

## PLANNING COMMITTEE – 21 JANUARY 2021

### PART I - DELEGATED

**8. 20/2454/FUL – Construction of single storey outbuilding at 24 SHERFIELD AVENUE, RICKMANSWORTH, WD3 1NL (DCES)**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 09 February 2021

Ward: Rickmansworth Town  
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application site is adjacent to a staff member's house.

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

- 1.1 20/2479/FUL - Construction of single storey rear, two storey front/side extension and raised patio to rear. Pending consideration.
- 1.2 08/0705/CLPD - Certificate of Lawfulness Proposed Development: Conversion of garage into habitable room and a detached outbuilding at rear of the garden. Permitted. 27.05.2008. Implemented.
- 1.3 02/01308/FUL - Two storey side and rear extensions and front porch. Refused. 25.11.2002.

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

- 2.1 The application site is irregular in shape and contains a two storey semi-detached dwelling located on the north-western side of Sherfield Avenue, Rickmansworth. Sherfield Avenue is a residential street characterised by detached and semi-detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The plot slopes down from the road and continues to slope down to the rear garden. The host dwelling is finished in mixed red brickwork with a dark tiled hipped roof form. To the side, there is a two storey flat roofed projection with an existing first floor balcony. There is hardstanding to the frontage with space for at least three vehicles. The application dwelling is set back from the highway by approximately 10m.
- 2.3 To the rear of the dwelling, there is a patio area abutting the rear elevation of the host dwelling leading to a lower area of lawn which slopes down to the rear of the application site. To the rear of the application site is an outbuilding which was built as part of planning reference 08/0705/CLPD.
- 2.4 The neighbour at No.26 Sherfield Avenue, adjoins the south-western flank of the host dwelling. This neighbour is of a similar architectural style and design to the host dwelling and has no existing extensions to the rear. It is located on a similar land level and front building line in relation to the application dwelling. There are various trees and shrubs to all boundaries, and closer to the house, is an approximately 1.6m high close boarded fence to the boundary with No.26, although the majority of the boundary is comprised of a lower weld mesh fence and vegetation.
- 2.5 The neighbour to the north-east, No.22 Sherfield Avenue, is a two storey semi-detached dwelling which is set in from the boundary and at an angle in relation to the host dwelling. It extends deeper than the application dwelling at ground floor level. It has implemented several ground floor extensions to the side and rear with a conversion of the existing garage to playroom. To the boundary with No.22 are shrubs about 1.8m high, and a fence, about

1.5m high. To this boundary in the front garden is a 1.6m hedge. There is one obscure glazed first floor window and one clear glazed ground floor window within the side elevation of No.22 roughly level with the front elevation of No.24.

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

- 3.1 This application seeks full planning permission for the construction of a single storey outbuilding.
- 3.2 The proposed outbuilding would be constructed a minimum of 1.1m from the splayed rear boundary and a maximum of 1.8m. It would be sited a minimum of 0.2m and a maximum of 1.7m from the flank boundary with No.22 Sheffield Avenue. It would be sited 0.8m from the common boundary with No.26 Sheffield Avenue. It would have a width of 5.3m and depth of 8m. It would be set approximately 20m from the rear elevation of the host dwelling.
- 3.3 The proposed outbuilding would have a gently sloping roof form with a maximum height of 2.7m and eaves height of 2.3m. It would be constructed of brick as stated within the submitted application form. A single door is proposed to the north-west flank. A single window is proposed to both flanks, these are shown to be obscure glazed on the proposed plans. To the front (south) elevation facing towards the application dwelling a set of bi-folding doors are proposed.
- 3.4 Amended plans were sought during the course of the application to remove the pale shaded area to the front of the outbuilding from the block plan and to clarify the siting of the proposed outbuilding in terms of the distances to each boundary which are now marked on amended plans.

### **4 Consultation**

#### **4.1 Statutory Consultation**

4.1.1 Batchworth Community Council: [No objection]

*Batchworth Community Council request that if this application is granted that a condition be made that the proposed building is not used as a separate dwelling and that it remains ancillary to the main dwelling.*

4.1.2 Herts and Middlesex Wildlife Trust: No response at time of writing.

4.1.3 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above. There are a number of bat roost records from the vicinity, and in fact the immediate area is a species-Local Wildlife Site for its bat interest.

Due to the nature and scale of the proposal for a new outbuilding, and that there is no indication that any existing buildings will be demolished to make way for it, I do not consider any ecological surveys (including bat surveys) are necessary in this instance. Notwithstanding, I recommend a precautionary approach to the works is taken and advise the following Informative is added to any permission granted:

*“In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”*

I trust these comments are of assistance to you.

Officer comment: Officers clarified to Herts Ecology that an existing outbuilding is proposed to be removed to facilitate the works. Herts Ecology reviewed photos of the existing

structure and advised that the timber outbuilding comprises feather boarding with a well-sealed roof lining and as such their advice remains as above, that an advisory informative be added should planning permission be granted.

