

## PLANNING COMMITTEE – 27 MAY 2021

### PART I - DELEGATED

**10. 21/0571/FUL - Single-storey rear extension and associated internal alterations and alterations to existing outbuilding to be used as office at 4 SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SN (DCES)**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 18 May 2021  
Extension agreed to 04 June 2021

Ward: Chorleywood North and Sarratt  
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse, due to loss of light to adjoining properties and that the proposed extension extends beyond the building line of the adjoining properties.

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

1.1 No relevant planning history.

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

2.1 The application site is located on the north western side of Solesbridge Lane, Chorleywood. The application dwelling is a two storey end of terrace dwelling with front and rear dormer windows. It is finished in pebbledash render with white painted render to the ground floor rear projection and clay tiles to its roof. It has white upvc casement windows. To the north-eastern part of the application site is an outbuilding which is finished in pebbledash render with a black slate roof. This outbuilding is part of a terrace of outbuildings which run to the rear of the existing terrace at Nos. 4-8 Solesbridge Lane. To the south-western flank elevation of the outbuilding, there is a door and two casement window which is finished in white timber.

2.2 The adjoining neighbour at No.5 to the north-east is a two storey mid terrace property built of the same architectural style and scale to the application dwelling. This neighbour has an existing single storey rear extension. It is set on a similar front building line and land level to the application dwelling. The shared boundary is marked by a brick wall approximately 1.8m high until the boundary is punctuated by the outbuilding of the application site with the shared boundary 2m high close boarded fencing beyond the existing outbuilding.

2.3 The neighbouring dwellings to the south-west at 6-9 Warwick Court are set back in relation to the host dwelling and set on a similar land level. The common boundary is marked by close boarded fencing approximately 2m high.

2.4 The application site is within the Chorleywood Common Conservation Area and is covered by an Article 4 direction which restricts some permitted development rights.

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

3.1 The application seeks full planning permission for a single storey rear extension, and associated internal alterations and alterations to the existing outbuilding to enable it to be used as a home office.

- 3.2 The existing rear projection (which is approximately 1.5m deep) would be demolished. The proposed rear extension would have a depth of 2.5m and width of 4.8m to be set in line with the south-western flank of the host dwelling and adjoining the flank wall of the rear projection at No. 5 and set up to the shared boundary with No. 5. It would have a mono-pitched roof form with a maximum height of 3.1m and eaves height of 2.4m with parapet walls either side with a maximum height of 3.2m and minimum height of 2.5m. Bi-folding doors finished in black aluminium would be inserted into the rear elevation.
- 3.3 Two rooflights would be inserted into the rear roofslope. The rear extension would be constructed in pebbledash render to both flanks and white painted render within the rear elevation with clay roof tiles to match the host dwelling.
- 3.4 The existing outbuilding is proposed to be used as an office. There would be no change to the existing footprint or built form of the existing outbuilding. The existing two casement window and door within the south-western flank of the outbuilding would be replaced with full height glazed panels and bi-folding doors finished in black aluminium which would provide access to the outbuilding.
- 3.5 During the course of the application, the agent submitted amended plans to label the relationship with the adjoining neighbour at no. 5 Solesbridge Lane, and to label the proposed rooflights as being be low profile Conservation style rooflights.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Conservation Officer: [No objection in principal]**

This application is for a single-storey rear extension and associated internal alterations and alterations to existing outbuilding to be used as office.

The property is located in the Chorleywood Common Conservation Area.

The proposal would not adversely impact the character and appearance of the Conservation Area. Therefore, I would raise no objection. There is a preference for the amount of glazing to be reduced in the outbuilding.

Were permission granted, I request the following condition is attached:

- The rooflights shall be of low-profile conservation type, the specification to be approved by the local planning authority before work starts.

#### **4.1.2 Chorleywood Parish Council: [Objection]**

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

The property is located in the Chorleywood Conservation Area.

- Loss of light to adjoining properties

- The proposed extension extends beyond the building line of the adjoining properties.
- The development will be out of keeping with the Conservation Area.
- The development is not compliant with Policies CP12 of the Development Management Policies LDD (adopted July 2013).

4.1.3 National Grid: No response received

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: Objections have been received from two neighbouring properties.

4.2.3 Summary of responses:

- Adversely effects the Conservation Area.
- Overdevelopment.
- Too close to the boundary.
- The extension is too high
- Extension would project beyond the existing rear building line of the other 4 cottages in the row and change the look of the row.
- Result in a loss of light to kitchen/dining room and amenity space.
- Works would result in noise and dirt.

