

## PLANNING COMMITTEE – 11 AUGUST 2022

### PART I - DELEGATED

#### 10. **22/0950/FUL - Relocation of dropped kerb and replacement boundary wall at 19 TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA (DCES)**

Parish: Abbots Langley Ward: Gade Valley  
Expiry of Statutory Period: 15.08.2022 (Agreed Extension) Case Officer: Lauren Edwards-Clewley

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor

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

- 1.1 22/1386/CLPD - Certificate of Lawfulness Proposed Development: Single storey side/rear extensions, two storey rear extension - pending consideration.
- 1.2 12/1263/CLPD - Certificate of Lawfulness Proposed Development: Two storey rear extension and single storey side extension, new front porch, installation of front, side and rear rooflights - Part approve, part refuse.
- 1.3 11/0027/FUL - Demolition of side extension, removal of chimneys and erection of two storey side and rear extensions, new porch, re-roofing of single storey front extension and bay windows, and loft conversion including second floor rear balcony - Refused - appeal dismissed.
- 1.4 10/0923/FUL - Demolition of side extension and erection of two-storey side and rear extensions, new porch and new roof to single-storey front extension and bay windows, raise in ridge of existing two storey rear extension and loft conversion including second floor rear balcony - refused.
- 1.5 01/00791/FUL - Single storey side extension - Permitted.
- 1.6 99/01616/CLPD - (Certificate of Lawful Proposed Development) Single storey rear extension – Permitted.
- 1.7 97/0883/CLPD - (Certificate of Lawfulness - Proposed) Erection of single storey detached garage/workshop – Permitted.
- 1.8 97/0824/FUL - Conversion of existing garage to habitable room - Permitted.
- 1.9 96/0605/CLPD - (Certificate of Lawfulness - Proposed) Erection of garage/workshop to rear and conversion of existing garage to habitable room – refusal.
- 1.10 8/789/91 - First floor rear extension, conversion of garage to habitable room & alterations - permitted.
- 1.11 8/1033/88 - Front boundary wall - Permitted.
- 1.12 8/210/87 - Existing garage as playroom, new garage, workshop - Permitted.
- 1.13 8/962/86 - Garage and workshop - Permitted.
- 1.14 8/484/81 - Side and rear extensions - Permitted.

## **2 Description of Application Site**

- 2.1 The application site has an irregular plot shape and is located on the northern side of Toms Lane, Kings Langley. The application dwelling is a two storey detached dwelling which has undertaken a number of previous extensions and is finished in a grey painted rough render.
- 2.2 The existing site frontage is predominately hardstanding providing parking. The existing access is sited to the right hand side of the site frontage with an existing front boundary wall, brick piers and railings.
- 2.3 Both neighbours are detached two storey dwellings. Land levels slope upwards towards the east.
- 2.4 The application site is located within the Metropolitan Green Belt.

## **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the relocation of dropped kerb and replacement boundary wall.
- 3.2 The existing dropped kerb is located to the right hand side of the frontage. The proposal includes relocating the dropped kerb centrally within the frontage.
- 3.3 The existing front boundary wall would be demolished. A new front wall would be constructed across the width of the site frontage with the exception of a centrally sited 5m gap which will form the new access. The boundary wall curves slightly into the access.
- 3.4 Owing to the slope in land levels the proposed wall would have a maximum height of 1.4m reducing to 0.6m closer to No.21. Brick piers would be sited at intervals along the wall and at the edge of the access. The proposed new wall would be constructed in stone brick.
- 3.5 The driveway would be replaced with permeable block paving.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Abbots Langley Parish Council: [No overall objection]**

Members had no overall objections with this application but request a condition be added prohibiting the addition of a gate at a later date to the boundary wall as there is insufficient room for a car to wait at the boundary wall without obstructing the road.

#### **4.1.2 Hertfordshire County Council – Highway Authority: [Objection overcome]**

In order for the highway authority to fully assess and respond to the application, more information is required. Drawing number 2225-SK-500 shows the relocation of the access but does not clearly show the size of the dropped kerb. The size of the dropped kerb must be clearly indicated on the plans as according to Hertfordshire County Council Residential Dropped Kerbs Terms and Conditions, a dropped kerb for a single dwelling can be a maximum of 5.4m, made up of 4 flat kerbs and 2 risers. It is also noted that there is a highways owned lighting column, asset ID SL100078559, located to the front of the site in the approximate location of the new access. If the applicant wishes for the lighting column to be moved, they must suggest a new location, which must be approved by HCC, and pay for it to be moved. Also, the visibility splays of 2.4m x 43m should be drawn to the nearside kerb rather than the middle of the highway. If the amended visibility splays cross through the boundary wall, then the height of the wall must be limited to a maximum of 600mm as outlined in Manual for Streets paragraph 7.6.3. This is to ensure that vehicles using the access can see children using the footway, ensuring the access is safe.