4.1.4 National Grid: No response at time of writing.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 9

4.2.2 No of responses received: None at time of writing. Members to be updated verbally.

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

## **5 Reason for Delay**

5.1 No delay.

## **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 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 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 The existing outbuilding to the rear of the application site would be demolished as part of the application. No objection is raised in regard to this.

7.1.3 The proposed outbuilding would be located to the rear of the host dwelling and therefore would not be prominent from the streetscene of Sherfield Avenue. The proposed outbuilding would have a gently sloping roof with a maximum height of 2.7m which is not considered excessive in height. Whilst it is acknowledged that the proposed outbuilding is fairly deep, given its width and roof form, that it would be set off all boundaries and the extent of rear garden that would be retained as soft landscaping, it is not considered that it would result in overdevelopment or that it would appear as a prominent feature within the application site

7.1.4 As such, it is not considered that the outbuilding would result in an adverse impact on the character and appearance of the host dwelling and street scene. As such, the proposal is considered acceptable 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).

### **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 outbuilding would replace an existing outbuilding. It is noted that the outbuilding would have a depth of 9m, which is deeper than the existing outbuilding. Whilst the proposed outbuilding would be sited in close proximity to the common boundary with neighbouring property at No.22, given the footprint of the existing outbuilding, that it would be set off the boundary and the distance from the neighbouring dwelling of over 20 metres and obscure glazed fenestration within the flank elevation, it is not considered that the proposed outbuilding would result in a loss of light or appear as a prominent feature that has an overbearing impact on the residential amenities of No.22.

7.2.3 Similarly, whilst the proposed outbuilding would be sited in close proximity to the common boundary with neighbouring property at No.26, given the footprint of the existing outbuilding and the distance from the neighbouring dwelling of over 20 metres and obscure glazed fenestration within the flank elevation, it is not considered that the proposed outbuilding

would result in a loss of light or appear as a prominent feature that has an overbearing impact on the residential amenities of No.26.

7.2.4 The proposed outbuilding given its scale would not result in any adverse harm in terms of overbearing or loss on light to the neighbouring properties to the north at Nos.6 and 7 Rushmoor Close given the separation distance of approximately 15m between their rear elevations and the rear of the proposed outbuilding and the intervening boundary treatment.

7.2.5 In terms of overlooking, fenestration within the front would overlook the rear amenity space of the host dwelling. There would be oblique views towards the gardens of both neighbours, however, any overlooking would be no greater than from the existing garden and as noted above the outbuilding would be at the rear of the garden, set back from the dwellings on Sherfield Avenue. There would be oblique views towards the gardens of both neighbours, from the windows within the flanks of the proposed outbuilding As such, it is considered reasonable that a condition shall be added to any grant of approval to ensure that the proposed windows within the flanks of the proposed outbuilding are obscure glazed to ensure that there is no overlooking or loss of privacy to any neighbouring properties.

7.2.6 The development would therefore be acceptable 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).

### 7.3 Proposed Use

7.3.1 The proposed development would result in the creation of a single storey outbuilding. The agent has confirmed as detailed within the submitted plans that the outbuilding will be used for storage, utility room and w/c, therefore purposes ancillary to the main dwelling and would not be used as a separate self-contained unit. A condition would be added to any planning permission to ensure that the outbuilding is used as ancillary accommodation and not let separately at any time.

### 7.4 Amenity Space Provision for future occupants

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 provides indicative levels of amenity/garden space provision. The existing dwelling has 4 bedrooms and has an outdoor amenity space of in excess of 220sqm. Appendix 2 of the Development Management Policies sets out that a 4 bedroom dwelling should provide 105 sqm of private, usable amenity space. As such, the proposal would comply in this regard.

### 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 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 DMP LDD. 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. Hertfordshire Ecology were consulted during the course of the application and advised that due to the nature of the proposal no bats surveys are required in this instance, however it is appropriate to include an informative within any grant of approval recommending a pre-cautionary approach.

## 7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

## 7.7 Highways, Access and Parking

- 7.7.1 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.
- 7.7.2 The proposal would not result in any additional bedrooms as such the existing parking arrangement to the frontage of the application site would not be altered. The driveway to the front of the application site would retain space for at least three vehicles. As such the proposal would comply with the parking standards for a property of this size.

## 8 **Recommendation**

- 8.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: KV001, KV005 (Amended 06.01.2021), TRDC001 (Amended 06.01.2021) (Block Plan) and TRDC002 (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 Before the first occupation of the outbuilding hereby permitted the window(s) in the flank elevations; 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). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development 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).

- C4 The development shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as stated in the submitted application form; and no external materials shall be used other than those approved.

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).

- C5 The proposed outbuilding 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, CP11 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) - 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.

- 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.
- I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

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