

12. 19/0960/FUL - Single storey rear extension, insertion of rooflights to front and rear, alterations to fenestration and extension to raised patio to the rear at CHATSWORTH, 15 SPENCER WALK, RICKMANSWORTH, WD3 4EE (DCES)

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 27 July 2019

Ward: Chorleywood North and Sarratt
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Councillor lives adjacent to the application site.

1 Relevant Planning History

1.1 W/3898/72 – House.

1.2 11/02/40/FUL – First floor and two storey side extension with single storey element to front, loft conversion with roof alterations, rear dormer window and removal of one chimney. Permitted. 15.04.2011. Part implemented (roof alterations and rear dormer not constructed).

2 Description of Application Site

2.1 The application site contains a detached dwelling located along Spencer Walk, Rickmansworth. Spencer Walk is generally characterised by large detached dwellings set within rectangular plots, all having a linear relationship with the road. Dwellings are set with varying flank to boundary distances but a perception of spaciousness is characteristic of the streetscene.

2.2 The application dwelling is sited on a lower level in relation to the highway and is set back from the highway by approximately 10m. The application dwelling has a dark tiled hipped roof with a front porch projection. A first floor and two storey side extension and single storey front extension have been implemented.

2.3 The land levels slopes down from the front boundary to the rear boundary shared with No. 75 The Drive.

2.4 To the rear of the property is a raised patio with a depth of 4m. This area extends to a depth of approximately 22m along the flank boundary with No. 17 Spencer Walk accommodating an open air swimming pool. Due to the slope of the land, this level platform is raised relative to the rear boundary shared with No. 75 The Drive.

2.5 The neighbouring dwelling at No. 17 Spencer Walk is set forward of the application dwelling and is located on a higher land level to the application dwelling. The common boundary is lined by close boarded fencing, hedging and vegetation.

2.6 The neighbouring dwelling at No. 13 is set back in relation to the host dwelling and is sited on a lower land level. The common boundary is marked by approximately 1.5m high close boarded fencing, vegetation and several trees.

2.7 There are several protected trees sited within and adjacent to the application site.

3 Description of Proposed Development

3.1 This application seeks full planning permission for a single storey rear extension, insertion of rooflights to front and rear, alteration to fenestration and extension to raised patio to rear.

3.2 The proposed single storey rear extension would contain a kitchen, dining room and family room. It would project from the original rear elevation of the host dwelling and would have a depth of 3.3m, width of 16m and would be set in line with the flanks of the existing dwelling.

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 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'.

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. Extension should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows, doors and materials. The Design Criteria at Appendix 2 of the Development Management Policies document states that generally the maximum depth of single storey rear extensions to detached dwellings may be 4m although this distance should be reduced if the extension would adversely affect neighbouring properties or be unduly prominent.

7.1.3 The proposed extension would be located to the rear of the dwelling and would not be readily visible from the streetscene of Spencer Walk. It would have a depth of 3.3m which would comply with the guidelines within Appendix 2. As such it would not be disproportionate to the host dwelling or application site. Given the single storey nature of the extension and the flat roof proposed and that it would be constructed in materials to

match existing, it would not cause harm to the character of the dwelling and the extension would not therefore appear unduly prominent in the streetscene or cause harm to the character or appearance of the host dwelling.

