

PLANNING COMMITTEE – 12 AUGUST 2021

PART I - DELEGATED

11. 21/1346/FUL - Landscaping work to front garden including reduction in land levels and retaining wall to accommodate new parking space and new stepped and ramped access at 112 WHITELANDS AVENUE, CHORLEYWOOD, WD3 5RG

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 19.07.2021
(Extension of time agreed until 19.08.2021)

Ward: Chorleywood South & Maple Cross
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse as concerns have been raised relating to character and impact on street scene.

1 Relevant Planning History

1.1 21/1508/FUL – First floor extension to create two storey dwelling including increase in ridge height, single storey rear extension, front porch, insulated render cladding, alterations to fenestration and associated landscape works including excavation, extension to drive and installation of retaining walls to front and rear - **Pending Consideration and on this Committee agenda**

1.2 21/1345/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey rear extension, front porch and insertion of door to side elevation - 19.07.2021 - **Permitted**

1.3 21/0588/FUL - First floor extension to create two storey dwelling including increase in ridge height, provision of rooflights, two storey rear extension, alterations to external materials including render cladding alterations to fenestration detail, associated landscaping works including alterations to driveway and rear staircase and terrace - 10.05.2021 – **Refused**

R1 The proposed rear extension including an extension to the main roof form, would result in an overbearing, unduly prominent, visually intrusive and un-neighbourly form of development which would have an adverse impact on the residential amenity of occupiers of no.110 Whitelands Avenue. The proposed rear staircase providing access from first floor level to the garden, by virtue of its depth and height, would result in harmful overlooking to the neighbouring occupiers of no.110 Whitelands Avenue. The proposal is therefore contrary to 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).

1.4 21/0022/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (2.91m in height) to result in an overall height of 9.19m (Class AA) – 03.03.2021 – **Permitted**

1.5 20/2404/FUL - Demolition of existing bungalow and construction of two storey dwelling with associated landscaping, vehicular crossover and associated parking and alterations to land levels - 06.01.2021 – **Refused**

R1 The proposed replacement dwelling, by virtue of its excessively bulky roof design and form, would detract significantly from the character and appearance of the area resulting in demonstrable harm to the streetscene. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted

July 2013), Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) and the NPPF (2019).

1.6 AM/1141/73 - Vehicular access and standing for 2 cars - 28.05.1973

2 Description of Application Site

2.1 The application site contains a detached bungalow located on the northern side of Whitelands Avenue, Chorleywood. The land levels on this part of Whitelands Avenue slope upward in a northern and western direction, meaning that the adjoining neighbour to the north-west is positioned at a higher level, the adjoining neighbour to the south east to a lower level and that the rear amenity garden slopes upwards towards the rear. The dwelling is also positioned at a higher level relative to the public highway.

2.2 The application dwelling is traditional in character with a hipped roof form and red facing brick exterior. Forward of the dwelling is a partially paved driveway and front garden including steps up to the dwelling. To the rear of the dwelling is an amenity garden of some 550sqm in area.

2.3 The street scene of Whitelands Avenue is relatively varied in terms of the style and design of dwellings within it. The street is comprised of a mixture of detached bungalows, detached two-storey dwellings and two-storey semi-detached dwellings. The direct neighbour to the west is a bungalow which has implemented roof extensions and the direct neighbour to the east is a bungalow.

3 Description of Proposed Development

3.1 It is proposed that alterations are made to the site frontage to accommodate an additional, third parking space. The altered driveway would incorporate retaining walls given the raised land level that the dwelling is positioned on. The steps up to the dwelling would be repositioned to the eastern side of the frontage and a ramp provided. No alterations are proposed to the existing vehicular access.

4 Consultation

4.1 Statutory Consultation

4.1.1 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 proposed car parking and landscaping are out of character with the street scene and the development at the neighbouring property only highlights the harm the changes to the front boundary and car parking causes to the street scene.

The proposal would result in the loss of the grass verge and the proposal is contrary to the Chorleywood Neighbourhood Plan.

The property is located in a Cul De Sac, the proposed building line is not consistent with that of the neighbouring properties.

The development would be imposing and out of character with the surrounding area.

The proposal is contrary to Policy 4.1, 2.1, 2.2, 2.4 Chorleywood Neighbourhood Plan

The development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011)."

4.1.2 London Underground Infrastructure Protection: [No objection]

"I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities."

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 0

4.2.3 Site Notice posted 07.06.2021, expired 28.06.2021

4.2.4 Press notice not required.

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 July 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.

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies of the adopted Core Strategy include CP1, CP8, 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 of the adopted Development Management Policies LDD include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). Relevant policies include Policy 2.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on Character and Appearance

- 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 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area.
- 7.1.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that 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 It is not considered that the proposed alterations to the driveway and frontage would result in harm to the character and appearance of the area. The existing frontage is currently made up of lawn, hard and soft landscaping features including a series of raised brick-clad planters, raised steps and an area of paving to accommodate two car parking spaces. The proposal to accommodate one additional parking space and associated works such as the construction of new retaining walls would slightly alter its existing appearance however it is not considered however that harm would arise as a result. The frontage would retain a significant portion of soft landscaping along with the proposed increased driveway size and it is not considered that the frontage would appear out of character with the dwelling or street scene particularly given the driveway alterations made across Whitelands Avenue as a whole. The submitted plans indicate that the proposed retaining walls would have a brickwork finish and subject to a condition requiring that brickwork to match the existing dwelling, it is considered that this would result in an acceptable appearance to the frontage, which may reduce the number of different facing materials when compared to the existing situation.

7.1.5 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).

7.2 Impact on amenity of neighbours

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

7.2.2 Given the nature and position of the proposed works, it is not considered that the proposed front driveway alterations would result in harm to the residential amenities of any neighbours in terms of a loss of light or overlooking.

7.2.3 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Highways & Parking

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

7.3.2 The proposed extended driveway provides three parking spaces and as such it is considered that there will be adequate parking space for present and future occupiers. It is acknowledged that the proposed new parking space would not be independently accessible without other vehicles first moving from the site. However, this arrangement is not uncommon along Whitelands Avenue and other similar residential roads where tandem car parking arrangements are normal. It is not considered that this arrangement would result in any demonstrable adverse impact on highway safety. No changes to the existing access are proposed as part of the proposed development which would remain as existing.

7.4 Rear Garden Amenity Space

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

7.4.2 The dwelling would retain a garden of approximately 500sqm in area which is considered to be acceptable.

7.5 Trees & Landscape

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

7.5.2 The proposed development would not require the removal of any trees and is not considered to result in any impact to trees. The proposed development is therefore considered to be acceptable in this regard.

7.6 Biodiversity

7.6.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

8 **Recommendation**

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

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: P001, P009, P010

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

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

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

Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

- 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.
- I3 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.