

PLANNING COMMITTEE – 18 NOVEMBER 2021

PART I - DELEGATED

9. **21/2319/FUL: Single storey side extension and removal of rear conservatory at 1 OLD BARN MEWS, CROXLEY GREEN, HERTS, WD3 3AH (DCES)**

Parish: Croxley Green

Ward: Dickinson

Expiry of Statutory Period: 2 December 2021

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by Croxley Green Parish Council for the reasons set out at 4.1.1 below.

1 Relevant Planning History

- 1.1 00/00242/FUL - Erection of five terraced dwellings with associated garages and access - Refused - 20.06.2000 – Allowed on appeal.

2 Description of Application Site

- 2.1 The application site contains an end of terrace two storey dwelling that fronts The Green and is sited within Croxley Green Conservation Area. Old Barn Mews consists of a row of five terraced dwellings that front onto The Green. The application dwelling is sited to the south of the group. The dwellings in Old Barn Mews are accessed via a pedestrian route along the front (eastern aspect) of the dwellings that leads from Old Barn Lane. The dwellings are served by a parking area and garage block that is attached to the northern elevation of No.5 Old Barn Mews. The application dwelling has been previously extended with a single storey rear conservatory.
- 2.2 The dwelling adjoins the neighbouring dwelling to the north and is set in from the southern boundary. The neighbouring property to the north (No.2 Old Barn Mews) has the same original building line to that of the application dwelling. No.2 does not appear to have been previously extended. The neighbouring property to the south (No.2 The Orchard on The Green) is a detached dwelling which is set back from the front elevation of the application dwelling and projects beyond the rear elevation.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a single storey side extension and demolition of the existing single storey rear conservatory.
- 3.2 The rear conservatory would be demolished; no alterations to the fenestration within the original rear elevation would result from the removal of the conservatory. The single storey side extension would be constructed along the southern elevation. It would have a width of 3.3m, depth of 8.3m and height of 3.9m with a hipped roof form. It would be set in 0.8m from the flank boundary. The proposed extension would be set in 0.5m from both the front and rear elevations of the dwelling. Fenestration would be inserted within the front and rear elevations of the extension and two rooflights would be inserted within the flank roofslope.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Croxley Green Parish Council (CGPC): [Objection]

CGPC objects to the application as the proposed pitch of roof is out of character for a property within the Conservation Area where the building sits. Furthermore the overall size and shape of the proposed building would result in an unsympathetic development.

If the officer is minded to approve the application, CGPC request that it is called into the TRDC Planning Committee.

4.1.2 Landscape Officer: [No objection]

The site is heavily vegetated with mature and semi-mature trees. The proposed work is likely to impinge into the Root Protection Area of at least one of the trees on site with the associated negative impacts due to root severance, changes to soil environment, potential soil contamination, direct damage to the crown/trunk of the tree and issues due to unsympathetic pruning to facilitate construction. There is also a limited amount of space of site to accommodate the movement and storage of plant and materials on site away from the RPAs of adjacent trees. No arboricultural report assessing these impacts and possible mitigation methods has been submitted as part of this applications.

If the application is granted it is recommended that a dischargeable condition is included that a scheme in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' for all the trees located within 15m of the site shall be submitted to and approved in writing by the Local Planning Authority.

4.1.3 Conservation Officer: [No objection]

The proposed side extension would not raise an objection. The proposed extension would largely be screened by existing vegetation and given the attached large garage to the north flank elevation, the proposed side extension would not cause any additional harm to the significance of the Conservation Area. It would be subservient in its scale and would be appropriately detailed. Details regarding the materials, windows and doors can be reserved by condition. There is a preference for the rooflights to be omitted as they may be visible from the streetscene, if there are glimpsed views of the extension it would be better for the roof to be traditional/ unadorned.

4.1.4 Herts Footpath Section: No comments received.

4.1.5 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 No of responses received: 0

Site Notice: Expired 3 November 2021 Press notice: Expired 5 November 2021

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the updated 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 2021 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 include Policies CP1, CP9, CP10 and CP12.

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA2 and Appendices B and C are relevant.

The Croxley Green Conservation Area Appraisal (1996).

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 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'. Policy CP12 of the Core Strategy also states that development should 'conserve and enhance natural and heritage assets'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD provide further guidance relating to residential development. Appendix 2 of the Development Management Policies LDD advises that extensions should be sympathetic to the character and appearance of the host dwelling and should not appear unduly prominent. Extensions should not also appear disproportionate in scale to the original host dwelling.

