

## PLANNING COMMITTEE – 22 APRIL 2021

### PART I - DELEGATED

**7. 21/0244/FUL - Erection of garden outbuilding and shed at ROWAN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, WD3 3JY (DCES)**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 14.04.2021

Ward: Dickinsons  
Case Officer: Aaron Roberts

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is a member of staff.

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

- 1.1 8/41/92 - Erection of eight dwelling houses - 12.01.93.
- 1.2 08/1507/FUL - Erection of garden outbuilding in the rear garden - Permitted 19.09.08, implemented.
- 1.3 13/1530/FUL - Loft conversion with rear dormer window and 2 no velux rooflights on rear roof slope. Single storey rear extension - Permitted 23.09.13 – implemented.
- 1.4 14/1483/FUL- Construction of hardstanding and erection of an outbuilding- Permitted – Implemented.

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

- 2.1 The application site contains a semi-detached dwelling within the Croxley Green Conservation Area and is located within Character Area 2 of the Croxley Green Neighbourhood Plan. It is situated in the south western corner of the 'Kings Oak' development. This development was built in the 1990s and is accessed off the end of the Whitegates Close cul-de-sac. The development consists of eight semi-detached dwellings of similar design built around a central courtyard which includes three Oak trees protected by Tree Preservation Order TPO518.
- 2.2 The dwelling is two storeys with a single storey element to the side and a small single storey projection across part of the rear of the dwelling. It has also been extended via a dormer within the rear roofslope.
- 2.3 To the rear of the dwelling is an irregular shaped garden of approximately 195sqm which includes a patio area and children's play equipment close to the house with an area laid to lawn to the rear. The southern boundary of the site is close boarded fencing approximately 1.8m high. Additional screening is provided by vegetation outside of the application site. There is a mature Sycamore tree within the application site garden located against the boundary at the south west of the site. A protected Ash tree, within the curtilage of Parrotts, is also close to the shared southern boundary.
- 2.4 Ash Cottage to the north west of the application dwelling does not appear to have been previously extended. Pond Cottage to the east has implemented a part single and part two storey rear extension. Parrotts to the south of the application site is a Grade II Listed Building.

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

- 3.1 The proposed outbuilding would be located within the south-eastern corner of the site. It would have a maximum depth of approximately 7.2m, a width of 3.3m and a flat roof with a slight parapet with a maximum height of 2.5m. Within the front elevation there would be sliding doors. Within the western elevation there would be two windows. Within the rear and eastern elevations, the outbuilding would be finished in tanalised shiplap vertical redwood timber cladding. The front and western elevations would be finished in Vertical honey redwood timber cladding. The outbuilding would be set approximately 0.4m from the eastern boundary with Pond Cottage and 0.2m from the southern boundary with Parrotts.
- 3.2 The proposed shed would have a width of approximately 2.4m and a depth of 1.8m. It would have a pitched roof with a maximum height of 2.4m and an eaves height of 1.7m. The shed will be located adjacent to the south-west of the site, approximately 1.9m from the western boundary with Ash Cottage and 0.2m from the southern boundary. Within the front elevation there would be a door. Within the northern flank elevation there would be three windows. The area is already laid with hardstanding after the installation of the previous shed, permitted under application 14/1483/FUL.
- 3.3 As part of planning permission 8/41/92, allowed at appeal (PINS ref T/APP/P1940/A/92/206884/P4), the relevant permitted development rights have been removed.

### **4 Consultation**

#### **4.1 Statutory Consultation**

- 4.1.1 Croxley Green Parish Council: [Advisory comments provided]

*'Croxley Green Parish Council note the application is within the Conservation Area and request the Conservation Officer to check the impact on surrounding properties. Neighbours comments should be taken into account'.*

- 4.1.2 National Grid: [No comment received]

- 4.1.3 Landscape Officer: [Initially objected]

*'Recommend: REFUSAL*

*The site is within the Croxley Green Conservation Area and there are trees in the vicinity, protected by Tree Preservation Order (TPO021). The submitted plans (Ref: TQRQM21033223832737) indicate the proposed structure would be constructed in very close proximity to protected tree T2 (Ash). However, the submitted plans do not provide sufficient information on the existing tree trees and hedges.*

*As a result it is not possible to fully assess the impact of the development from a tree and landscape perspective due to insufficient information that accords with the British Standard on Trees and development (BS5837).*

*In particular, trees and hedging have not been accurately plotted in relation to the proposed development; the Root Protection Areas (RPA) and canopies are not to scale; and there is insufficient information on the size / species / condition of existing trees.*

*The proposal is contrary to Policy DM6 of the Three Rivers Development Management Policies 2013'.*

**Officers Note:** Following these comments, the applicant submitted a combined Arboricultural statement and tree survey as well as a separate Method Statement. Following the submission of these documents, the Landscape Officer has provided an amended set of comments, seen below.

