

PLANNING COMMITTEE - 24 JUNE 2021

9. 21/1048/FUL - Part two-storey, part single-storey rear extension, first floor side extension, roof alterations to include a rear dormer window at 31 LEWES WAY CROXLEY GREEN WD3 3SW (DCES)

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 30/06/2021

Ward: Durrants
Case Officer: Janna Hon

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by Croxley Green Parish Council for the reasons set out in full at 4.1.2 below.

1 Relevant Planning History

- 1.1 W/711/68 - Garage and conservatory – 10.04.1968
- 1.2 8/70/84 - Lobby/porch – 02.03.1984
- 1.3 8/8/86 - Extension to kitchen, dining room, garage – 17.04.1986
- 1.4 20/1376/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3.8 metres, maximum eaves height 3 metres) – Permitted
- 1.5 21/1026/CLPD - Certificate of Lawfulness for a Proposed Development: Loft conversion including hip to gable roof alterations and construction of a side dormer window – Pending consideration

2 Description of Application Site

- 2.1 The application site contains a detached dwelling located along Lewes Way. The dwelling has been previously extended with a single storey side and rear extension. The dwelling is set in slightly from the western boundary and is constructed close to the eastern boundary at ground floor level with the first floor level set in. To the front is hardstanding which accommodates parking space for three vehicles. To the rear beyond the existing extension is a patio with steps leading to an area of lawn. The boundary treatment between the application dwelling and the adjoining neighbours are close boarded fencing and vegetation screens.
- 2.2 The neighbouring dwelling to the east No.29 is a detached dwelling which has a similar original building line to that of the application dwelling. No. 29 has been previously extended with a two storey side and rear extension. The rear elevation of the application dwelling's rear extension has a similar depth to the two storey rear extension of No. 29. This neighbouring property is set in slightly from the common boundary and set on slightly lower ground.
- 2.3 The neighbouring property to the west No. 33 also has a similar original building line to that of the application dwelling. No. 33 has a single storey side and rear extension which is constructed close to the common boundary and has a similar depth to the single storey rear extension serving the application dwelling. The main two storey aspect of No. 33 is set in from the common boundary.

3 Description of Proposed Development

- 3.1 The application seeks planning permission for part two storey, part single storey rear extension, first floor side extension, roof alterations to include a rear dormer window.
- 3.2 The first floor side extension would be constructed along the eastern elevation of the host dwelling. It would project 1m beyond the existing flank elevation of the building and would have a depth of 11.5m to be constructed in line with the front elevation of the dwelling. It would be set 1m off the flank boundary. The side extension would adjoin the two storey rear extension.
- 3.3 The existing single storey rear extension would be demolished and replaced with a part two storey rear extension. The extension would have a maximum depth of 8m at ground floor level (approximately 4m beyond that existing). The ground floor element would be stepped, it would have a depth of 4m adjacent to No. 29 but would then be set off this boundary by 2m before projecting a further 4m to the rear. The first floor element would have a depth of 4m across the full width of the dwelling and first floor side extension.
- 3.4 The single storey element would have a flat roof form with a height of 7.6m and would include a lantern style rooflight within the flat roof. The two-storey element would have a hipped roof with a maximum height of 7.6m (as existing) and eaves height of 5.3m.
- 3.5 Within the roof of the two-storey rear extension a dormer window is proposed. This would have a width of 1.5m and depth of 2.5m. It would have a maximum height of 1.9m and would be situated 0.3m below the ridge of the host dwelling.
- 3.6 The proposed development would include alterations to fenestration in all elevations.
- 3.7 All proposed materials would match with the existing dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: No response received

4.1.2 Croxley Green Parish Council: (objection):

CGPC request that this application be taken into consideration in conjunction with application 21/1026/CLPD which includes hip to gable roof alterations and construction of side dormer window. CGPC objects to these applications on a combined basis. With regards to the hip to gable roof alterations proposed in 21/1026/CLPD, CGPC would request that the planning officer refer to the planning appeal ref 20/1557/RSP regarding a part retrospective loft conversion including hip to gable roof extension and insertion of rear dormer at 23 Lewes Way. CGPC believe that these combined applications for 31 Lewes Way would similarly conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy 20211 (TRCS), Policy DM1 of the Three Rivers Development Management Policies Local Development Document 2013 and Policy CA2 of the Croxley Green Neighbourhood Plan 2017-2032 (2018).

Officer comment: Whilst the above comments are noted, officers must consider the current planning application on its own merits with reference to policy and guidance. Application 21/1026/CLPD is for a Certificate of Lawfulness and cannot be considered as part of the current planning application.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No. of responses received: No response received

4.2.3 Site Notice: Not applicable Press notice: Not applicable

5 Reason for Delay

5.1 Not relevant

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) 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.

The Croxley Green Neighbourhood Plan (December 2018) is a material planning consideration. The neighbourhood plan seeks to protect the character and appearance of the area, and requires extensions to be well designed. The application site is within location Area 7.

