

PLANNING COMMITTEE – 12 AUGUST 2021

PART I - DELEGATED

9. **21/1300/FUL- Erection of three outbuildings to the rear garden, new front gate and boundary treatment at THE WALNUT ORCHARD, CHENIES ROAD, CHORLEYWOOD, WD3 5LY**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 26.07.2021

Ward: Chorleywood North and Sarratt
Case Officer: Aaron Roberts

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: This application was called in to Committee by the Chorleywood Parish Council. Concerns were raised with regards to the outbuilding's size, positioning within the garden and impact on Green Belt.

1 Relevant Planning History

- 1.1 05/0960/FUL - Demolition of existing dwelling and erection of new replacement dwelling and detached garage - 06.09.2005 - Approved.
- 1.2 07/1247/FUL - Amendment to planning permission 05/0960: Demolition of existing dwelling and erection of replacement dwelling and detached garage to now include basement level and amendment to position of garage. - 23.08.2007 - Approved and implemented.
- 1.3 12/0319/RSP - Part Retrospective: Proposed rear conservatory, decking, patio, summerhouse and sunken patio, arbour, log stores, compost area and front boundary wall, and retrospective bike store, garden shed, log swing and raised vegetable area – Withdrawn.
- 1.4 12/1011/RSP- Part Retrospective: Proposed decking, patio, summerhouse and sunken patio, arbour, log stores, compost area and front boundary wall and retrospective application for bike store, garden shed, log swing and raised land levels in rear garden- Permitted.
- 1.5 20/1942/FUL- Part single, part two storey rear extension, single storey side extension and formation of light well at front to provide light to existing basement – Permitted.
- 1.6 21/0175/FUL- Part single, part two storey rear extension, single storey side extension connecting garage to dwelling and formation of light wells to front and rear to provide light to existing basement – Permitted, under construction.
- 1.7 21/1630/FUL- Conversion of garage into habitable accommodation and alterations to fenestration – Pending consideration.

2 Description of Application Site

- 2.1 The application site contains a relatively recently constructed detached two storey dwelling finished in red brick. The site is situated on the eastern side of Chenies Road and is set within a street scene comprising dwellings of varying sizes and architectural designs. It is located in the Metropolitan Green Belt and Chilterns Area of Outstanding Natural Beauty and abuts the boundary with the Chorleywood Common Conservation Area which is located to the south east.
- 2.2 To the rear of the application dwelling is a large garden providing approximately 1850 square metres of amenity space. The boundaries consist of a mix of wooden fencing and vegetation varying in height and thickness. To the front of the property there is a driveway

providing parking provision for at least three vehicles. The front boundary treatment consists of a brick wall with timber panelling. A pre-existing vehicular gate has been removed. To the north of the dwelling there is an attached garage.

- 2.3 As part of planning application 12/1011/RSP, numerous external storage buildings were permitted including a patio, summerhouse and sunken patio, arbour, log stores, compost area, front boundary wall, bike store, garden shed and log swing. At the time of the site visit, these structures had been removed.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the erection of three outbuildings to the rear garden, new front gate and boundary treatment.
- 3.2 The largest outbuilding would serve an office and would include a W.C. It would be located two metres from the northern boundary of the site at a point where it is shared with Delamere and Limetrees. The outbuilding would have an overall width of approximately 13.5m (including the verandah) and a depth of 5.2m. It would have a pitched roof with a maximum height of approximately 3.72m and an eaves height of 2.27m. Adjoining this outbuilding would be an area of covered patio, part of which would be covered by the integral verandah structure. To the side of the outbuilding, the patio would have a total width of 3.3m. To the front, the patio would have a width of 8.8m. The patio would have a height of approximately 0.2m. The outbuilding would be finished in brick which would match the main dwelling. The roof tiles would be slate.
- 3.3 To the eastern corner of the site a hexagonal shape gazebo with timber roof is proposed. The gazebo would have an overall width of approximately 4m, depth of 3.47m and maximum height of 3.04m. The dwarf brick wall which would act as the base would have a height of approximately 0.7m.
- 3.4 To the north-eastern corner of the site a timber shed is proposed. This shed would have a width of approximately 3m, a depth of 2.6m and a height of 2.34m.
- 3.5 Various amendments are proposed within the front boundary. These include removing the fence on top of the existing brick front boundary wall and replacing it with metal railings. The metal railings would have a height of approximately 1.6m, 0.2m less than the existing timber fencing. The brick dwarf wall and piers would be retained as existing. A timber pedestrian gate would be located between the existing front boundary wall and vehicular gates. This pedestrian gate would have a height of approximately 1.8m and an overall width of 1.7m. The existing timber entrance gate would be replaced with an automated timber gate. This timber gate would have the same width as the existing gate (4.1m) and a height of 2m.
- 3.6 During the application process, amended plans were submitted, omitting the alterations to the vehicular access and reducing the scale of the outbuilding serving the office. The original maximum height was 4m, the original overall width including covered patio was 14m and the original depth was 5.6m. The width of the patio was also reduced from 3m to 1m. Additionally, the proposed location of the office outbuilding has been relocated to the north and set off the boundary by approximately 2m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council original comments: [Concerns raised]

