

PLANNING COMMITTEE – 25 JUNE 2020

PART I - DELEGATED

8. **20/0889/FUL – Erection of front gates and alterations to existing driveway at MAPESBURY, SANDY LANE, NORTHWOOD, HA6 3HA**

Parish: Batchworth Community Council
Expiry of Statutory Period: 06.07.2020

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor lives within the neighbour consultation area.

1 Relevant Planning and Enforcement History

- 1.1 19/1677/RSP - Retrospective: Addition of obscure glazed window to bathroom and doors to undercroft storage in flank elevation. - 22.10.2019 - Permitted
- 1.2 18/0534/FUL - Construction of single storey front extensions and two storey rear extension - 11.05.2018 – Permitted, implemented
- 1.3 8/4/78 - Two storey side extension and porch (Amended scheme) - 20.01.1978 – Permitted
- 1.4 8/519/77 - Two storey side extension - 13.09.1977 – Permitted

2 Description of Application Site

- 2.1 The application site comprises a two-storey, detached dwelling on the south-western side of Sandy Lane, Northwood. The application dwelling is set back from the public highway by approximately 35m.
- 2.2 The application dwelling has dark tiled hipped roof forms with front gable end features. The exterior of the dwelling is white painted with dark wooden beam features in a Tudor revival style. The extensions permitted under 18/0534/FUL have been substantially carried out to the dwelling.
- 2.3 To the front of the dwelling is a soft landscaped front garden and a gravel driveway. There is a row of mature trees abutting the front site boundary which largely obscures views of the application dwelling from the public highway.
- 2.4 The neighbouring dwellings are largely positioned on the same building line on this part of Sandy Lane. The neighbour to the south-east at Milverton Lodge is of similar scale and architectural style and finish to the application dwelling. The neighbour to the north-west at Lathom Lodge is of similar scale to the application dwelling however differs in architectural style and finish.
- 2.5 The streetscene along this part of Sandy Lane can be characterised by detached dwellings of varied style, set back from the public highway.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the erection of front gates and alterations to the existing driveway.
- 3.2 The front gates would consist of black painted iron railed gates which would be supported by a brick wall and pillars. There would be two pillars abutting the public highway which would have a maximum height of 1.45m and 1.325m. There would be two taller pillars set

back some 5.0m from the public highway which would have a maximum overall height of 1.9m, supporting a set of iron railed gates which would have a maximum overall height of 1.95m. There would be brick walls connecting the two sets of piers which would have a maximum overall height of 1.45m

- 3.3 Amended plans were received during the course of the application which reduced the overall height of the brick pillars, supporting the gates, by 0.2m.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Hertfordshire Highways: [No objection]

"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Provision of Visibility Splays – Dimensioned in Condition

Prior to the first occupation of the development hereby permitted a visibility splay measuring 4.5 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAY INFORMATIVES:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-andpavements/changes-to-your-road/extent-of-highways.aspx.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roadsand-pavements.aspx> or by telephoning 0300 1234047.

AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS:

The proposals are for the erection of front gates and alterations to existing driveway at Mapesbury, Sandy Lane, Northwood. Drawings of the existing and proposed site have been provided.

ACCESS ARRANGEMENTS:

The site has existing access from Sandy Lane, which is a principal "A" main distributor road with a speed limit of 40mph and is highway maintainable at public expense.

The proposals include adding a gate and wall feature at the access, which does not involve any work on the highway. The height of the wall is over a metre, and therefore could potentially obstruct the vehicle to vehicle visibility of the access. Visibility splays should be provided which demonstrate a visibility splay measuring 4.5 x 43 metres each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway, as mentioned in the above condition.

PARKING AND MANOEUVRABILITY:

At present there is a gravel forecourt / driveway at the site. The proposals involve changing this to a new concrete block paved area of the same size. The proposals identify parking spaces for three vehicles which is acceptable to HCC. The applicant is reminded that Three Rivers District Council are the parking authority for the district and therefore must ultimately be satisfied with the proposed changes to parking at the site.

CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway. Therefore, HCC has no objections on highway grounds to the application, subject to the above condition..”

4.1.3 Batchworth Community Council: [No comment]

“Batchworth Community Council has no comment to make on this application.”

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 3

4.2.2 Responses received: 0

4.2.3 Site Notice posted: 18.05.2020, expiry date: 09.06.2020

4.2.4 Press notice not required

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 February 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 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, DM9, DM13 and Appendices 2 and 5.

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 Appearance

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 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.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area.

7.2 The immediate area contains a variety of boundary treatments ranging from hedging, metal railings and brick walls. The higher brick pillars and gates, at some 1.9m in height, would be set back from the pavement edge by approximately 5m thereby reducing their visual prominence. The brick piers abutting the public highway would be shorter in height at up to 1.5m and are not considered to be visually prominent in the context of the streetscene. The proposed gates themselves would be metal railings which would allow views through and as such would retain a relatively open appearance to the site frontage. Given the examples of entrance gates and walls within the vicinity, it is not considered that the proposed development would result in any harm to the character and appearance of the street scene and as such would be acceptable. The new paved entranceway is not considered to have an unacceptable impact on the streetscene.

7.2.1 In summary it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal 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 document.

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'. 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.

7.3.2 Given the scale and nature of the proposed development, it is not considered that any impact would arise to neighbours in terms of a loss of light, an overbearing impact or overlooking.

7.3.3 The proposed 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.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The proposed development is for new entrance gates and alterations to the existing driveway as such Hertfordshire Highways were consulted on the proposed development who raised no objection subject to the inclusion of a condition for visibility splays to maintain unobstructed either side of the access. Visibility splays have been indicated on the proposed drawings and a condition will be included to ensure that they are maintained.

7.4.3 The site would retain a driveway large enough to accommodate at least three cars, in line with the Council's adopted parking standards for a dwelling of this size.

7.5 Rear Garden Amenity Space

7.5.1 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.

7.5.2 The dwelling would retain a garden of approximately 1,300sqm and the proposed development does not impact on the rear amenity space.

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies 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.

7.6.2 The proposed development would not require the removal of any trees. The proposed wall would partially replace an existing wall at the entrance way to the application dwelling. There is an embankment either side of the entrance which does contain some relatively large Oak trees. Given that the new wall and piers would replace an existing wall and the existing verge is raised above the driveway level, it is not considered that the proposal would result in any significant harm to trees that would result in refusal of permission. The proposed development is therefore considered to be acceptable in this regard.

7.7 Biodiversity

7.7.1 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.

7.7.2 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.

8 Recommendation

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

8.2 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: TRDC0001 (Location Plan), PLG/M/01 Rev D

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

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and Materials Schedule and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area 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 Prior to the first occupation of the development hereby permitted a visibility splay measuring 4.5 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

8.3 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) - 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 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-andpavements/changes-to-your-road/extent-of-highways.aspx.
- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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