

PLANNING COMMITTEE – 15 OCTOBER 2020

PART I - DELEGATED

6. **20/1326/FUL –Two storey side extension at THE WORKSHOP, 17A HERONSGATE ROAD, CHORLEYWOOD, WD3 5BN.**

Parish: Chorleywood

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 02 September 2020

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Called-in by Chorleywood Parish Council

1 Relevant Planning and Enforcement History

- 1.1 20/1542/CLED - Certificate of Lawfulness Existing Use: Use of building as an independent dwelling. Granted on 24.09.2020.
- 1.2 20/0780/CLED - Certificate of Lawfulness Existing Use: Use of building as an independent residential dwelling. Withdrawn on 18.06.2020.
- 1.3 12/0208/COMP- Enforcement enquiry: Alleged unauthorised use of building as residential dwelling Closed. 16.10.2012.

2 Description of Application Site

- 2.1 The application site is located on the west side of a private road (also a Public Right of Way) which runs south to north off Heronsgate Road. The site is irregular in shape and supports a single storey pitched roof building in residential use which physically adjoins to No.16 Heronsgate Road (Old Stocks).
- 2.2 The application site comprises a carriage driveway and an access to a shared driveway with No.17 Heronsgate Road which provides parking for one car. The frontage of the application site is hard surfaced and is used as front amenity space which serves the host dwelling (excluding the space shared with No.17).
- 2.3 The host dwelling has a dark tiled gabled roof form and is finished in yellow brick. It has accommodation within the roof served by rooflights and a single storey side extension exists with a shallow roof, set back from the principal elevation which provides another entrance to the host dwelling.
- 2.4 The land level along the Public Right of Way and the application site reduces significantly from Heronsgate Road. There are neighbouring dwellings to the east of the Public Right of Way fronting Lawford Close which are also sited on a lower land level in relation to the host dwelling.
- 2.5 To the north of the host dwelling is No.17 Heronsgate Road, which is a detached property set on a lower land level in relation to the host dwelling. There is an open shared boundary between the two sites with a shared driveway accessing this neighbouring property and the host dwelling.
- 2.6 The neighbouring dwelling to the north-west at No.16 adjoins the application dwelling and is sited on a similar land level to the host dwelling. There is an open common boundary. Rickwood Cars is a car sales dealership to the south of the dwelling at Springwood Cottage, Heronsgate Road.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the erection of a two storey side extension. It would comprise a reception room and stairwell at ground floor level and an additional bedroom at first floor level.
- 3.2 To facilitate the new extension the existing single storey side extension to the north-eastern flank of the host dwelling would be demolished. The proposed two storey side extension would extend from the north-eastern flank of the host dwelling with a width of 2.8m and depth of 5.5m to be constructed in line with the existing front and rear elevations. The extension would have a gabled roof form with a maximum height of 4.6m to match the existing ridge height of the host dwelling. It would be constructed out of brickwork and roof tiles to appear similar to the host dwelling.
- 3.3 A rooflight would be inserted into the front roofslope of the proposed side extension while bi-folding doors would be inserted into the front elevation of the proposed side extension. Submitted drawings details that the proposal would be constructed in materials to match the host dwelling.
- 3.4 An additional rooflight would be inserted into the front roofslope of the existing host dwelling to serve the accommodation in the roof.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

“The Committee have Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.

- Inadequate vehicle access

- It would be a contrived form of development

- Should the application be approved, a condition must be placed on this development to ensure it is not to be used as a separate dwelling.

- Concerns that this property has previously been and is part of No.16 Heronsgate Road and it is not an independent dwelling.”

Officer comment: Following the grant of a Lawful Development Certificate 20/1542/CLED the Council has lawfully confirmed the planning status of The Workshop as an independent dwellinghouse. Please refer to paragraph 7.2 for more details.