The Committee had Concerns with this application on the following grounds:-

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 proposal.

The Committee had concerns with the siting of the largest of the outbuilding and the impact it would have on trees.

Given its proposed size, width, height and depth of outbuilding, it out to be located to a more discreet area in the garden away from the neighbouring property.

Request a condition 'not to be used as a separate dwelling' and is ancillary to the property.

4.1.2 Chorleywood Parish Council amended comments (following amendments to scheme):
[Objection and Called-in to Committee]

The Committee had Objections with 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 proposal.

The Committee had concerns with the siting of the largest of the outbuilding and the impact it would have on trees.

Given its proposed size, width, height and depth of outbuilding, it out to be located to a more discreet area in the garden away from the neighbouring property.

Request a condition 'not to be used as a separate dwelling' and is ancillary to the property.

Green Belt - This development is inappropriate in the Green Belt as it does not maintain the openness of Green Belt and does not fall within any of the exceptions laid out in section 13 of the NPPF and there exists no very special circumstances that would allow such development."

4.1.3 National Grid: No comments received.

4.1.4 Landscape officer: [No objection, subject to conditions]

There are a large number of trees of varying age classes/species both on site and on adjacent sites. The trees are highly visible in the local area. The application is for three outbuildings, a new front gate, boundary treatment and access gates. These works are discussed below.

Gazebo and Wood Store identified as buildings 9 and 10 on the proposed site plan. These buildings will have limited foundations and are far enough from adjacent trees that any impact on Root Protection Areas (RPAs) or direct damage is minimal.

Erection of building marked as 8. The construction will result in potential disturbance to the RPAs of adjacent trees and has the potential for damage to adjacent crowns and stems. Work appears to be on the edge of the RPAs of neighbouring trees and also a line of hedging that does not appear to be included in proposed tree protection. This hedging should be protected in line with BS5837 2012 as well as adjacent trees. If facilitation pruning is needed it must be agreed with the local planning authority beforehand.

Works to the front gates and boundary line is unlikely to require extensive excavation into the RPAs. There is the risk of direct damage to the stem and crown of the trees as the potential need for unsympathetic facilitation pruning. This can be mitigated by protective fencing in line with BS5837 2012, if pruning is needed it must be agreed with the local planning authority. If the application proceeds in line with the recommendations in the Arboricultural Report submitted with the application and BS5837 Trees in Relation to Design, Demolition and Construction 2012 work should be able to proceed with minimal impact to adjacent trees. A non-dischargeable condition should be included requiring tree protection in line with BS5837 2012.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10

4.2.2 No of responses received: 3 objections,

4.2.3 Site Notice: Further consultations required; expired 21.06.2021

4.2.4 Press notice: Not applicable

4.2.5 Summary of Responses:

- The main outbuilding is very large and will impact the visual amenity of Oldstocks
- Previous developments to the rear of Walnut Orchard have been declined on the basis that the land should not be developed for domestic use and should be left undeveloped as a wild orchard etc
- Concerns that the building would be used for residential purposes
- Safety concerns relating to access alterations. **Officers Note:** This aspect of the scheme has been omitted.
- The size of the building for office and gym is excessive and overbearing
- The 4m height will impact the visual amenity of Delamere
- There are other more suitable locations
- Large patio area would suggest other uses
- Concerns over potential use of the outbuilding, request a non-residential condition
- The log store and gazebo will have little impact

4.2.6 During the application process, amended plans were submitted, omitting the alterations to the vehicular access and reducing the scale of the outbuilding serving the office. Additionally, the proposed location of outbuilding has been relocated to the north and set off the boundary by approximately 2m. As such, neighbours were re-consulted for 14 days from 12.07.2021 to 26.07.2021.