6.3 Other

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 (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy CA1 of the Croxley Green Neighbourhood Plan states that new development should seek to conserve, and wherever possible, enhance the key elements of the character and appearance of the Character Areas.
- 7.1.3 Policy DM1 is clear that all applications for residential development should satisfy the Design Criteria at Appendix 2 of the Development Management Policies LDD to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 sets out that extensions must not be excessively prominent in relation to adjacent properties or the general street scene. It also states that generally the maximum depth of single storey rear extensions to detached dwellings should be 4m although this distance should be reduced if the extension would adversely affect adjoining properties or be unduly prominent. In relation to first floor side extensions Appendix 2 stipulates that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, 1.2m spacing should be provided, it continues that in higher density areas 1m may be appropriate. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advise that dormer windows should always be subordinate to the main roof and set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall.
- 7.1.4 The proposed first floor side extension would be positioned 1m off the flank boundary, with the roof hipped away from the boundary. Croxley Green is considered a higher density area where 1m spacing is appropriate and therefore it is considered that sufficient spacing would be maintained to the flanks to prevent a terracing effect and in keeping with the character of area. The proposed first floor side extension would have a crown roof form. Crown roofs are not encourage however the roof form would be set down from the existing ridge and would be of a scale that would not appear disproportionate or prominent within the setting.
- 7.1.5 The proposed rear extension at the ground floor level would have a total depth of 8m beyond the original rear elevation. The proposed depth would exceed the maximum depth set out from Appendix 2 of LDD, however since the proposed extension is to

the rear and not prominent from public vantage points and would be constructed in materials to match existing, it is not considered that the extension would appear unduly prominent or out of character with the host dwelling or the local area. Whilst it is acceptable on its own merits, it is also noted that the property benefits from a permitted prior approval application for a single storey extension with a depth of 8m (ref. 20/1376/PDE).

- 7.1.6 The proposed two-storey element would have a depth of 4m which is not considered excessive. The existing ridge would be continued over the proposed extension and the extension would be constructed in matching materials which would further ensure that it appears as subordinate addition.
- 7.1.7 The proposed rear dormer window would be set in from both flanks and would be set back from the rear wall. Whilst there would be only minimal set down from the ridge, it is considered that the dormer window would appear as a subordinate addition. To this regard it is also noted that the window within it at 2 casements wide would be less width than those below it, thereby respecting a hierarchy of fenestration and further ensuring that the dormer appears subordinate.
- 7.1.8 To ensure that the development would be sympathetic to the appearance of the existing dwelling, a condition shall be added requiring the use of matching materials.
- 7.1.9 It is considered that the proposed development would not result in significant adverse impact to the character or appearance of the host dwelling or wider street scene and it would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018) in this regard.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 LDD reflect the above guidance.
- 7.2.2 Both of the adjoining neighbouring properties have been extended, No. 33 has been extended at the ground floor level while No. 29 has been extended at ground and first floor level. Considering firstly the impact on No. 29. The first floor side extension would be sited 1m from the flank boundary. The proposed rear extension would have a total depth of 8m at ground floor level (approximately 4m beyond the rear of the neighbour), however, the ground floor element would be set off the boundary with No. 29 such that it is not considered that this element would appear overbearing or result in loss of light. Ground floor flank glazing is proposed but would not facilitate overlooking given the spacing and boundary treatment. The first floor element at a depth of 4m would be roughly level with the existing extension at No. 29 and as such would not intrude a 45 degree line in relation to this neighbour. A flank bathroom window is proposed at first floor level which would be obscure glazed and top opening and would not therefore facilitate overlooking.
- 7.2.3 Turning to No. 33, the ground floor element of the extension would project approximately 4m beyond the rear of this neighbours extension which reflects the guidance in Appendix 2 and it is not considered that it would appear overbearing. No ground floor flank glazing is proposed in the extension. An additional ground floor flank window is proposed in the existing flank wall facing this neighbour, however,

given the boundary treatment it would not facilitate overlooking. Turning to the first floor element, this would project approximately 4m beyond the rear of the neighbour. The submitted plans show that the extension would not intrude a 45 degree line when taken from the middle of the closest window at No. 33. Guidance in Appendix 2 indicates that the 45 degree line should be taken from the boundary, however, it also states that consideration should be given of existing extensions. When taken from a point on the boundary level with the rear of the existing extension at No. 33, there would be no intrusion and it is not considered that the two-storey extension would result in demonstrable harm through overshadowing or loss of light. No alterations to first floor fenestration are proposed.

7.2.4 The proposed rear dormer would face the application site garden, set off both flank boundaries. Whilst there may be some oblique views of neighbouring gardens, this would not be dissimilar to existing views from first floor windows and it is not considered that the dormer would result in demonstrable harm.

7.2.5 In summary, it is not considered that the proposed development would result in a detrimental impact on any neighbouring dwellings and the development would be acceptable in accordance with Policies CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Rear Garden Amenity Space

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. There would be over 200sqm amenity space retained to the rear which would be adequate to serve current and future occupiers.

7.4 Traffic and Car Parking

7.4.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. The proposed development would not increase the number of bedrooms, however, it is noted that the first floor family room could be used as a bedroom which would increase the number of bedrooms to 4. Appendix 5 indicates that a 4 bedroom dwelling should have 3 parking spaces. As indicated on the submitted plans, 3 parking spaces are provided in accordance with standards.

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of 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. The site is not in or located adjacent to a designated wildlife site and 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. Notwithstanding this, as the proposal would result in works to the existing roof an informative regarding bats would be attached to any planning permission.

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: TRDC001 (Location Plan), 3368 HH1 C.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018) in this regard.

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018) in this regard.

C4 Before the first occupation of the building/extension hereby permitted the window(s) in the first floor flank elevation facing No. 29 Lewes Way 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).

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

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

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

- 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 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

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).