- 7.1.4 The proposed rooflights to the rear and alterations to fenestration would be located to the rear of the host dwelling and therefore would not result in harm to the character and appearance of the host dwelling or the streetscene.
- 7.1.5 The proposed front rooflights would be visible from the Spencer Walk frontage. However they would be set within the plane of the existing roofslope and they would not appear prominent in the streetscene or appear out of character in relation to the host dwelling. In addition, other dwellings within the vicinity have front rooflights.
- 7.1.6 The proposed alterations to flank fenestration would not be prominent from Spencer Walk and therefore would not result in any adverse harm to the host dwelling or wider streetscene.
- 7.1.7 The proposed extension to the existing raised patio would be sited to the rear of the host dwelling and would not appear incongruous within the residential area in which the application site is located. The raised patio would be of an acceptable scale so that it would not dominate the rear garden.
- 7.1.8 In summary, it is not considered that the proposed development would result in any adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2 Impact on amenity of Neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.2.2 Appendix 2 of the DMP LDD sets out that generally single storey rear extensions to detached properties can have a maximum depth of 4m. The proposed extension would extend from the original rear elevation by 3.3m, which would comply with guidelines. It is considered that it would not have a detrimental impact on the residential amenity of any neighbouring dwellings given its scale, height and single storey nature. It is therefore not considered that the extension would be overbearing to either neighbouring dwelling. The proposed flat roof form would not have an adverse impact on any neighbouring properties. The proposed fenestration within the rear elevation would overlook the application site and therefore would not facilitate any overlooking to any neighbouring dwellings.
- 7.2.3 Whilst full length glazing is proposed within the flank facing No. 17, given the spacing between the dwellings, existing boundary treatment and the higher land level of the neighbour, it is not considered that any overlooking would occur to this neighbouring dwelling.
- 7.2.4 No flank glazing is proposed within the flank elevation of the extension facing No.13 therefore no overlooking would be facilitated. An additional full height window is proposed within the existing flank facing No. 13. Whilst the lower land level of this neighbour is noted, given the existing boundary treatment and that it would be set off the shared boundary with No. 13, it is not considered that any overlooking would occur to No. 13. A condition shall be added to any grant of planning permission to ensure that no additional windows/dormers are allowed within the flank elevations of the proposed rear extension (without planning permission) to safeguard the residential amenity of any neighbouring properties.

- 7.2.5 The proposed rooflights to the rear extension are of a limited height and would be set into the rear roofslope of the proposed rear extension and therefore would not give rise to any overlooking to any neighbouring dwelling
- 7.2.6 The proposed rooflights to the front and rear would overlook the front and rear amenity space and therefore would not result in any overlooking to any neighbouring dwellings.
- 7.2.7 Whilst the raised patio would be sited up to the shared boundary with No. 13 Spencer Walk, given its height and position it is considered that the proposed raised patio would not result in an increased opportunity for overlooking into the neighbouring garden or habitable windows of No. 13. The existing boundary treatment is approximately 1.5m high close boarded fencing. A condition shall be added to any grant of planning permission for the erection of a 1.8m high fence (from patio level) alongside the length of the proposed patio on the shared boundary with No. 13 as detailed within amended plan number 109 Rev D. This fencing would provide sufficient screening to ensure no unacceptable overlooking would be facilitated to this neighbouring dwelling.
- 7.2.8 In summary, subject to conditions, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD in this respect.

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 of disposition of privacy, prospect, amenity and garden space.
- 7.3.2 The proposed development would not result in any additional bedrooms and 362sqm of amenity space would be retained to serve the dwelling.

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 and states that no protected species or biodiversity interests will be affected as a result of the application.

7.5 Trees and Landscaping

- 7.5.1 There are several protected trees within and adjacent to the application site. The Landscape Officer was consulted during the application the committee will be updated verbally.
- 7.5.2 Any grant of planning permission would be subject to necessary tree protection measures in order to safeguard the trees.

7.6 Highways, Access and Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out within Appendix 5 of the Development Management Policies LDD.
- 7.6.2 The proposal would not lead to any additional bedrooms. As a result the current parking arrangements would not be affected by the proposed scheme.

8 Recommendation

- 8.1 That subject to no new material considerations being raised, 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: 100,101,102,103,105, 106,106,108 Rev A, 109 REV D,110 REV C and 111.
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) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.
Reason: To safeguard the residential amenities of neighbouring properties 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).
- C5 Before the first use of the raised patio hereby permitted, a close boarded fence to a height of 1.8 metres (above patio level) as detailed on approved plan 109 REV D shall be installed on the common boundary with No. 13 Spencer Walk and shall be permanently maintained as such thereafter.
Reason: To safeguard the amenities of the occupiers of neighbouring residential properties 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).
- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site,

tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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 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, to protect the visual amenities of the trees, area 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).

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. 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.

- 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 requirement of the National Planning Policy Framework and in accordance with the Town and County Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.