4.2.7 Summary of Responses: Three further objections

- 3.7m height is over development
- Outbuilding will allow direct view into Limetrees, direct objection to bathroom window
- Lack of consultation. **Officers Note:** Neighbours were given two weeks to comment on the amended plans
- Trees are not evergreen so will allow clear view into Limetrees
- Lack of privacy, smells and noise would detrimentally impact upon the amenity of Limetrees
- Object to future use, for example Airbnb.
- Located within the Green Belt and Area of Outstanding Natural Beauty which should restrict development

- Having obscured glazing would not stop in the future the glazing being replaced from opaque to clear. **Officers Note:** A condition could be added to ensure that the obscure window is maintained.
- The original purpose stated for the outbuilding was a gym. This has now been removed and simply states an office. This does not confirm if it is a commercial office or residential office.
- A gym normally has music and machines which make noise
- If it is a commercial office from home, there may be several people working, those noises would be directly heard from my home. **Officers Note:** A condition would be added that the outbuilding should only be used for ancillary purposes.
- The outbuilding also contains a bathroom therefore does not meet permitted development requirements. Its future use should be restricted. **Officers Note:** This application is for planning permission, therefore permitted development legislation is not relevant.
- The outbuilding should be moved away from my rear boundary line (Limetrees)
- If the applicant sells the property, it does not stop any future occupants using the outbuilding as a dwelling or guest house. **Officers Note:** A condition would be added that the outbuilding should only be used for ancillary purposes. Conditions run with the land rather than the applicant.
- Should planning laws change and allow a second storey to be added under permitted development, my home will be greatly disadvantaged rather than the applicants own home.
- Limetrees is already hemmed in by 4 properties and a tennis club and adding a building of this size so close to my boundary will unduly affect my open space greater than any other property within the vicinity
- In terms of Green Belt, Therefore placing the building in the middle of Limetrees rear boundary does not retain open space
- Delamere object on the same grounds as the previous letter dated 14/06/2021
- Old stocks object on the same grounds as the previous letter dated 03/06/2021

4.3 Reason for Delay: Committee cycle.

5 Relevant Planning Policy, Guidance and Legislation

5.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 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.

5.2 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, CP11 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, DM2, DM3, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Policy 2 is relevant to the current proposal.

5.3 Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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.

6 **Planning Analysis**

6.1 Green Belt

- 6.1.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.1.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 6.1.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) advises that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would;

i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt;

ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development; and

iii) avoids features normally associated with the use of a building as a dwelling such as dormer windows.

6.1.4 The larger outbuilding would be single storey and not of excessive footprint or height and would be viewed as subordinate against the host dwelling and wider site. It would be sited in close proximity (approximately 2m) to the northern boundary with Delamere and Limetrees, which are both screened by relatively dense vegetation, such that the building would not be prominent in the landscape. Given its location relatively close to the boundary, rather than in a more open area of the plot and that it would be located close to existing built form (Delamere's outbuilding), it is not considered that this outbuilding would result in the spread of urbanising development within the site. No dormer windows or similar features normally associated with the use of a building as a dwelling are proposed. Whilst it is acknowledged that glazing is proposed, the level of glazing is considered appropriate for the size of the building. Similarly, whilst a patio area is proposed, which would be partially enclosed via an integral verandah, it is considered that the extent of patio proposed is appropriate for the outbuilding and would not spread urbanising development or adversely affect the openness of the Green Belt.

6.1.5 The other outbuildings including the gazebo and timber shed would be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the buildings would not adversely affect the openness of the Green Belt. Additionally, they would be located in an appropriate location to the edges of the site, not located within the middle of the site, where the impact on openness may be greater. Additionally, these boundaries are bordered by vegetation, such that the buildings would not be prominent in the landscape. In summary, due to their siting, size and design, including, it is considered that the proposed timber shed and gazebo would be of a scale and design subordinate to the host dwelling and would not adversely affect the openness of the Green Belt.

6.1.6 The proposed vehicular gates would directly replace the existing gates. The proposed gates are solid, similar to the existing ones as such there would not be a change in terms of loss of views. Additionally, the proposed pedestrian gate would be situated within an area of existing close boarded fencing, so its solid nature would not result in a change in terms of loss of a view into the site. The proposed metal railings would be approximately 0.2m lower than the existing timber fencing and would allow views into the site as opposed to the solid timber fencing. As such, it is not considered that they would lead to actual harm to the visual amenity and openness of the Green Belt.

6.1.7 As such it is considered that the proposed development would be acceptable within the Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

6.2 Impact on Character and Street Scene

6.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

6.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the

property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials.