4.2.4 Site Notice: Posted 13.04.2021 Expired 30.04.2021

4.2.5 Press notice: Posted 29.03.2021 Expired 24.04.2021

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

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

## 6.2 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

## 6.3 Other

The 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.

The Chorleywood Common Conservation Area Appraisal (2010) is also relevant to this application.

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.

## **7 Planning Analysis**

### 7.1 Impact on the character and appearance of the host dwelling and the streetscene

- 7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the 'Design of Development' and states that the Local Authority will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.

- 7.1.2 The application site is located within the Chorleywood Common Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the DMP LDD stipulates that development will only be permitted if it preserves or enhances the character or appearance of the area.
- 7.1.3 The Chorleywood Neighbourhood Plan is now relevant. Policy 2 of the Chorleywood Neighbourhood Plan states:
- 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'*
- 7.1.4 Appendix 2 of the DMP LDD outlines that single storey rear extensions to terraced dwellings should not generally exceed a depth of 3.6m with this distance reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 7.1.5 The proposal would result in the demolition of the existing rear projection. The proposed single storey rear extension would have a maximum depth of 2.5m measured from the original rear building line and whilst it is acknowledged that it would project beyond the existing rear projections of the row of terraces, at a depth of 2.5m, the proposed rear extension would comply with the guidelines within Appendix 2 and would only project 1.1m deeper than the existing rear projection. It is noted that concerns have been raised by the Parish Council and neighbours regarding the depth of the single storey rear extension given that it would extend beyond the rear of existing rear projections of the row of cottages resulting in harm to the row and wider Conservation Area. It is not considered at this depth of 2.5m given its height, roof form and siting that it would result any demonstrable harm to the character or appearance of the dwelling, row of cottages, street scene or wider Conservation Area. It is noted that there are a number of similar extensions evident within this row of terraced dwellings. Furthermore, the Conservation Officer has raised no objection to this element of the scheme.
- 7.1.6 It is noted that concerns regarding overdevelopment were raised by neighbours. However it is noted that a rear garden of some 43sqm would be retained and at a depth of 2.5m, and it is not considered that the proposed rear extension would appear disproportionate.
- 7.1.7 It is noted that the proposed extension would be constructed of pebbledash render to both flank elevations and painted white render to the rear elevation. As such, it is considered sympathetic to the character and appearance of the host cottage and wider Conservation Area. As such it is not considered that the proposed single storey extension would result in any harm to the character of the host dwelling, streetscene or wider Conservation Area.
- 7.1.8 The glazing within the rear elevation of the proposed extension would not be visible from the street scene, thus it would not appear unduly prominent or result in harm to the character or appearance of the street scene or wider Conservation Area.
- 7.1.9 It is noted that the proposed rooflights are labelled to be low-profile conservation type rooflights and this would be conditioned under any grant of planning permission.
- 7.1.10 The proposal would also include the insertion of glazing within the façade of the existing outbuilding which faces the application site's garden. The proposal would add additional glazing which is contemporary in design and finished in black aluminium. The Conservation Officer states that there is a preference to reduce the amount of glazing. However they do not state this to be an absolute requirement.

Officers do not consider that the presence of glazing to this facade of the existing outbuilding would appear as an incongruous addition within the context of the existing row of outbuildings. Officers do not consider that the proposed black aluminium and glass panels would result in any harm to the character and appearance of the host dwelling as there would be limited visibility of this alteration and it would not result in any adverse harm to the wider streetscene or wider Conservation Area. .

- 7.1.11 The proposed development would therefore not result in any harm to the visual amenities of the streetscene or character and appearance of the Chorleywood Common Conservation Area, in accordance with Policies CP1 and CP12 and Policies DM1, DM3 and Appendix 2 of the DMP LDD.

## 7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

- 7.2.2 Appendix 2 of the DMP LDD outlines that single storey rear extensions to terraced dwellings should not generally exceed a depth of 3.6m.

