

## PLANNING COMMITTEE – 12 NOVEMBER 2020

### PART I - DELGATED

#### 8. **20/1809/FUL – Provision of a single storey detached annexe adjacent to 4 Briery Court at 4 BRIERY COURT, BRIERY FIELD, CHORLEYWOOD, WD3 5TN (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 28.10.2020 (EOT 20.11.2020)

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called into Planning Committee by Chorleywood Parish Council.

#### **1 Relevant Planning History**

1.1 00/00755/FUL – Erection of detached bungalow – Permitted 17.08.2000.

1.2 20/0746/FUL – Provision of a single storey detached annexe adjacent to 4 Briery Court – Withdrawn 11.06.2020.

1.3 20/1219/FUL – Provision of a single storey detached annexe adjacent to 4 Briery Court – Withdrawn 17.08.2020.

#### **2 Description of Application Site**

2.1 The application site is irregular in shape and contains a detached bungalow located at the eastern end of Briery Court, Chorleywood. The application dwelling is finished in mixed red brickwork with a hipped roof form and crown roof section and an adjoining double garage projecting forward of the main front elevation. There is hardstanding to the frontage with parking space for two vehicles. The host dwelling is surrounded by lawn and soft landscaping. Land levels fall from south west to north east across the application site. Area TPO406 covers the land to the rear of 20-22 Wyatts Close which includes the entirety of the application site.

2.2 The neighbour to the north west, number 3 Briery Court, is orientated such that the front elevation of this neighbour faces the application site frontage. This neighbour is located at a slightly higher land level than the host dwelling. The neighbour to the north east, number 21 Wyatts Close, adjoins the rear boundary of the application site. This neighbour is located at a lower land level than the host dwelling, and has an existing outbuilding, set in from the shared boundary with the application site. Number 22 Wyatts Close also adjoins the northern boundary of the application site and Number 20 the eastern boundary. The southern boundary of the site adjoins the Sunrise Care Home which fronts Rickmansworth Road.

#### **3 Description of Proposed Development**

3.1 Full planning permission is sought for the construction of a single storey detached annexe adjacent to 4 Briery Court. The annexe would be sited to the north of the host dwelling, number 4 Briery Court.

3.2 The proposed annexe would be 'L' shaped, with a maximum width of 11.2m and a maximum depth of 11m. The annexe would have a hipped roof form with a maximum height of 3.5m (measured from the front elevation), increasing to 4.2m (measured from the rear elevation),

reflecting the land level changes across the application site. The annexe would have an eaves height of 2.5m. The proposed annexe would be set in 2.6m from the northern flank boundary of the application site, and it would be set in 3.6m from the rear boundary.

- 3.3 The submitted plans indicate alterations to increase the height of the close boarded fencing by including trellis on top of the existing close boarded fencing. During a site visit it was ascertained that the trellis had been erected above part of the close boarded fencing along the rear boundary of the site. The submitted block plan indicates that the trellis would be erected along the northern boundary of the site as well as the entire rear boundary.
- 3.4 The annexe would contain a kitchen/dining area, two bedrooms, one with ensuite and one WC and shower room. The annexe would be occupied by two family members of the applicant, one of which would be in a full time caring role for the other occupant.

## **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 Officers are minded to refuse this application.*

- *The development appears to be an overdevelopment of the site*
- *There is very little amenity space left for both dwellinghouses given the size and footprint of the proposal.*
- *The proposed development is out of character within the immediate site context contrary to Policies DM1 and CP12.*
- *There are concerns that there would be mutual overlooking between the adjoining properties.*

#### **4.1.2 National Grid: No response received.**

#### **4.1.3 Landscape Officer: [No Objection]**

*The proposed development should not directly impact existing trees, however, they will still need to be protected from the impacts associated with construction work.*

*I do not wish to raise any objections, but would request, should planning consent be granted, that a tree protection condition is attached.*

#### **4.1.4 Highways Agency: [No Objection]**

*Referring to the notification of a planning application dated 4 September 2020 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we offer no objection. This is on the basis that the proposals will generate minimal additional traffic on the SRN in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 109), in this location.*

*Highways Act Section 175B is not relevant to this application.*

*HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.*

*This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.*

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 18

4.2.2 No of responses received: 1 objection, 0 letters of support

4.2.3 Site Notice: Not applicable                      Press notice: Not applicable.

4.2.4 Summary of objection:

- Privacy – this is currently an issue due to the land level changes, and the existing house can see into neighbouring bedrooms to the rear. When the land was sold, in the title deeds, it is mentioned that the owner of 4 Briery Court must have conifers along the fence at no less than 6ft in height however this has never been done.
- Should application be approved, ensure that the conifers are erected at a minimum of 10ft-12ft to ensure privacy.
- Visual impact – additional building would comprise overdevelopment of the land.
- Not sufficient space to add the size of the building that has been proposed.