Following receipt of the above comments the agent has amended the proposed plans.

The Highways Officer has advised that whilst they forwarded the proposed plans onto the lighting technician no response was received to date. Nevertheless they have advised that the relocation of the lamppost would be confirmed via the Highways Section 184 process when installing the proposed new kerb. The Highways Officer also set out that it is acknowledged that the visibility will be improved with the relocation of the access into the middle of the site, and due to the residential nature of the road a 2m setback could be used from the access.

4.1.3 National Grid: No response received

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 10

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 30.06.2022                      Press notice: Not required

## **5 Reason for Delay**

5.1 To allow for amended plans to be considered by the Highways Officer.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 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.

### **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, 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, DM6, DM8, DM13, Appendices 2 and 5.

### 6.3 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.

## 7 **Planning Analysis**

### 7.1 Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt.

7.1.2 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.1.3 The requirements of the NPPF are considered to reflect adopted policies of both the Three Rivers District Council Core Strategy and Local Plan. Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt. Policy DM2 of the Development Management Policies LDD (adopted July 2013) replicates Government guidance contained in the NPPF. Policy DM2 sets out guidance for development in the Green Belt however is silent on this specific development type.

7.1.4 The proposal would not result in the introduction of any additional hardstanding compared with the existing driveway. As such would not result in any greater encroachment of urbanising development.

7.1.5 Unlike that existing, the proposed front boundary wall would not include railings, however, it would step in height to reflect the change in land levels and is not considered to result in an increased sense of enclosure compared with the existing front wall such that it would result in an unacceptable adverse impact on openness.

7.1.6 The proposed development would not conflict with the purposes of Green Belt land as set out within the NPPF and would not result in adverse harm to openness. The proposed

development would therefore comply with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and the NPPF (2021).

## 7.2 Impact on Character and Street Scene

- 7.2.1 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'.
- 7.2.2 The proposal would not result in any increase to the extent of the existing hardstanding. The proposed permeable block paving is considered to be appropriate within the residential setting of the application site.
- 7.2.3 The proposed front boundary wall would not be any higher than the existing front boundary wall however would no longer include railings to the upper part. Nevertheless given that it would step in height to reflect the change in land levels, would not extend the full width of the application site frontage and that the plans show the proposed wall would be constructed in materials to match those existing it is not considered that the new front wall would appear unduly prominent or incongruous within a streetscene where other similar features are apparent.
- 7.2.4 In summary the proposed development would respect the character and appearance of the host dwelling and street scene and would accord with Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard

## 7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness whilst Policy CP12 of the Core Strategy states that the Council expects all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.3.2 Owing to the nature of the proposed development and that the proposed new front boundary wall would be sited several metres from the neighbouring properties it is not considered that it would result in any impact to neighbouring amenity.

## 7.4 Highways, Access and Parking

- 7.4.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.4.2 The proposed development would not result in the loss of existing parking provision. The proposed new surfacing would be permeable block paving and therefore would be an improvement to the existing situation in relation to drainage.
- 7.4.3 The proposal includes the relocation of the existing dropped kerb centrally across the site frontage. Following initial objections from the Highways Officer amended plans have been received. The Highways Officer noted the improved visibility which would result from the new access and that a 2m set back would be achieved owing to the residential location of

the application site. As such they raise no objection as the proposed new access would not result in unacceptable harm to the safety of Highway users.

7.4.4 It is noted that an existing lighting column would need to be relocated to facilitate the proposed development. The applicant would need to obtain separate consent for this from HCC and this does not restrict the ability of the LPA from granting planning permission for the proposed development.

7.4.5 It is not considered in this case that it would be appropriate to remove permitted development rights for means of enclosure (gates/walls/fencing). Any new means of enclosure fronting the highway over 1m in height would require planning permission under separate cover.

## 7.5 Amenity Space

7.5.1 The proposed development would not result in the creation of any additional bedrooms or loss of existing amenity space provision.

## 7.6 Wildlife and 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.

7.6.2 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.

7.6.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application.

## 7.7 Trees and Landscaping

7.7.1 The application site is not located within a Conservation Area nor are there any on site protected trees which could be adversely impact by the proposed development.

## **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: 2225-SK-500A

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities and 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, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

- C3 The proposed new permeable block paving and front boundary wall shall not be constructed other than in materials as shown on the approved plan and as set out within the submitted application form.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The proposed driveway shall be finished in permeable block paving.

Reason: To prevent surface water run off onto the highway and surrounding area in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 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. 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.

- 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.