- 6.2.3 Policy 2 of the Chorleywood Neighbourhood Plan is also relevant to this application and states: 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'
- 6.2.4 Whilst the proposed outbuilding to be used as an office/gym is relatively large in scale, given the context of the wider site, including its location within a garden with an area of over 1200sqm, it is not considered that the outbuilding would appear disproportionate in size when considered in relation to the size of the rear garden of the application site. Additionally, the outbuilding would be located in a relatively secluded area of the garden, close to the north-western boundary, close to built form in the form of an outbuilding within the garden of Delamere. Given that outbuildings are evident within the area it is considered that the proposed would not appear incongruous within the residential setting of the site. The outbuilding would be used as an office/ gym which is ancillary in use and also would appear ancillary in scale and design. During the application process, amended plans were submitted reducing the scale of the outbuilding and adjoining patio, which were considered acceptable.
- 6.2.5 Given the context of the wider site, including its location within a garden with an area of over 1200sqm, it is not considered that the proposed gazebo or timber shed would appear disproportionate in size when considered in relation to the size of the rear garden of the application site. Furthermore, cumulatively the three outbuildings would occupy only a small proportion of the site's area and would remain small in scale relative to the main dwelling.
- 6.2.6 Various amendments are proposed within the front boundary. The fence on top of the existing brick front boundary wall is proposed to be replaced with metal railings. The front boundary treatments along this part of Chenies Road are varied. Given this and that the proposed metal railings would be lower than the existing timber fencing, it is not considered that they would result in unduly prominent additions and would be acceptable with regard to its impact on the host dwelling, street scene and wider area. Given the limited scale of the pedestrian gate and that it would be no higher than the existing front wall, it is not considered that this element would have a detrimental impact on the streetscene. The existing timber entrance gate would be replaced with an automated timber gate. This timber gate would have the same width as the pre-existing gate (4.1m) and a height of 2m. Given a minimal height increase of approximately 0.2m, compared to the pre-existing timber gates, it is not considered that these would be unduly prominent or detrimentally impact the character of the wider streetscene.
- 6.2.7 The site is located adjacent to the boundary of the Chorleywood Common Conservation Area. Although there would be fleeting views of the proposed development from the Conservation Area, given the appropriate scale of all the elements of the proposals and the reasons set out above, it is not considered that the proposed development would negatively impact upon the setting of the Chorleywood Common Conservation Area.
- 6.2.8 The proposed development would therefore not result in unduly prominent additions and would be acceptable with regard to its impact on the host dwelling, street scene and wider area including the Chorleywood Common Conservation Area. The development would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1, DM3 and Appendix 2 of the DMP LDD and Policy 2 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).
- 6.3 Chilterns Area of Outstanding Natural Beauty:
- 6.3.1 Policy DM7 of the DMLDD states that 'in considering proposals within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- I. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
- II. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
- III. Detracts from the public enjoyment of the AONB landscape

6.3.2 It is not considered that the proposed alterations to the front boundary would adversely impact the Chilterns AONB. This element of the proposal would be built towards the highway and other urbanising features such as the driveway. With regards to the outbuildings, they would be situated in a garden setting in an established row of dwellings and would be of a relatively limited scale compared to the wider plot. Additionally, there are examples of other outbuildings within the vicinity, including at Delamere, which the proposed larger outbuilding would be located in close proximity too. All three outbuildings are located close to a respective boundary and not within an open area of the garden, limiting the impact on the landscape character of the AONB. It is not considered that the proposed outbuildings would fundamentally change or adversely impact the character of the AONB or impact upon views of the AONB given their scale and locations.

6.4 Impact on amenity of neighbours

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

6.4.2 The largest outbuilding would be located close to the north-western boundary, shared with Delamere and Limetrees (set in 2m from the boundary). Objection comments have been received in relation to the impact the outbuilding would have on the amenity of the occupiers of neighbouring dwellings. The separation distance from the rear elevation of Delamere is approximately 25m, as such, it is not considered that the proposed outbuilding would be overbearing or result in a loss of light. Additionally, vegetation along the shared northern would act as screening, further reducing the potential impact of the outbuilding. Whilst neighbours have raised concerns about impacts to 'visual amenity', a loss of a view is not a material planning consideration. Following amendments to the scheme, the outbuilding has been re-located, meaning that part of the footprint is directly behind Limetrees' eastern boundary. The outbuilding would be set approximately 32m from the rear elevation of Limetrees. Additionally, dense vegetation is set along the shared boundary which would act as screening. As such, it is not considered that the proposed outbuilding would be overbearing or result in a loss of light. Concerns have been raised by neighbouring residents that the proposed window within the rear elevation serving the W.C would result in overlooking. Whilst it is unlikely that this window would result in overlooking given the separation distances and the boundary treatment in the form of vegetation, a condition would be added ensuring that the window within the rear elevation serving the W.C 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. This condition would mitigate against overlooking if the coverage of the foliage of the nearby trees significantly reduces in the winter as claimed within the objection comments. A condition would also be added 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. Given the separation distance from the closest elevation of Old Stocks (approximately 50m), it is not considered that the proposed outbuilding would have any impact on the amenities of the occupants of this property..

