

**11. 19/0948/RSP – Retrospective: Part single/part two storey rear extension, alterations to external materials and fenestration detail at 215 BALDWINS LANE, CROXLEY GREEN, HERTFORDSHIRE, WD3 3LH**

Parish: Croxley Green

Ward: Durrants

Expiry of Statutory Period: 18.07.2019

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called to Committee by Croxley Green Parish Council should officers be minded to approve.

**1 Relevant Planning and Enforcement History**

- 1.1 19/0056/RSP - Part Retrospective: Part single/part two storey rear extension, alterations to external materials and fenestration detail - 22.03.2019 - Refused
- 1.2 18/1822/FUL - Conversion of garage into habitable accommodation - 05.11.2018 – Permitted
- 1.3 18/1539/FUL - Single storey rear extension - 18.09.2018 – Permitted
- 1.4 18/1185/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable extension, rear dormer and front rooflights - 28.08.2018 – Permitted
- 1.5 18/1136/PDE - Prior Approval: Single storey rear extension (depth 4 metres, maximum height 3.077 metres, maximum eaves height 3.077 metres) - 12.07.2018 - No objection
- 1.6 8/1067/88 - Bathroom, bedroom - 23.11.1988
- 1.7 8/100/79 - Garage, utility room, porch - 13.03.1979

**2 Description of Application Site**

- 2.1 The application site consists of a semi-detached dwelling located on Baldwins Lane, Croxley Green. Baldwins Lane is a predominantly residential street characterised by detached and semi-detached dwellings of traditional design with hipped or gabled roofs. A number of extensions are evident within the street scene and these reflect the style and materials of the host dwellings.
- 2.2 The application dwelling has a dark tiled, gabled roof form having implemented the development included in lawful development certificate 18/1185/CLPD, and a cream render exterior. To the front of the dwelling is a gravel driveway large enough to accommodate three cars. The dwelling has also implemented a single-storey rear extension and garage conversion.
- 2.3 Extension works have recently been completed at the application dwelling which have combined the works set out in the planning history section. The application dwelling has implemented a two-storey rear extension which does not benefit from any planning consent.
- 2.4 The attached neighbouring property at no.213 mirrors the original style of the application dwelling. This property has implemented a two-storey rear extension of a similar depth to the application proposal which has a crown roof. The neighbouring property at no.217 is a detached dwelling.

**3 Description of Proposed Development**

- 3.1 This application seeks retrospective planning permission for a part single-storey, part two-storey rear extension and retrospective permission for a change of roof material to grey slate.
- 3.2 The single-storey rear extension has a depth of 4.0m and total width of 9.0m extending across the full width of the rear elevation and existing side extension. It is built up to the flank boundaries with both adjoining neighbours. The extension has a flat roof with a maximum overall height of 2.7m. This element of the proposal has previously been approved under 18/1539/FUL.
- 3.3 The proposed two-storey rear extension is built on the boundary with the attached neighbour and has a depth of 2.2m, a width of 6.0m and is built with a flat roof with a maximum overall height of 5.3m.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received]
- 4.1.2 Croxley Green Parish Council: [Objection]

*“CGPC objects to the proposal and supports the previous comment and decision from TRDC.*

*If the officer is minded to approve the application then CGPC would like it to be considered by the TRDC Planning Committee.”*

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

- 4.2.1 Neighbours consulted: 7
- 4.2.2 Responses received: 1
- 4.2.3 Site notice not required
- 4.2.4 Press notice not required
- 4.2.5 Summary of responses
- Roof tiles not in keeping with street scene
  - Concerns of overlooking
  - Concerns of toilet window being unobscured glazed
- 4.2.6 Material planning considerations are addressed in this report

## **5 Reason for Delay**

- 5.1 None.

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

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In February 2019 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 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, DM9, DM13 and Appendices 2 and 5.

## 6.3 Other

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2019. The neighbourhood plan seeks to protect the character and appearance of the area, and requires extensions to be well designed. Relevant policies include CA2 and Appendices B & C.

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 Planning Overview and Principle of Development

7.1.1 The application dwelling benefitted from numerous planning permissions including a loft conversion including a hip-to-gable extension and a rear dormer (18/1185/CLPD) which was carried out under permitted development. Planning permission was also obtained for a single-storey rear extension (18/1539/FUL) and the conversion of the garage into habitable accommodation (18/1822/FUL). These extensions were implemented in conjunction with a two-storey rear extension, which did not benefit from any planning consent. Part-retrospective planning permission was however sought to combine the permissions that were being implemented simultaneously and gain consent for the two-storey element.

7.1.2 The part-retrospective application for the two storey rear extension was refused however at that time the extensions were only partially built. The scale of the extensions, including the two-storey, were not objectionable however there were concerns raised over the flat design of the roof form and, at a time where a full appreciation could not be given to its resulting appearance, the application was refused. The works have subsequently been completed therefore it is considered that the circumstances in considering the application have materially altered.