- 7.2.3 The adjoining dwelling at No. 5 is set on a similar land level and front building line in relation to the application dwelling. It is noted that concerns have been raised by neighbours that the extension would project beyond the existing rear projection of this row of cottages, and with the depth of the extension and its proximity to the boundary. Whilst the proposal would project beyond the existing rear projections of the neighbouring properties in the row, it would have a depth of 2.5m which would comply with the guidelines within Appendix 2 and would project beyond the existing rear projection of the neighbour at no. 5 by approximately 1.1m. Given its depth, it is not considered that the proposed rear extension would result in any demonstrable harm to No. 5 in terms of loss of light or appearing unduly overbearing. Whilst the rear extension would adjoin the flank wall of the rear projection at No. 5 and would be set up to the shared boundary with No. 5, it would have a mono-pitched roof form with parapet walls either side with a maximum height of 3.2m and minimum height of 2.5m. The parapet wall would be higher than the 1.8m high wall which forms the common boundary however given the minimal depth increase and the height, the extension with parapet wall is not considered to result in any demonstrable harm to the visual amenities of this neighbour. It is noted that the proposed extension would replace the existing rear projection. Whilst 1.1m deeper than the existing rear projection it is not considered that the proposed extension would cause any adverse impact through appearing overbearing or causing loss of light. It is noted that the neighbour at no. 5 has a small rear amenity space however given the site circumstances, it is not considered that the proposed rear extension would not result in demonstrable harm to this neighbour.

- 7.2.4 Adjacent to No's 6-9 Warwick Court, the proposed extension would have a depth of 2.5m which would comply the guidance within Appendix 2. These neighbouring properties are set on a similar land level and set deeper in their plot compared to the host dwelling, with the rear of these neighbours set 1.9m deeper than the proposed rear extension. It is acknowledged that the proposed rear extension would project 1.1m deeper into its plot than the existing rear projection but given that the proposed extension would be set off of the common boundary by 2.9m, with the neighbouring properties set in from the common boundary by 2m, it is not considered that the

proposal would have a detrimental impact on No's 6-9 Warwick Court in terms of loss of light or overbearing impact.

- 7.2.5 The proposed fenestration within the rear elevation of the proposed rear extension would not result in any harm to any adjacent properties or give rise to any unacceptable overlooking given that it would overlook the rear amenity space of the host dwelling and as such is considered acceptable. Furthermore, the proposed rooflights would be set flush against the roofslope and would not result in any adverse harm to any neighbouring properties or result in unacceptable overlooking,
- 7.2.6 It is noted that the proposed fenestration changes within the existing outbuilding would allow some limited additional views towards the rear of the neighbouring properties at No. 6-9 Warwick Court, however it is not considered that these would be harmful when compared with the existing garden layouts and the views would be no different to those experienced from the current use of the rear garden.
- 7.2.7 It is noted that concerns regarding noise were raised by neighbours. However it is noted that the rear extension is residential in nature and the outbuilding would be used as an office which would be ancillary to the residential dwelling and as such the proposal is not considered to result in any adverse noise impact that would have a detrimental impact on any neighbouring properties.
- 7.2.8 In summary, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity, and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

### 7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD. The existing rear amenity space measures 48sqm. For a property of this size, the standards required 84 sqm of rear amenity space. As such, there is already a shortfall of 36 sqm.
- 7.3.2 The proposal would result in a reduction of 6sqm in rear amenity space, with 42sqm remaining after the implementation of the proposed development. Given the very slight additional reduction, it is considered that this would remain a useable space. Whilst it is acknowledged that the proposed development would result in a shortfall of 40sqm, the rear amenity space would be of comparable size to neighbouring properties in the row and there is already an existing shortfall. Furthermore, it is also noted that the site is within 0.1miles (approximately 3 minutes walk) to Chorleywood Common via lit roads which provides open space for recreational purposes. Having regard to the above, it is not considered that the shortfall in this instance would result in such demonstrable harm so as to justify refusal of planning permission.

### 7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.4.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

## 7.5 Trees and Landscaping

7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should demonstrate that they 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 the development in accordance with the relevant British Standards.

7.5.2 The application site is located within a Conservation Area and as such all trees are protected. However owing to the nature of the proposed development, it is not considered to result in harm in this respect as there are no trees in close proximity to the proposed development.

## 7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 Owing to the nature of the proposed development there would not be any additional bedrooms or alterations to existing parking provision.

## **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: 20387-101, 20387-102 (Amended 13.05), 20387-301, 20387-302, 20387-0-303, 20387-304, 20387-201, 20387-203, 20387-204, 20397-402 and TRDC001 (Location Plan).

Reason: For the avoidance of doubt, to conserve the character of the Conservation Area 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, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

- C3 The development hereby approved shall be finished in materials stated within the submitted application form and as shown on drawing nos. 20387-102 (Amended 13.05), 20387-304, 20387-203 and 20387-204.

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).

## 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. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) 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.

- 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.