

## PLANNING COMMITTEE – 20 JANUARY 2022

### PART I - DELEGATED

**9. 21/2566/FUL: Demolition of existing shed and construction of outbuilding to be used as a home office at 29 GIRTON WAY, CROXLEY GREEN, WD3 3QW. (DCES)**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 13.12.2021

Ward: Durrants  
Case Officer: Aaron Roberts

Recommendation: That Planning Permission be GRANTED.

Reason for consideration by the Committee: A District Councillor lives within the neighbour consultation area.

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

- 1.1 14/0425/CLPD - Certificate of Lawfulness Proposed Development: Single storey rear extension and alterations to fenestration – Permitted – Implemented.

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

- 2.1 The application site is located on Girton Way, Croxley Green. Girton Way consists predominantly of pairs of two-storey, semi-detached dwellings of similar scale and design.
- 2.2 The site comprises a two storey, semi- detached dwelling with a brown brick pebbledash exterior on the upper half with red brick on the lower half. To the front of the application dwelling is hardstanding which can accommodate two cars. The dwelling has been extended via a single storey rear extension.
- 2.3 The adjoining neighbour, No.31 shares the same original building lines as the application dwelling. The shared boundary with No.31 consists of relatively low level closeboard fencing. The application dwelling is separated from No. 27 by the side access. The shared boundary with No.27 consists of approximately 1.8m high closeboard fencing. To the rear of the site is Malvern Way School. There is a timber shed in the rear garden adjacent to the boundary with No. 27.

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

- 3.1 This application seeks planning permission for demolition of an existing shed and construction of outbuilding to be used as a home office.
- 3.2 The outbuilding would be located towards the rear of the site. The outbuilding would have a depth of approximately 3.3m and a width of 6.5m. When measured from the adjacent lawn, the outbuilding would have a height of approximately 3m. Within the front elevation facing into the site there would be a door, bi-fold doors and two windows. Within the front roof slope there would be two rooflights. The rear and side elevations would be timber clad with no openings. The windows and doors would have a grey aluminium finish. The roof tiles would be grey.
- 3.3 The rear of the site currently consists of various land levels, including a concrete area, grass lawn and an area of wood-chippings enclosed by timber sleepers, however, there are no significant land level changes. As demonstrated by Plans TRDC 004 (Site Plan) and TRDC 005 (Level Drawings), the area in which the outbuilding would be located would be level with the concrete area adjoining the eastern boundary with No.27. Given that the outbuilding would have a concrete base, which would have a height of 0.15m, the top of the base (and

bottom of the actual shed) would be level with the existing lawn level. However to facilitate the depth of the shed, approximately 0.3m (depth) of the grass level would be removed.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Croxley Green Parish Council:**

*'Croxley Green Parish Council note that the roof height of the outbuilding is 3 meters and is close to the boundary with No.31. CGPC request that outbuilding is not connected to the drains and not used as a separate dwelling.*

4.1.2 National Grid: [No comment received]. Any comments received will be verbally updated at the Committee meeting].

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: None

4.2.3 Site Notice: Further Consultations required. Date Posted: 20.11.2021, Date Expired: 11.12.2021

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**

6.1.1 On 20 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".

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

### **6.2 The Three Rivers Local Development Plan**

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

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

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

6.3 The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policy CA2 and Appendices B and C. The site is within Character Area 6.

#### 6.4 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'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.1.3 The Croxley Green Neighbourhood Plan is also relevant. Whilst Policy CA2 does not specifically mention outbuildings, it states that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas through the careful control of massing, alignment and height.

7.1.4 It is considered that the scale of the building respects the context of the site and does not result in overdevelopment causing demonstrable harm to the open character and appearance of the site. Additionally, there are examples of other outbuildings of similar scale within adjoining gardens, including at No.27, as such the outbuilding would not look at odds within its setting. The outbuilding is considered to be of an ancillary scale and its use as a home office would also be ancillary and a condition would be added to any permission ensuring 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. The use of timber to the flank elevations would further assist in ensuring that it appears as an outbuilding and is an appropriate material in this context.

7.1.5 Given the relatively minimal land level changes to facilitate the outbuilding it is not considered that this element of the proposal would result in any adverse impact on the host dwelling or wider streetscene.

7.1.6 In summary, it is considered that the proposed development would not result in any adverse impact on the host dwelling or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).

## 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 of disposition of privacy, prospect, amenity and garden space'.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.3 The maximum height of the outbuilding would be approximately 3m from the existing lawn level. The eastern flank elevation would be situated approximately 0.6m from the eastern boundary and the western flank would be set approximately 0.4m from the western boundary. It is considered that given the proposed building's scale and position within the site, it would not have an overbearing impact or result in a loss of light to any adjoining property.

7.2.4 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

## 7.3 Amenity Space Provision for future occupants

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of 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.

7.3.2 The proposal would not increase the number of bedrooms. The application site would benefit from a private amenity space measuring approximately 87sqm which exceeds the guidance figure of 84sqm of amenity space for a 3 bedroom dwelling. As such, the proposal is acceptable in this regard.

## 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 was submitted with the application and 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 bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

## 7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate. It also states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards and that development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage.

- 7.5.2 The application site does not contain any TPO's nor is it afforded protection via a Conservation Area. No trees would be affected as a result of the development.

## 7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 7.6.2 The outbuilding would not increase the number of bedrooms within the dwelling and therefore does not require additional parking spaces. It is not considered that the development causes harm to highway safety

## 8 **Recommendation**

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

- C1 The development hereby permitted that have not yet been carried out shall be begun before the expiration of 3 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 (Location Plan), TRDC 002 (Block Plan), TRDC 003 (Amended Elevations), TRDC 004 (Site Plan), TRDC 005 (Level Drawings), TRDC 006 (Proposed Roof and Floor Plan).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (adopted December 2018).

- C3 The outbuilding 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 detached outbuilding 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).

## 8.2 Informatives:

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B (6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

Section prior to the commencement of work.

- I2 The 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 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.