## 7.2 Impact on Character and Appearance

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 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.

7.2.2 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. Appendix 2 advises that few properties are designed to incorporate future extensions, therefore any additions built need to take into consideration their effect on neighbouring properties and their visual impact generally. Oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original property and the general streetscene. 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. The Design Criteria at Appendix 2 states that 3.6m is the depth generally considered acceptable for single-storey extensions to semi-detached properties. Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.

7.2.3 Policy CA2 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. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.

7.2.4 As considered and approved under 18/1539/FUL, views of the proposed single-storey element of the rear extension would largely be obscured from the streetscene given that it is to the rear of the property. Some limited oblique views of the extension may exist from the public realm however it is not considered that they would be harmful to the streetscene. It is also considered, although the proposal at 4.0m in depth would exceed the guidance depth of 3.6m, that the proposed single storey element of the extension is proportionate to the scale of the host and therefore would not be harmful to its character.

7.2.5 This application seeks retrospective consent for a change of external roof materials. The dwelling has implemented a certificate of lawfulness for a proposed loft conversion however finished it with grey slate roof tiles rather than matching materials. Given the varied nature of Baldwins Lane in terms of external materials, with many properties also having grey slate roofs, it is not considered that a change of roof materials to the host dwelling would be visually prominent or result in detrimental harm to the street scene.

7.2.6 Views of the proposed two-storey element of the rear extension are partially screened by the host dwelling however views of the extension are visible from the public realm between the application dwelling and the unattached dwelling. Given the traditional back-to-back layout of the dwellings, views are available from the properties to the rear and oblique views from the street exist between the dwellings to the rear.

- 7.2.7 At 2.2m in depth, no objection is raised to the scale of the proposed rear extension in terms of its depth and proportionality to the host dwelling. The proposed two-storey extension does incorporate a flat roof form, and whilst it is not favoured, it is considered to be of a relatively insignificant scale in the context of the host dwelling. It is also factored into consideration that the adjoining semi-detached dwelling has also implemented a first-floor rear extension of similar depth which incorporates a crown roof such that the when application proposal, read in conjunction with this neighbouring extension, does not appear out of character and the impact of the flat roof is mitigated. Whilst objection was previously raised to the appearance of the rear extension, in the refusal of 19/0056/RSP, it is considered that in its finished form it does give rise to such substantial harm to the character and appearance of the host dwelling or street scene to justify the refusal of planning permission.
- 7.2.8 The proposed development is therefore considered to be acceptable in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy CA2 and Appendices B and C of the of the Croxley Green Neighbourhood Plan.
- 7.3 Impact on amenity of neighbours
- 7.3.1 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. Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 7.3.2 As considered and approved under 18/1539/FUL, the proposed single-storey element of the rear extension would not result in a loss of light to or have an overbearing impact upon either neighbour.
- 7.3.3 Taken from a point on the shared boundary, level with the rear wall, the two-storey rear extension is demonstrated to not intrude the 45 degree splay line with each neighbour. It is considered that, given the spacing, the extension is not considered to result in a detrimental loss of light or have an overbearing impact on the unattached neighbour whilst the two-storey extension is stepped away from the attached neighbour, who has also implemented a two-storey rear extension.
- 7.3.4 Whilst it does not form part of the consideration of this application, the neighbour comments in relation to the dormer window and its glazing are noted. The applicant will be reminded that, in the interests of predominantly their own privacy, it may be more appropriate for the rear facing window within the dormer serving a bathroom to be obscure glazed.
- 7.3.5 In summary, the proposed development would not result in any significant adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.4 Highways & Parking
- 7.4.1 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 which dictate that for a four or more bedroom dwelling, a total of three off-street parking spaces should be provided.

7.4.2 The existing gravel driveway is some 9m wide and 7m deep which is large enough to accommodate three standard parking space sizes of 2.4m x 4.8m in line with the Council's policy. It is therefore considered that the proposals are acceptable on parking grounds.

#### 7.5 Rear Garden Amenity Space

7.5.1 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.

7.5.2 The dwelling would retain a garden of approximately 400sqm and as such would be acceptable in this regard

#### 7.6 Trees & Landscape

7.6.1 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.

7.6.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

#### 7.7 Biodiversity

7.7.1 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.

7.7.2 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 retrospective PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was started and is subject to the following conditions:

#### Conditions

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: CEA19/BL/001, CEA19/BL/002, CEA19/BL/003, CEA19/BL/004, CEA19/BL/005

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and 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 CA2 and Appendices B & C of The Croxley Green Neighbourhood Plan (December 2018).

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](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) - 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.

- 12 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.
- 13 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.
- 14 In the interests of privacy and neighbouring amenity the applicant is reminded that it may be more appropriate for the rear facing window within the dormer serving the bathroom to be obscure glazed.