- 4.1.2 Hertfordshire County Council Footpath Section: [No comments received. Any comments received will be verbally updated at the Committee meeting]
- 4.1.3 National Grid: [No comments received. Any comments received will be verbally updated at the Committee meeting]

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 5
- 4.2.2 No of responses received: 0
- 4.2.3 Site Notice: published 21.07.2020 expired 11.08.2020.
- 4.2.4 Press notice: published 17.07.2020 expired 07.08.2020.

5 Reason for Delay

5.1 [Determination of 20/1542/CLED]

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

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 Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer. However, during the course of the

application photographs were submitted by the applicant which show clearly the relationship of the host dwelling and neighbouring properties and a previous site visit was undertaken for a previous pre-application on 4th February 2020 by the Case Officer. Other platforms such as Google Maps and Google Street View were also used to aid the Officer's assessment. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

7.2 Overview

7.2.1 Following the grant of the Lawful Development Certificate 20/1542/CLED, the Council accepted that The Workshop had been used for a continuous period of four years meaning that the time for taking enforcement action had expired. This view was based on the evidence submitted by the applicant and from the information collated and obtained by the Council. It was concluded that the evidence in its totality demonstrated on a balance of probability that the use of The Workshop (No.17a Heronsgate Road) has been used for independent residential purposes (and not connected to No.16 Heronsgate Road) in excess of four years and as such the use is lawful in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

7.3 Impact on Character and Street Scene

7.3.1 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'.

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.3.3 Appendix 2 of the Development Management Policies LDD advises that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality; two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. Furthermore, the Design Criteria aims to prevent a terracing effect in the streetscene and maintain appropriate spacing in the locality.

7.3.4 The concerns raised by the Parish Council regarding the contrived nature of the proposal are noted. However, the proposed two storey side extension would simply provide a continuation of the existing building by being built flush with the existing front and rear elevations and level with the existing ridge height, constructed in matching materials. Whilst the extension would result in additional floor space, it would be set in from the common boundary with No.17 Heronsgate Road by approximately 8.4m which would not exceed the guideline figure within Appendix 2 and thus adequate spacing would be maintained between the host dwelling and the neighbouring dwelling at No.17 Heronsgate Road. As such, no terracing effect would occur.

7.3.5 In terms of the relationship with No.16 Heronsgate Road, this would be maintained as per the existing situation with the extension being built within the footprint of the existing house

and being physically attached to No.16. Given the existing physical attachment to the neighbouring property, there would be no material change as a result of this proposal.

- 7.3.6 The proposed two storey side extension would not be readily visible from Heronsgate Road due to the existing built form in-between, however it would be readily visible from the Public Right of Way/private road. Whilst the two storey side extension would be visible, it would be built in line with the existing flanks of the host dwelling and therefore would integrate well with the existing house. As such, it would not have an overbearing impact to pedestrians or appear unduly prominent from the streetscene perspective. The proposal would provide accommodation within the roof and the proposed gabled roof form would be in keeping with the design of the host dwelling and would not appear prominent from public vantage points along the Public Right of Way.
- 7.3.7 As such, subject to conditions, the proposed two storey side extension would not result in demonstrable harm to the character or appearance of the host dwelling, street scene or wider area and would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Impact on amenity of neighbours
- 7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.4.2 The proposed two storey side extension would be sited towards the north-eastern part of the site. The neighbouring dwelling at No.17 Heronsgate Road is set at a distance of 20m from the proposed side extension. Whilst it is noted that No.17 Heronsgate Road is located on a lower land level, the ample spacing between the dwellings would reduce any impact to this neighbouring property and no loss of light or outlook is considered to occur.
- 7.4.3 Due to the relationship between the host dwelling and No.16 Heronsgate Road it is necessary to consider the Design Criteria at Appendix 2 which states that 3.6m is the depth generally considered acceptable for rear extensions to semi-detached properties, although this should be reduced if the extension would adversely affect adjoining properties or be unduly prominent. The proposed side extension would be physically attached to the neighbouring dwelling at No.16 and would project beyond the rear elevation of No.16 as such the guidelines for rear extensions apply. The proposed extension would have an overall depth of 2.8m adjacent to No.16 projecting 0.8m beyond the rear elevation of this neighbouring dwelling, which would comply with the guideline figure for semi-detached dwellings as set out in the Design Criteria of the Development Management Policies LDD. As such it is not considered that it would result in a loss of light or overbearing impact to No.16. The side extension would have an eaves height of 2.8m increasing to a ridge height of 4.6m along the common boundary. Whilst this is relatively high, it is not considered that it would result in any harm to the neighbouring dwelling at No.16 in terms of overbearing impact or loss of light.
- 7.4.4 The proposed side extension would include fenestration at ground floor level and rooflights serving the first floor accommodation. It is considered that the proposed fenestration would overlook the front amenity space of the site with the rooflight overlooking the private road and the front of properties on Lawford Avenue which are not private spaces. As such, the new fenestration detailing would not give rise in any unacceptable overlooking to any neighbouring dwellings.
- 7.4.5 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.

