

PLANNING COMMITTEE – 18 MARCH 2021

PART I - DELEGATED

7. **20/2698/FUL – Construction of outbuilding at 32 BEDFORD ROAD, MOOR PARK, HA6 2AZ (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 10.03.2021

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 12/1029/NMA - Non Material Amendment to planning permission 11/2288/FUL: Driveway surface to be Omega Brett Brindle block paving, with charcoal edgings, in lieu of approved tarmac - 11.06.2012 – Permitted
- 1.2 12/0144/DIS - Discharge of Condition 4 pursuant to planning permission 11/2288/FUL - 15.02.2012 – Determined
- 1.3 11/2607/NMA - Non Material Amendment to planning permission 11/1845/FUL to include window glazing style revised; single window to front WC (in lieu of two); stair window cill height to remain as existing; small side window to stair omitted; flank utility room window omitted; porch extended to line with adjacent wall; rear low roof hipped and rear patio doors now swing type with side lights. - 16.01.2012 – Permitted
- 1.4 11/2288/FUL - Replacement of existing driveway, installation of external lighting and proposed bin store - 11.01.2012 – Permitted
- 1.5 11/1845/FUL - Revision to previously approved planning permission ref 08/1722/FUL to include amendments to front, rear and North elevation fenestration and doors. Alterations to porch canopy and front face single storey pitched roof. Omission of previously proposed rear secondary roof pitches. Proposed new 2 no. roof dormers to rear and change of skylights - 20.10.2011 – Permitted
- 1.6 11/1751/DIS - Discharge of Condition 5 pursuant to planning permission 08/1722/FUL - 15.09.2011 – Determined
- 1.7 08/1722/FUL - Single storey front and first floor front, side and rear extension - 30.10.2008 – Permitted
- 1.8 01/00971/FUL - Renewal of planning permission reference 96/0360/8: Single storey front and first floor side and rear extension - 13.09.2001 – Permitted
- 1.9 96/0360 - Single storey front extension and first floor side extension - 18.07.1996
- 1.10 95/0505 - Single storey front extension and first floor side extension - 13.11.1995
- 1.11 8/370/81 - Swimming Pool, Kitchen, Living Room, Bedroom, Bathroom - 17.07.1981
- 1.12 8/389/80 - Swimming Pool, Boiler Room Bedroom, Bathroom - 04.07.1980
- 1.13 8/270/76 - Indoor Swimming Pool - 01.07.1976

- 1.14 W/4153/73 - Garage, Swimming Pool - 03.12.1973
- 1.15 W/1912/71 - Extension to Garage - 15.07.1971
- 1.16 W/651/69 - Garage with bedroom over - 10.04.1969
- 1.17 W/287/55 - House and Garage - 05.04.1955
- 1.18 W/1404/55 - House and Garage - 09.08.1955

2 Description of Application Site

- 2.1 The application site contains a detached dwelling location on Bedford Road, Moor Park. The application dwelling has a red facing brick exterior and red tiled hipped roof forms.
- 2.2 Forward of the application dwelling is a front garden and driveway, large enough to accommodate at least three car parking spaces. To the rear of the dwelling is an amenity garden of over 1300sqm in total area which is predominantly laid as lawn. Immediately adjacent to the rear of the dwelling is also a patio area.
- 2.3 The wider street scene consists of detached dwellings of similar scale and on a similar front and rear building line as the application dwelling.
- 2.4 The site is located within the Moor Park Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the construction of an outbuilding to be used as a barbeque area and work station.
- 3.2 The proposed building would have a tiled hipped roof form and would be partially open sided with its rear elevation and one flank elevation enclosed. The building would have a wooden clad exterior finish.
- 3.3 The building would have a maximum width of 4.5m, a depth of 3.0m, an eaves height of 2.2m and an overall height of 3.1m. The building would be positioned up to the northern flank boundary and sited 2.2m from the rear elevation of the dwelling.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Moor Park (1958) Ltd: [No objection]

“Given the attractive lo-key design, very limited height an overall modest dimensions of the proposed outbuilding, we do not consider that there are any material planning issues arising from the scheme as far as the Moor Park Conservation Area Appraisal is concerned.

Consequently, we would wish to raise no planning comments on this occasion.

We trust the above response, based on what we regard as relevant and material planning considerations, primarily within the approved MPCAA, is of assistance to you.”

- 4.1.3 Batchworth Community Council: [No objection]

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

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 0

4.2.3 Site Notice posted 10.02.2021, expired 03.03.2021

4.2.4 Press notice published 22.01.2021, expired 12.02.2021

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

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

6.2 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, 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.
Moor Park Conservation Area Appraisal (2006).

7 Planning Analysis

7.1 Site Visit

7.1.1 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, photographs were submitted by the applicant which show clearly the relationship of the application site and neighbouring properties. Other platforms such as Google Maps and Google Street View were also used to aid the Officers assessment.

7.2 Impact on Character and Appearance

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment.

7.2.2 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.

7.2.3 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

7.2.4 It is considered, given the relatively small scale, low roof height and location of the building close to the dwelling, that the proposed outbuilding would not be a visually intrusive or dominant structure on the site. There would also be significantly limited, if any, views of the building from the street scene. It is considered that the proposed development would not result in harm to the character and appearance of the application site, host dwelling or Conservation Area. The plans indicate that the building is to be finished in wooden cladding and would give the appearance of an ancillary building.

7.2.5 It is important to ascertain whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:

- Maximum building line width of 80% at the front building line
- Buildings should not cover more than 15% of the plot area.
- 1.5m being kept clear between flank walls and plot boundaries

7.2.6 The proposed development would not impact upon the front building line or flank spacing of the host dwelling. At 11% plot coverage, the constriction of the proposed outbuilding would not exceed the 15% plot coverage guidance figure and would maintain the open spacious character of the Conservation Area.

7.2.7 In summary, the proposed development is considered to be acceptable and would not result in harm to the character and appearance of the host dwelling and Conservation Area. As such, the development would comply with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.3.2 Whilst it would be sited on the boundary, given the scale and relatively low height of the proposed building relative to the adjoining neighbour to the north, it is not considered that the proposed development would lead to an overbearing impact or loss of light to this neighbour. Given the nature of the proposed development, it is not considered that overlooking would occur. The proposed development is not considered to result in harm to any other neighbour as a result of its scale and position.

7.3.3 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

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

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

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The dwelling would retain a garden of over 1300sqm and the proposed development does not impact on the rear amenity space.

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 There are trees within the site along the northern flank boundary between the dwellings. The proposed development however would be built upon an area of existing patio with shallow footings and would not require the removal of or result in any harm to trees.

7.7 Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further

emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

8 Recommendation

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

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: 2006-001 REV P2, 2006-002 REV P2, 2006-002

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

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

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

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