7.1.3 The site is located within Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies document is relevant. This stipulates that within Conservation Areas development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area. The Croxley Green Conservation Area Appraisal describes the Croxley Green Conservation Area as overwhelmingly green and open in character and appearance. It is however noted that the Conservation Area Appraisal pre-dates the construction of Old Barn Mews which was granted permission in 2000.

7.1.4 Policy CA2 of The Croxley Green Neighbourhood Plan requires that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas described in Appendix B through the careful control of massing, alignment and height. The application site is within Character Area 2 as set out within the Neighbourhood Plan. In relation to developments within Character Area 2 the Neighbourhood Plan states:

'The main features to be considered in any proposal for extensions or redevelopment are:

- The well maintained grassed areas on either side of the roads flanked with wooden bollards. Similar verges flank all the road leading out of the Green
- A backdrop of mature mainly deciduous trees screening the views outwards. Any losses of major trees should be replaced.
- All Saints Church dominates the south end of The Green and Croxley House dominates the north end of The Green. In addition, Little Green to the north and Scotsbridge are very important. No proposal should detract from these features.
- Interesting houses of various periods from grand to humble in traditional materials, especially brick and render walls, tiled roofs and timber windows, mostly in good repair
- Some unprotected buildings could be considered for local listing.'

7.1.5 In relation to side extensions the Neighbourhood Plan also advises that:

- 'In the case of semi-detached houses any side extension should take account of the effect on the street-scene of a lop-sided extension
- Side extensions should reflect the scale and proportion of the original house, including existing fenestration, architectural detail and materials.'

7.1.6 The application dwelling is an end of terrace dwelling forming part of Old Barn Mews which consists of a row of five dwellings. The planning history of the site indicates that Old Barn Mews is a modern development granted permission in 2000. Notwithstanding this, the siting and design of Old Barn Mews makes a positive contribution to the character and appearance of the Croxley Green Conservation Area. Old Barn Mews sits to the south of Old Barn Lane and is visible from along The Green.

7.1.7 The proposed development would be sited to the flank of the dwelling where due to its siting it would be visible from The Green. The extension would be single storey level only and

would have a hipped roof form that would be set down from the eaves of the dwelling thus would not appear excessive in height and would be minimal in bulk. Croxley Green Parish Council have advised that the roof form of the proposed extension would not respect the roof design of the existing building. The development proposes a hipped roof whilst the existing roof form consists of a Dutch hip design. The proposed roof form serves to reduce the bulk and massing of the proposed development and due to it serving a single storey addition the design of the roof would not result in a contrived addition to the dwelling or group of which it forms part. The Conservation Officer raised no objections to the design of the proposed roof.

- 7.1.8 The proposed extension would be set back from the front and rear elevations of the dwelling and would be of a height and width that would ensure that the proposed extension would have a subservient appearance to the dwelling and Old Barn Mews as a whole. A large garage block adjoins the northern flank of Old Barn Mews which has a hipped roof. The addition of a subservient single storey extension to the south of the Old Barn Mews of the design and scale proposed would not serve to unbalance the appearance of the row of terraces. Although the building would be visible it would not be of a size, scale or design that would result in any unduly prominent or contrived feature as viewed from public vantage points along The Green. The single storey nature of the extension would not affect views from The Green or affect any views within the Conservation Area.
- 7.1.9 The siting of the side extension next to the large gabled roof garage serving No.2 to the south would serve to reduce the prominence of the development within the Conservation Area and street scene. The proposed extension would not detract from the architectural merits of Old Barn Mews or the contribution the existing building makes within the Conservation Area. The fenestration detail to the front elevation would respect the design and character of the windows along the frontage. To the rear the fenestration would be more modern in appearance but would not be visible from public vantage points or be of a scale that would materially detract from the merits of the existing building. Two rooflights would be sited within the flank roofslope. The Conservation Officer recommended the removal of the rooflights. However, the number of rooflights would be proportionate to the scale of the roof and would be conditioned to be conservation grade rooflights so they would not project beyond the roof plane to respect the setting of the dwelling. It is not considered that the siting or scale of the proposed rooflights would detract from the merits of the building or character and appearance of the Conservation Area.
- 7.1.10 No objections are raised to the removal of the modern conservatory sited to the rear of the dwelling in terms of impact on the character and appearance of the Conservation Area.
- 7.1.11 The proposed extension would bring the built form closer to the flank boundary of the site however it would be single storey level only and would not result in a terracing effect or create a cramped or contrived feature within the street scene. The scale of the extension would be proportionate in scale to the existing dwelling and Old Barn Mews and would not result in a prominent addition or detract from the architectural merits of the existing building or Old Barn Mews. The proposal would therefore not affect the visual amenities of the street scene or character of the Conservation Area and special characteristics of the character area.
- 7.1.12 In summary, subject to a condition requiring the use of matching materials, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan and The Croxley Green Conservation Area Appraisal.
- 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 advises that extensions should not be overbearing and should not result in a loss of light or overlooking to neighbouring properties.

