

PLANNING COMMITTEE – 15 OCTOBER 2020

PART I - DELEGATED

9. **20/1619/FUL- Demolition of existing bungalow and garage building and construction of relocated two storey detached house with associated hardstanding, including land level alterations and front boundary treatment at 8 ARMITAGE CLOSE, LOUDWATER, WD3 4HL (DCES)**

Parish: Non-Parished

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 19 October 2020

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused

Reason for consideration by the Committee: The application has been called in by 3 Members of the Planning Committee.

1 Relevant Planning History

- 1.1 09/1132/FUL - Demolition of two existing bungalows and erection of five detached two-storey dwellings with associated access, parking and landscaping – Refused and appeal dismissed.
- 1.2 19/1616/FUL - Demolition of existing bungalow and garage building and construction of relocated two storey detached house with associated hardstanding, including raised areas and front boundary treatment – Refused - appeal in progress (Statement of Case submitted by LPA)

R1: The proposed replacement dwelling by virtue of its excessive scale and discordant design would appear as an unduly prominent form of development which have a significant adverse impact on the visual amenity of the streetscene and the wider Outer Loudwater Conservation Area thereby failing to preserve or enhancing its character and appearance. The development would result in less than substantial harm to a heritage asset. As there are no identified public benefits which would outweigh this harm the development would be contrary to Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Outer Loudwater Conservation Area Appraisal (2006) and NPPF (2019).

2 Description of Application Site

- 2.1 The application site is located at the end of the cul-de-sac of Armitage Close with the existing dwelling located to the southern side of the site.
- 2.2 The existing dwelling is a detached bungalow with a 'U' shaped footprint. To the north of the dwelling is an existing detached double garage. Access is currently via a dropped kerb to the south of the head of the cul-de-sac and provides access to a gravelled driveway for onsite parking. To the north of the driveway is an area laid as lawn. The rear garden has an existing raised patio and an area laid as lawn.
- 2.3 The neighbour to the west (No.7) is a detached bungalow built of a similar architectural style and scale to No.8. There is an existing detached double garage located between the dwellings.
- 2.4 To the east of the application site is Branksome Lodge and an open field.
- 2.5 The five dwellings closest to the entrance of Armitage Close are two storey detached dwellings with the application dwelling forming a row of 3 detached bungalows. Haywood

Copse is also accessed via Armitage Close which is a newer development comprising of 4, two storey detached properties.

- 2.6 The application site is located within the Outer Loudwater Conservation Area.
- 2.7 The Green Belt boundary lies along the eastern edge of the site however the site itself is not located within the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of existing bungalow and garage building and construction of relocated two storey detached house with associated hardstanding, including land level alterations and front boundary treatment.
- 3.2 The proposed development would include the demolition of the existing dwelling and the construction of a new two storey dwelling which would be sited in a different location on the site, facing westwards along Armitage Close.
- 3.3 The existing land levels are proposed to be lowered by 1m at the front of the site and 2m towards the rear.
- 3.4 The proposed new dwelling would have an overall width of 23m and a maximum depth 14m. The proposed dwelling would be comprised of two gable ends with the central roof sloping down from a crown section, level with the height of the gables, to the eaves of the ground floor. This sloping roof would be in the form of a catslide and would be served by three pitched roofed dormer windows. At the rear there would be a true two storey element which would have a sloping roof. The new dwelling would have a maximum height of 8.2m when taken from the new land level. The new dwelling would be finished in white painted render with dark grey aluminium windows and grey facing brickwork around the lower part of the dwelling.
- 3.5 The existing driveway is proposed to be extended with a new patio area created to the south of the new dwelling and around its perimeter. Steps would be constructed the north and west of the dwelling to provide access to low land levels. Additional planting is proposed to the west of the new dwelling at the frontage adjacent to the new extended driveway.
- 3.6 Amended plans have been received to remove the front boundary wall from the proposal and to amend the red line on the location plan in order that it accurately reflects land registry documents.
- 3.7 The differences between this application and the previous scheme (19/1616/FUL) are summarised below:
- The width of the dwelling has been reduced so as to be set further off the northern boundary
 - A catslide roof form has been introduced to the front elevation
 - The style of glazing has been amended
 - Front dormer windows have been introduced

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection]

The property is located in the Outer Loudwater Estate Conservation Area. Although characterised by detached properties set within extensive grounds, the appraisal document for the Conservation Area notes that Armitage Close is not typical of other cul-de-sacs and streets within the development, featuring smaller properties and plot sizes.

This application follows a previous application for a similar scheme (19/1616/FUL) that was subsequently refused. Following the refusal, an appeal was submitted (20/0004/REF). Due to the ongoing Covid-19 situation the appeal process has been postponed. This application is a revised scheme that has been submitted in the absence of the determination appeal. As per previous advice; the proposed dwelling is considered to make a neutral contribution to the area. It does not detract from the significance of the Conservation Area and is therefore not considered a negative property.