Officer Comment: *'All material planning considerations are outlined within the analysis section below. The case officer conducted a site visit to the neighbouring property in light of the concerns raised.'*

*The points raised in relation to the conifers that were not planted are noted, and it is acknowledged that Condition 5 of planning permission 00/00755/FUL, relating to the planting and boundary treatment was not discharged following the grant of planning permission. Given the length of time that has passed since the planning permission was granted, and that no enforcement action has been taken to date, the breach of this condition is now likely to be lawful due to the passage of time. However, it is not considered that this breach of condition impacts the current proposal and this is addressed further within the neighbour section below.'*

## **5 Reason for Delay**

5.1 Committee cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## 6.2 The Three Rivers Local Development Plan

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

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

At a meeting of Full Council on Tuesday 20 October 2020, the Council agreed that the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) should proceed to referendum on 6 May 2021 (as required by Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020). A Decision Statement was subsequently published on 21 October. In accordance with Planning Practice Guidance relating to Neighbourhood Planning, the Chorleywood Neighbourhood Development Plan can now be given significant weight in decision making, so far as the plan is material to the application. Policy 2 is relevant.

## 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 Proposed Use

7.1.1 There is no specific definition of 'ancillary' but rather this is a test as a matter of fact and degree. It is acknowledged that there is no physical attachment of the outbuilding and the main dwelling. However the outbuilding would be accessed by the same access as the main dwelling and would not have a separate vehicular access or car parking area. The building would be located close to the host dwelling and there is no proposal for the plot to be subdivided.

7.1.2 The submitted floor plans indicate that part of the proposed annexe would contain a kitchen/dining/living area and two bedrooms, one with an ensuite bathroom. The applicant has confirmed that a relative would live in the proposed annexe, with two bedrooms required due to care needs. It is considered that sufficient justification has been provided to demonstrate that the annexe would be use ancillary to the occupation of the host dwelling.

It is considered reasonable and necessary to attach a condition to ensure the annexe remains ancillary.

## 7.2 Impact on Character and Street Scene

7.2.1 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 states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 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 and that new residential development should not be excessively prominent in relation to the general streetscene and should respect the character of the streetscene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.2.3 Policy 2 of the Chorleywood Neighbourhood Plan is relevant to this application and states:

*'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'*

7.2.4 The proposed annexe would be sited to the north of the host dwelling, between the neighbour to the north west, number 3 Briery Court and the northern flank of the host dwelling. The proposed annexe would be set in 2.6m from the northern flank boundary of the application site, and it would be set in 3.6m from the rear boundary. The annexe would be 'L' shaped, with the majority of the accommodation positioned away from the streetscene of Briery Court and the wider part of the building set toward the rear of the plot. The annexe would have a front projection with a width of 5.7m which is not dissimilar to the width of a double garage, set back over 16m from the front boundary of the application site. The 11m wide rear section would be set 11 metres from the front elevation.

7.2.5 The neighbour to the rear, number 21 Wyatts Close, has an existing outbuilding located in line with the proposed annexe, and due to the land level changes across the site, the roof of the neighbouring outbuilding is visible from the streetscene of Briery Court. Therefore, whilst the proposed annexe is large in scale, given that it would be positioned between the existing built form, set back significantly from the front boundary of the application site, set off the northern flank boundary and would be read against the existing outbuilding of the neighbour to the rear, it is not considered that the proposed annexe would appear unduly prominent within the streetscene of Briery Court, nor result in harm to the character or appearance of the host dwelling, streetscene or wider area. In addition, areas of hard and soft landscaping are proposed around the host dwelling and annexe, thus it is not considered that the proposal would constitute overdevelopment of the application site.