4.1.4 Landscape Officer amended comments: [No Objection]

*'Recommend: Approval, subject to conditions*

*The submitted tree report indicates that the proposed development would not adversely impact on-site and neighbouring trees. A compliance condition should be applied, which requires the applicant to follow the tree protection method statement (Ref: METHOD STATEMENT FOR PILE FOUNDATIONS ON SITES AFFECTED BY A TPO). This is to ensure that on-site and neighbouring trees are not damaged during construction'.*

4.1.5 Conservation Officer: [No Objection]

*'This application is for the erection of garden outbuilding and shed.*

*The property is located in the Croxley Green Conservation Area.*

*While the new office outbuilding is large the impact on the character and appearance of the Conservation Area is limited due it being located in the rear garden of a modern dwelling and well screened from views within the Conservation Area. Therefore, would be no objection to the proposal'.*

**4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 9

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expires on 18.03.2021

4.2.4 Press notice: Expires 19.03.2021

4.2.5 Summary of Responses: None.

**5 Reason for Delay**

5.1 Not applicable.

**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, DM3, DM6, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA1 and Appendices B and C are 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 Design and Impact on Character and Conservation Area

- 7.1.1 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 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 document set out that development should not have a significant impact on the visual amenities of an area.
- 7.1.2 The site is located within the Croxley Green Conservation Area and Policy DM3 of the Development Management Policies document 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.
- 7.1.3 The Croxley Green Neighbourhood Plan, including Policy CA2, does not specifically mention outbuildings.
- 7.1.4 The proposed outbuilding would be sited at the south east corner of the application site away from the application dwelling and would not be readily visible from any public viewpoints and would not affect the street scene of Whitegates Close. The outbuilding would

be set approximately 0.4m from the eastern boundary and 0.2m from the southern boundary. The outbuilding would have a footprint of 7.2m by 3.3m and would be single storey and would have a flat roof with a maximum height of 2.5m, including the parapet. The scale of the outbuilding proposed would therefore be subordinate to the host dwelling and would not appear excessive with regard to the application site. There are other outbuildings visible in the vicinity of the application site and as such the proposal would not appear out of character. The proposed timber cladding finishes would not result in any adverse impact on the character or appearance of the application dwelling or Conservation Area.

7.1.5 The proposed shed would be sited at the south west corner of the application site away from the application dwelling and would not be readily visible from any public viewpoints and would not affect the street scene of Whitegates Close. The application site boundaries are splayed and as a result, the outbuilding would be set approximately 1.9m from the north-west boundary and this is considered appropriate spacing to the boundaries. The shed would have a footprint of approximately 1.8m by 2.4m and would be single storey and would have a pitched roof with a maximum height of 2.4m. The scale of the outbuilding proposed would therefore be subordinate to the host dwelling and would not appear excessive with regard to the application site. There are other outbuildings visible in the vicinity of the application site and as such the proposal would not appear out of character. The proposed timber finish would not result in any adverse impact on the character or appearance of the application dwelling or Conservation Area. Additionally, the Conservation Officer raised no objections.

7.1.6 As such, the development is considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

## 7.2 Impact on the setting of adjacent listed building

7.2.1 Policy DM3 of the Development Management Policies LDD sets out that development would only be supported where it would not adversely affect the setting of Listed Buildings.

7.2.2 While Parrotts to the south of the application site is a Grade II Listed Building, the proposals are small in size and scale, set away from this building and it is not considered that there would be any adverse impact on the setting of Parrotts. The development would therefore accord with Policy DM3 of the Development Management Policies LDD.

## 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' and 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 The proposed outbuilding would be sited approximately 0.2m from the boundary of the application site with Parrotts to the south. However, given the proposed outbuilding's relatively minimal scale, separation distance from Parrotts (approximately 10.5m) and the dense vegetation screening along the shared southern boundary, it is not considered that it result in any adverse impacts on this neighbour. The outbuilding would be set approximately 0.4m from the eastern boundary with Pond Cottage and given the proposed maximum height of 2.5m, there would be views of the outbuilding from within the neighbouring garden. However, given the limited scale of the outbuilding in terms of its overall height and footprint, it is not considered that it would appear overbearing or result in any loss of residential

amenity to the occupiers of Pond Cottage. Glazing in the form of sliding doors are proposed within the front elevation, however, these would directly face towards the application dwelling and garden, and as such would not result in any overlooking. Within the western elevation, two windows are proposed. Given the distance between the western elevation and boundary with Ash Cottage (approximately 12.5m) and the boundary treatment in the form of fencing and vegetation, it is not considered that the proposed flank glazing would give rise to a perceived sense of or actual overlooking into Ash Cottage. Flank windows are not proposed within the eastern elevation. A condition would be attached to any permission to ensure that the outbuilding 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. As such, the outbuilding would not appear overbearing or result in any loss of residential amenity to this neighbour.