Previous built heritage advice stated that there would be no objection to the demolition of the existing bungalow, however, the proposed replacement dwelling was not acceptable. The main concerns raised in previous heritage advice were:

- Substantial increase in scale that would be out of keeping with the scale of the buildings along Armitage Close;*
- The increased scale will disrupt wider views within the Conservation Area;*
- The appearance of the boundary treatment which would diminish the open, green appearance of the area. Previous advice stated that the proposed boundary wall and railings should be omitted from any subsequent application.*

While there have been some improvements made, namely the slight reduction in footprint, addition of a catslide roof and simplified form, the proposed alterations do not go far enough to address previous concerns. The replacement dwelling does not reference the mass of existing buildings, as per previous advice. Previous advice also stated the replacement dwelling should be no more than one and a half storeys. While the height of the proposed dwelling has been reduced, it does not go far enough and still appears as a two-storey property. Previous advice stated: Whilst this is not a key view, the difference between the low height bungalows and a wide two storey frontage, as proposed, results in an unsympathetic contrast. This proposal remains out of keeping with the scale and massing of the surrounding dwellings and previous advice is still applicable.

The design of the proposed dwelling remains inappropriate and unsympathetic. The substantial amount of glazing to the front and rear elevation makes no architectural reference to the context of the Conservation Area and creates a relatively bland appearance. Previous advice stated: Furthermore, the design of the proposed dwelling is considered to be unsympathetic and inappropriate within the Conservation Area. It does not appear to have drawn any reference from the prevailing characteristics of the more traditional buildings throughout the Conservation Area. Its wide frontage with projecting gables and mismatched fenestration results in a poor and uninspiring design which does not reflect the character and distinctiveness of the Conservation Area. There has been little improvement to the overall appearance of the property and therefore all previous advice remains relevant. I recommend a more modest approach is considered with more architectural reference to the Arts and Crafts context of the area.

Although additional greenery has been added to the front boundary, the brick wall has been retained as part of the application contrary to previous advice. This will erode the openness of the Conservation Area. Therefore, previous advice remains relevant.

I would be unable to support this proposal. Given the sensitivities of the site, a bespoke approach is required. This has not been realised in this application. The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2019), the level of harm

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, DM13 and Appendices 2 and 5.

6.3 Other

The Outer Loudwater Conservation Area Appraisal (2006) is also relevant.

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

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. The Case Officer has also visited the site previously for other planning applications. Other platforms such as Google Maps and Google Street View was 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.

7.1 Impact on Character and Street Scene

- 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 (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'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges). Applications which fail to meet this criteria are unlikely to be supported by the LPA.
- 7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. The Outer Loudwater Conservation Area Appraisal also provides further guidance in order to preserve the special character of the Conservation Area.
- 7.1.4 In relation to demolition in Conservation Areas Policy DM3 of the DMP LDD outlines that:
- Within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:*
- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*
 - ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*
 - iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area.*
- 7.1.5 Whilst the Conservation Officer does not object to the demolition of the existing dwelling this does not outweigh the harm by virtue of its replacement with a much larger dwelling. This is further expanded upon below.
- 7.1.6 The proposed dwelling by virtue of its scale and design fails to reference the lesser mass of the existing buildings. Whilst there is variation in the heights of dwellings in Armitage Close with both single and two storey buildings these are generally of a similar architectural style to each other. The proposed dwelling would be read in the context of Armitage Close and not Haywood Copse to the north which is screened by vegetation from the application site and is read more as a separate cul-de-sac rather than as being within the streetscene of Armitage Close.

- 7.1.7 The proposed dwelling would be two storeys with gable ends and a crown roof section. Crown roofs are not a feature of Armitage Close with more traditional roof forms prevailing. The design of the proposed dwelling is inappropriate and unsympathetic within the Conservation Area and Armitage Close. The front and rear elevations make no reference to the context of the area. The large gable end would be readily apparent from the streetscene of Armitage Close with both the gables and the glazing resulting in additional vertical emphasis and exacerbating the incongruous appearance of the building within the streetscene. It is acknowledged that the proposed dwelling would be slightly sunken from the highway land level however the proposed dwelling would still appear as a substantial two storey dwelling and would be prominent due to its siting at the end of the cul-de-sac. By virtue of its sunken appearance the proposal would result in further built form with the introduction of retaining walls to the frontage which would appear artificial and would also be out of character with the generally open and verdant character of the area.
- 7.1.8 Appendix 2 of the DMP LDD outlines that first floor flanks should be set in a minimum of 1.2m from the boundaries within spacing increasing in low density areas. It is not disputed that spacing would be maintained from the northern and south boundaries of the site however would be set 1.6m from the eastern boundary. By virtue of the proximity of the new dwelling to this boundary together with the gable end feature and glazing would appear as an incongruous feature when viewed across the fields from Loudwater Lane.
- 7.1.9 The combination of the gable ends with a crown roof and front dormers result in the presence of some awkward roof junctions particularly on the rear elevation with the gable ends intersecting the eaves of the central section. The proposed front dormers also appear squashed and contrived within the space between the two gable ends and the catslide roof form appears subsumed by the gable features. The proposed glazing and rooflights are also not sympathetic within the Conservation Area and their modern colour and style further exacerbates their incongruous nature.
- 7.1.10 For the reasons outlined above this scheme is considered to be unacceptable on its own merits however the previous refusal would still constitute a material planning consideration. Whilst it is acknowledged that this scheme has been amended since the previous refusal however the amendments do not address the concerns raised and when viewed on its own merits would result in less than substantial harm to the heritage asset. This scheme is of a reduced scale however the bulk, mass and design of the revised dwelling still fails to make any reference to the architectural styles of Armitage Close or the Conservation Area. The Conservation Officer considers that owing to the sensitivities of the site a bespoke approach is required which has failed to have been realised in this application. The revised proposal would therefore still fail to preserve or enhance the character of the Conservation Area contrary to Section 72 (1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and would result in less than substantial harm to the heritage asset contrary to Paragraph 196 of the NPPF.
- 7.1.11 There are no public benefits which would outweigh this harm and therefore the proposal would be contrary to the Policy DM3 of the DMP LDD (adopted July 2013), the Outer Loudwater Conservation Area Appraisal (2006) and the NPPF (2019).