7.2.6 In summary, it is not considered that the proposed annexe would result in an adverse impact on the character or appearance of the street scene or wider area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020)

## 7.3 Impact on Amenity of Neighbours

7.3.1 Policy CP12 of the Core Strategy stipulates that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential 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.

- 7.3.3 The proposed annexe would be set in from the northern flank boundary of the application site by approximately 2.6m. Given that the neighbour to the north west is orientated such that the frontage faces the application site frontage, and the spacing maintained between the annexe and this neighbour, it is not considered that the proposed annexe would result in any harm to the neighbour to the north west, number 3 Briery Court.
- 7.3.4 The proposed annexe would extend parallel to the shared boundary with the neighbour to the north east, number 22 Wyatts Close. It would be set in 2.6m from the boundary, and given that the rear elevation of this neighbour would be sited a minimum of 23.4m from the proposed annexe, it is not considered that the proposed annexe would result in any harm to this neighbour.
- 7.3.5 The neighbour to the east, number 21 Wyatts Close, is located at a lower land level than the host dwelling. The proposed annexe would be set in 3.6m from the shared boundary with this neighbour, sited approximately 23.9m from the rear elevation of this neighbouring property. Therefore, it is not considered that the proposed annexe would appear overbearing or result in loss of light to this neighbour.
- 7.3.6 The proposed annexe would contain fenestration within the front, flank and rear elevations at ground floor level. Given that the outbuilding would be set in from the northern boundary, and the fenestration within the front and southern flank elevations would face into the application site, it is not considered that the proposed annexe would result in any overlooking to the neighbours to the north or north west. One window is proposed within the rear elevation, facing the neighbour to the north east, however this window would serve a bathroom, and as such, a condition would be attached to any planning permission to require this window to be obscurely glazed and top level opening.
- 7.3.7 Due to the increased level of built form within the application site, and the land level changes across the site, such that the neighbour to the north east is at a lower land level, it is acknowledged that the proposed development would increase the perception of overlooking, albeit would not result in actual overlooking. The submitted block plan indicates that the proposal includes increasing the height of the existing fencing by including a trellis above the close boarded fencing. During a site visit, it was ascertained that trellis had already been erected to part of the rear boundary, and this would be extended along the rear and northern boundaries of the application site. Whilst the height of the fencing would be increased, given that the proposal is utilising trellis rather than a solid structure, it is not considered that the increased boundary treatment would appear overbearing or result in harm to neighbouring amenity.
- 7.3.8 In summary, subject to conditions, it is not considered that the proposed annexe would result in harm to neighbouring amenity.

#### 7.4 Amenity Space Provision

- 7.4.1 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 provide indicative levels of amenity/garden space provision.
- 7.4.2 The proposed outbuilding would result in the creation of two additional bedrooms and the site would retain over 350sqm of amenity space. The host dwelling contains three bedrooms, and the proposed development would increase the number of bedrooms on site to five. Appendix 2 of the Development Management Policies document outlines that a five bedroom dwelling should provide 126sqm of amenity space. Therefore, the proposal would

exceed the level of amenity space required as set out within Appendix 2 of the Development Management Policies document.

## 7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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.

7.5.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application.

## 7.6 Trees and Landscaping

7.6.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features' and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.

7.6.2 The Landscape Officer has been consulted on this application and has confirmed that the proposed development would not result in harm to the existing protected trees on site. Notwithstanding this, it is considered reasonable to attach a condition to any planning permission to require tree protection details to be submitted to and approved by the LPA prior to the commencement of works, to ensure that the proposed construction works do not result in any harm to protected trees.

## 7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.7.2 The proposed annexe would not impact the existing parking provision serving the application site. The annexe would contain two bedrooms, increasing the number of bedrooms on site to five. Appendix 5 sets out that dwellings containing four or more bedrooms should provide 3 onsite parking spaces. The existing hardstanding and garage would be retained, providing four parking spaces (two within the double garage, two on the hardstanding to the frontage), and as such, the proposal is considered to be 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: TL-4378-20-1C.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020)

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the development hereby permitted, the boundary treatment as shown on drawing number TL-4378-20-1C shall be erected in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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 building/extension hereby permitted the window in the rear elevation of the annexe, 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).

- C6 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 host dwelling, number 4 Briery Court.

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).

- C7 The annexe 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 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 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 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 £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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.