7.3.3 The proposed shed would be sited approximately 0.2m from the boundary of the application site with Parrotts to the south. However, given the proposed shed's relatively minimal scale, separation distance from Parrots (approximately 19m) and the dense vegetation screening along the shared southern boundary, it is not considered that it result in any adverse impacts on this neighbour. The shed would be set a minimum of 1.9m from the flank site boundary with Ash Cottage and given the proposed height of 2.4m, there would be views of the outbuilding from within the neighbouring garden. However, given the limited scale of the shed in terms of its overall height and footprint, it is not considered that the proposed shed would appear overbearing or result in any loss of residential amenity to the occupiers of Ash Cottage. The timber door and windows would not facilitate overlooking given their location and the boundary treatment and the storage use proposed would be appropriate to a residential garden. As such, the outbuilding would not appear overbearing or result in any loss of residential amenity to this neighbour.

7.3.4 The proposed shed and outbuilding would not result in any adverse impact on any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Parking and Amenity Space

7.4.1 The proposed outbuilding and shed would not affect the requirement for parking or amenity space at the application site and would not affect parking provision. The outbuilding would be within the existing rear garden, however excluding the outbuildings, approximately 165sqm of amenity space would remain for current and future occupiers.

7.4.2 As such, the dwelling would retain adequate parking and amenity space provision in accordance with Core Strategy Policies CP10 and CP12 and Policies DM1, DM13 and Appendices 2 and 5 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. 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 Development Management Policies 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. The application is accompanied by a biodiversity checklist which states that no

protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

## 7.6 Trees and Landscaping

- 7.6.1 All trees within and on the boundaries of the application site are protected by the Conservation Area designation of the area and an Ash tree on the boundary with Parrotts is also protected by Tree Preservation Order TPO021.
- 7.6.2 Policy DM6 of the Development Management Policies document sets out that proposals should retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Development should demonstrate that existing trees and hedgerows will be safeguarded and managed during development in accordance with the relevant British Standards.
- 7.6.3 The proposed outbuilding would be in close proximity to the southern boundary. Following correspondence with the Landscape Officer, Officers had concerns that the proposed outbuilding may impact upon a protected Ash Tree, close to the southern boundary. However, following a site visit from the Case Officer, it appeared that the Ash Tree has been historically removed. This has been confirmed by the submitted arboricultural statement and tree survey (TRDC 006). Following correspondence with the applicant, it was ascertained that the proposed outbuilding would be laid on a concrete base. Given that the proposed location of the outbuilding is flat and free of vegetation, minimal digging would be required to install the concrete base. A method statement was subsequently submitted, providing details of how the base would be laid without impacting the roots of nearby trees, including using hand-digging techniques. In their original comments, the Landscape Officer recommended refusal based on lack of appropriate information. However, following the review of the arboricultural statement and tree survey and method statement, the Landscape Officer amended their comments to recommend that the application is approved. However, the Landscape Officer did recommend a condition requiring works to follow the details provided within the submitted tree protection method statement (TRDC 007). Subject to conditions, it is therefore considered that the proposed outbuilding would not detrimentally impact the nearby protected trees.
- 7.6.4 The proposed shed would be located within an area of existing hardstanding, which was approved under 14/1483/FUL. Given that the proposed shed would not require any additional hardstanding or digging, it is not considered that any trees of public amenity value, including the Sycamore Tree in close proximity to the proposed location of the shed, would be harmed by virtue of the proposal and the development is considered acceptable in this regard.

## 8 **Recommendation**

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

C1 The development hereby permitted shall be begun before the expiration date 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: TRDC 001 (Location Plan), TRDC 002 (Block Plan), TRDC 003 (Shed Plans), TRDC 004 (Garden Office Plans), TRDC 005 (DESIGN AND ACCESS STATEMENT AND HERITAGE STATEMENT), TRDC 006 (Arboricultural Survey and Tree Survey) and TRDC 007 (Method Statement).

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), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

- C3 The garden shed hereby permitted shall be finished in timber as stated within the DESIGN AND ACCESS STATEMENT AND HERITAGE STATEMENT (TRDC 005). The proposed outbuilding hereby permitted shall be finished in the materials stated within plan number TRDC 004 (Garden Office Plans).

Reason: To ensure that the external appearance of the outbuilding is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The outbuilding hereby permitted, shall be constructed fully in accordance with the submitted Method Statement prepared by The Green Retreats Group (TRDC 007).

Reason: To ensure that 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).

- C5 The detached 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 or commercial premises 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).

#### 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.

- 12 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.
- 13 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.