the neighbour to west, No.12 The Cloisters. The proposed two storey side/rear extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour at No. 12. In addition, the proposed two storey extension would be constructed in line with the western flank. Given the relationship with this neighbour and that it is set on a similar building line to the proposed development, it is not considered that the extension would have an adverse impact on this neighbour in terms of overshadowing or loss of light. Whilst the roof bulk would increase, it would be hipped away from the neighbour and therefore it is not considered that this element would result in demonstrable harm to the neighbour at No. 12. The new window to the rear would not facilitate increased opportunities for overlooking. A first floor flank window is proposed to serve the existing bathroom, however, this can be conditioned to be obscure glazed and top opening to prevent overlooking.
- 7.2.3 The extension would not project beyond the existing rear wall so there would be no impact on No. 8 to the east or on properties to the rear.
- 7.2.4 No alterations to the scale of the existing single storey rear extension are proposed and the new fenestration at ground floor level would not facilitate overlooking. The rooflights would be in the plane of the single storey roofslope and would not facilitate overlooking.
- 7.2.5 In summary, subject to conditions, the proposed development would not result in any 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 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. Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all residential developments.
- 7.3.2 It is noted that the proposal would create a 5 bedroom property. The application dwelling would retain approximately 195sqm of rear amenity which would exceed the amenity space standards and therefore this application is acceptable in this regard.

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 located within a Conservation Area, however, no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be 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 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Policy DM13 and Appendix 5 of the Development Management Policies document set out Parking Standards. The Parking Standards require 3 parking spaces for properties with 4 or more bedrooms.

7.6.2 The proposal sees the number of bedrooms increase from four to five and therefore the site would continue to require 3 off street car parking spaces. No alterations are proposed to the existing driveway which can accommodate 3 vehicles in addition to the integral garage. Therefore the proposal would comply with the parking standards in this regard and is considered acceptable.

8 **Recommendation**

8.1 That subject to no new material considerations being raised, 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: 1837-101, 1837-102, 1837-103, 1837-201, 1837- 202, 1837-203, 1837-204, 1837-301, 1837-302, 1837-401 and 1837-402.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Town Conservation Area Appraisal and Character Assessment (1993).

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, 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).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed at first floor level or above in the flank elevations or roof slopes of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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).

- C5 Before the first occupation of the extension hereby permitted the window(s) in the first floor western flank shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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).

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.

- 12 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.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).