- 7.2.2 The proposed development would be sited to the south of the dwelling and would not be visible from the adjoining dwelling (No.2 Old Barn Mews). Thus, no loss of light or harm to the visual amenities of this neighbouring property would result from the siting or scale of the proposed extension.
- 7.2.3 No.2 The Orchard on The Green is sited to the south of the application site. No.2 The Orchard is served by a garage that projects beyond the front elevation of the main aspect of No.2. The proposed extension would project beyond the eastern elevation of the neighbouring garage by approximately 1m. The proposed siting and scale of the extension would not result in any loss of light or harm to the visual amenities of No.2 The Orchard on The Green. No harm to the residential amenities of the neighbouring property to the rear of the site would result from the proposed development.
- 7.2.4 No overlooking would result from the fenestration to be inserted within the front and rear elevations of the development.
- 7.2.5 In summary, it is not considered that the proposed development would result in any harm to the residential amenity of neighbouring dwellings. The development is considered acceptable and 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 Amenity Space Provision for future occupants

- 7.3.1 Appendix 2 of the Development Management Policies LDD sets out the standards for amenity space provision. A three bedroom dwelling should be served by an amenity space provision of 84sq.m. The proposed extension would encroach upon the amenity space to the side of the dwelling, however, an amenity space provision of approximately 100sq.m would be retained which would accord with Appendix 2.

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.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist which details that the development would not have any impact on any protected species. The existing conservatory is unlikely to contain bats and the proposal would not affect the roof form of the existing dwelling. As such, no protected species would be affected by the proposed development.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature

conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

- 7.5.2 A protected tree, sited to the south of the dwelling where the extension would be sited, has been removed following the granting of permission to remove it in January 2021 (application reference: 20/2676/TPO). No replacement planting was required to replace the loss of the tree. There is a protected tree sited within the rear amenity space of the neighbouring property to the rear however due to the location of the extension it would be unaffected by the proposed development. The proposed development would not affect the vegetation screen sited between the dwellings and The Green which contributes to the character and appearance of The Green and Conservation Area. Due to the constraints of the site the Landscape Officer has recommended that a condition be attached to any planning permission. To ensure the vegetation is protected during construction a tree protection condition will be attached to any planning permission.
- 7.5.3 The development would not result in any harm to any areas of landscaping that contribute to the character of the area and the development is therefore considered as acceptable in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access and that development would not have an impact on the safety of the highway. The proposed development would not include any alteration to the existing vehicular access or parking arrangements and thus there would be harm in this respect.
- 7.6.2 The proposed development would not introduce an additional bedroom or encroach upon the parking provision serving the site. It is noted that there is no direct vehicular access serving the site; an informative regarding parking on the The Green and damage to The Green will be attached to any planning permission.
- 7.6.3 The proposed development would not encroach upon the public footpath that runs close to the front boundary of the site.

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:
- AL-000, AL-100, AL-200, AL-300, AL-400.
- Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10, CP12; of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (2018) and the Croxley Green Conservation Area Appraisal 1996.
- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all

trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, 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 a pre commencement condition to ensure that no development takes place until 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).

- C4 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 The rooflights hereby permitted shall consist of conservation grade rooflights.

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **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.

- I2 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.
- I3 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.
- I4 Parking on The Green, Croxley Green is controlled by the Three Rivers District Council Byelaws. Parking is only permitted in exceptional circumstances and for short periods with written permission from Three Rivers District Council. Any damage to trees, grassland or other aspects of the environment of The Green may lead to prosecution for costs of reparations and a fine.