- 6.4.3 Given the location of the proposed gazebo and timber shed to the rear of the garden, set a significant distance from any neighbouring dwellings and their limited scale, is not considered that these outbuildings would result in any harm to the residential amenities of the surrounding neighbouring properties.
- 6.4.4 Given the nature of the works, and its location away from neighbouring dwellings, it is not considered that the various amendments to the front boundary would result in any harm to the residential amenities of the surrounding neighbouring properties.
- 6.4.5 The proposed developments would therefore not result in any harm to the residential amenities of the surrounding neighbouring properties in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.
- 6.5 Amenity Space Provision
- 6.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 6.5.2 There is sufficient amenity space provision to accommodate the proposed development and serve the dwelling in accordance with the standards as set out within the Design Criteria of the DMP LDD.
- 6.6 Wildlife and Biodiversity
- 6.6.1 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.
- 6.6.2 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. 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.
- 6.7 Trees and Landscaping
- 6.7.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 6.7.2 The application site is not located within a Conservation Area, however, trees to the rear of the site are protected by a Tree Preservation Order. There are also unprotected trees surrounding the site, particularly to the north and west. As part of the application an Arboricultural Impact Assessment, Method Statement & Tree Protection Plan was submitted (TRDC 001). The Landscape Officer was consulted for the current application and raised no objections subject to conditions.
- 6.7.3 The Arboricultural Impact Assessment, Method Statement & Tree Protection Plan (TRDC 001) states the proposal is an *'arboriculturally defensible scheme and there are no (arboricultural) reasons why planning consent should not be granted'*.

- 6.7.4 The larger outbuilding would not be located near the protected trees within the site, which are located along the eastern boundary. The largest outbuilding is set approximately 2m from the boundary with Delamere and Limetrees, in order to minimise the extent to which it is located within the Root Protection Area of adjoining trees. Notwithstanding this, these trees are not protected, so it is not considered that this element of the proposal would detrimentally impact upon any protected trees.
- 6.7.5 Whilst the smaller outbuildings would be constructed in relatively close proximity to the protected vegetation along the eastern boundary, they would be sat on floating concrete rafts which require no services, excavations or changes to land levels. As such, it is not considered that the smaller outbuildings would detrimentally impact upon any protected trees.
- 6.7.6 The alterations to the front boundary would not detrimentally impact any protected trees.
- 6.7.7 In order to ensure the protection of trees on and adjoining the site a condition would be attached to any permission to ensure that tree protection methods are carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement & Tree Protection Plan (dated 24 June 2021). Therefore, it is not considered that the proposed development would impact upon any protected trees.

6.8 Highways, Access and Parking

- 6.8.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document.
- 6.8.2 The proposed outbuildings would not impact the parking provision on site. The alterations to the front boundary including addition of metal railings and pedestrian gate would also not impact parking provision on site. The new vehicular gates would be located in the same position as existing and would have the same width. It is not considered that the increase in height by 0.2m, would impact highway safety. The scheme is therefore acceptable in this regard.

7 **Recommendation**

- 7.1 Recommendation: 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: TRDC 001 (Amended Arboricultural Impact Assessment), TW-400 REV A, TW-401 REV C, TW-402 REV B, TW-404 REV A.
- Reason: For the avoidance of doubt and in the proper interests of planning and to maintain the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).
- C3 The outbuildings and alterations to front boundary treatment shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and no external materials shall be used other than those approved
- Reason: To ensure that the external appearance of the outbuilding is acceptable in

accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The development hereby permitted shall be implemented only in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan Ref TH2933 dated 24 June 2021.

The protective measures as detailed on drawing number TH/A3/2933/TPP, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is 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 window within the north-western (rear) elevation of the outbuilding (numbered as building 8 on Drawing TW-401 Rev C) hereby permitted shall be fitted with purpose made obscure glazing and be top level opening 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).

- C6 The detached outbuildings 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).

7.1 **Informatives:**

- 11 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 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.
- 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.