7.5 Proposed Use

7.5.1 From the layout of the extension it is recognised that a further independent dwelling could be created as it is served by a separate front door and a stairwell to first floor accommodation which is separate from the existing house. The submitted plans indicate a clear internal link at ground level with the proposed extension. If granted, the applicant would be required to build the extensions in accordance with the approved plans which includes the creation of the ground floor opening. Nevertheless, a condition has been recommended in any event to ensure control over its use.

7.6 Amenity Space Provision for future occupants

7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The proposal would result in 2 bedrooms and the existing site has no rear amenity space. Appendix 2 of the Development Management Policies sets out that a 2 bedroom dwelling should provide 65 sqm of private, usable amenity space.

7.6.2 It is noted that there is 60sqm of amenity space to the front of the application site, this excludes the shared space to the north with No.17 Heronsgate Road.

7.6.3 This would therefore represent a very minimal shortfall of 5sqm. However, given the constraints of the site there is no ability to increase this amount further given the location of the proposed extension is predominately taken by an existing extension. The limited shortfall is not considered to be detrimental to the living conditions of the occupants and the space is more than sufficient to provide a practicable and useable outside space.

7.6.4 Whilst this space could be limited by parking, it is acknowledged that a shared parking area exists to the immediate north of the house.

7.7 Wildlife and 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.

7.7.2 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.

7.7.3 The application has been submitted with a Biodiversity Checklist which stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. However, given that the works would affect the roof space, an informative on any consent would advise the applicant of what to do should bats be discovered during the course of development.

7.8 Trees and Landscaping

- 7.8.1 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.
- 7.8.2 There are no trees within or adjacent to the application site which would be removed or harm as part of this proposal and therefore the proposed application is considered acceptable in this regard.
- 7.9 Highways, Access and Parking
- 7.9.1 Core Strategy Policy CP10 also states that development should make adequate provision for car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision and advise that a two bedroom dwelling should have parking for one vehicle.
- 7.9.2 The concerns raised by the Parish Council regarding inadequate access are noted. The application site is accessed by a carriage driveway and an access to a shared driveway with No.17 Heronsgate Road which is considered acceptable and does not result in any harm to the safety of highway users.
- 7.9.3 The proposal would create an additional bedroom resulting in a two bedroom property. Whilst not marked on the block plan, it is considered that the parking provided by the shared driveway with No.17 Heronsgate Road to the north-east of the site provides one car parking space. As such, the proposal would meet the parking standards and is considered acceptable in this regard.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: EX-01 REV 04, EX-02 REV 04, EX-03 REV 04, EX-05 REV 04, AR-01 REV 04, AR-02 REV 04, AR-04 REV 04, AR-05 REV 04, SP-01 REV 01 and TRDC001 (Location Plan).
- Reason: For the avoidance of doubt and in the proper interests of planning and 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 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 dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevation of the proposed extensions 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 The proposed two storey side extension hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site (The Workshop, 17a Heronsgate Road) and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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. Information on this is also available from the Council's Building Control section. 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 stipulates that construction activity (where work is audible at the site boundary) 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: 0845 6014523

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

(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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.