7.2 Impact on amenity of 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 dwelling would be sited within a different location in the plot to the existing dwelling with the new front elevations facing towards the frontage of the eastern side of

No.7. The proposed dwelling would be set off the boundary with this neighbour by 11.5m. Viewed from this neighbour owing to the land level changes the proposed dwelling would be 8m above ground level at its maximum height. Owing to the separation distances and that the proposed dwelling would be set further off the boundary than the existing dwelling, facing predominantly towards the frontage of No.7 it is not considered that the proposed dwelling would have an overbearing impact or loss light to this neighbour.

- 7.2.3 It is also acknowledged that there would be a greater level of fenestration within the front elevation facing towards the neighbour at No.7 however given that it would be set off the boundary and the windows within the forward facing gable closest to this neighbour would serve a ground floor room with a vaulted ceiling it is not considered that the proposed dwelling would result in unacceptable overlooking to this neighbour.
- 7.2.4 Owing to the separation distances and orientation relative to the neighbour at Branksome Lodge and No.3 Haywood Copse it is not considered that the proposed development would result in harm to either of these neighbours.
- 7.2.5 A taller section of wall is proposed level with the front of the existing garage at No.7 which would have a height of 1.8m however this wall would be at right angles to this neighbour and is not considered to be of an excessive height.
- 7.2.6 The proposal would therefore be acceptable in terms of its impact on neighbouring properties, in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.3 Amenity Space

- 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.
- 7.3.2 The proposed development would result in a five bedroom dwelling. Appendix 2 of the Development Management Policies document outlines that a five bedroom dwelling should retain 126sqm of amenity space. The application dwelling would retain over 800sqm of amenity space and as such would comply with Appendix 2 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.
- 7.4.2 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.
- 7.4.3 The application has been submitted with a Biodiversity Checklist. Herts Ecology commented on the previous application (19/1616/FUL) to advise that they did not consider the proposal would have any significant adverse impacts on protected species and suggested an advisory informative be attached to any permission granted.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies document 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 and as such all trees are protected. There are a number of mature trees along the northern boundary of the site and a group of TPOs to the southern boundary of the site. A Leyland cypress hedge is proposed to be removed however the arboricultural report submitted indicates that all other trees are proposed to be maintained. The Landscape Officer has reviewed the information submitted and is not satisfied with the information that has been submitted. Whilst a method statement has been submitted there are some discrepancies between the proposed methods and the report submitted. The report suggest no dig techniques will be used to protect the trees along the northern boundary however this is not possible with the land level alterations proposed. It therefore has not been demonstrated that the proposal would not result in harm to protected trees. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document.

7.6.2 The proposed development would result in a 5 bedroom dwelling. Appendix 5 of the Development Management Policies document sets out that a dwelling with 4 or more bedrooms should provide 3 onsite parking spaces. The proposed development includes the provision of additional hardstanding to the front, which would provide parking for three vehicles. Therefore, it is considered that there would be sufficient onsite parking provision to serve the proposed dwelling.

7.7 Sustainability

7.7.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.7.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.7.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.7.4 This application is accompanied by an Energy Statement ‘Rev 02’ prepared by P3R Engineers. The Statement confirms the proposal will have a CO2 reduction of 6% greater than building regulations requirements and as such would comply with Policy DM4 in this respect.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason(s):

R1: The proposed replacement dwelling by virtue of its excessive scale and discordant design would appear as an unduly prominent form of development which have a significant adverse impact on the visual amenity of the streetscene and the wider Outer Loudwater Conservation Area thereby failing to preserve or enhancing its character and appearance. The development would result in less than substantial harm to a heritage asset. As there are no identified public benefits which would outweigh this harm the development would be contrary to Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Outer Loudwater Conservation Area Appraisal (2006) and NPPF (2019).

R2: In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the protected trees and trees of visual importance on the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

8.2 **Informatives:**

I1 The Local Planning Authority has been positive and proactive in considering 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 Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.