
PLANNING COMMITTEE

MINUTES

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 22 September 2022 from 7.30pm to 9.15pm.

Councillors present:

Steve Drury (Chair)
Matthew Bedford (Vice Chair)
Sara Bedford
Ruth Clark
Phillip Hearn
Lisa Hudson

Raj Khiroya
Stephen Cox (for Cllr King)
Chris Lloyd
David Raw
Stephanie Singer

Also in attendance: Batchworth Community Councillor Steve Mander

Officers: Claire Westwood, Claire Wilson and Lorna Attwood

COUNCILLOR STEVE DRURY IN THE CHAIR

PC 46/22 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Stephen King with the named substitute being Councillor Stephen Cox.

PC 47/22 MINUTES

The Minutes of the Planning Committee meetings held on 11 August 2022 were confirmed as a correct record and were signed by the Chair.

PC 48/22 NOTICE OF OTHER BUSINESS

None received.

PC 49/22 DECLARATIONS OF INTEREST

The Chair read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillor’s. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out

are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account information provided at Committee. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to any particular view.”

Councillor Lisa Hudson declared a non-pecuniary interest in agenda item 7 22/1372/FUL - Second floor rear extension and alterations including replacement parapet wall to provide office premises at EMPEROR HOUSE 12 CHURCH STREET, RICKMANSWORTH as they lived near the application site and would leave the meeting during the consideration of the application.

PC 50/22 22/1135/RSP - Part Retrospective: Substantial demolition of existing dwelling and erection of two-storey rear extension, part single, part two storey side extensions, new roof, accommodation within the roof served by rear dormers, alterations to existing entrance and alterations to fenestration at 30 SOUTH APPROACH, MOOR PARK, HERTFORDSHIRE, HA6 2ET

The Planning Officer advised that the application was deferred by the Committee last month to allow for an update by Officers on the interaction between the planning application and the enforcement investigation.

The Planning history was then summarised, with the Committee noting that a similar development had been permitted in 2021 which granted permission for a large extension which was deemed acceptable at the time. During the development the house was largely demolished with only the front façade being retained on site. This then invalidated the planning permission and the applicant was then invited to make a new application. Due to the extent of demolition, it was reasonably asserted to fall within the scope of the original planning permission, albeit for a small number of internal walls which would have remained in situ. The retention of these walls, from a planning perspective were deemed to not be significant to the heritage asset given the extent of authorised demolition elsewhere and the fact that the majority of the walls to be retained would have been isolated, stand-alone walls which were detached from the original fabric of the dwelling. Given the limited difference between what was authorised and what was demolished the Council sought legal advice and it was deemed that prosecution was not justified in this instance. By granting this planning permission it would allow the local authority to have an element of control, with conditions imposed which would mean it would be enforceable. At present the dwelling did not have a planning permission and in four years' time the applicant would not have to abide by any planning permission and no conditions could be imposed. In terms of serving an enforcement notice the only remedy would be to ask the applicant to implement the permission in accordance with the 2021 permission. The permission mirrors what has already been granted in terms of the footprint and the appearance of the dwelling.

Councillor Phillip Hearn sought clarification that if the application were approved then the Council would be in a better position despite the history of the site as permitted development rights that were removed under the previous application would be re-instated. With regards to the original features of the property, has enough been done for these to be re implemented?

The Planning Officer replied that conditions could be applied which would remove permitted development rights for porches/further extensions/outbuildings. The front façade remains in situ and had been reinforced and checked. The characterful features of the front elevation would be retained, the permission, with the extent of some internal walls which were demolished, was granting essentially what was permitted in 2021 in terms of appearance and footprint. Officers were satisfied that the development would preserve the Conservation area, it would not be in the best interest of the Conservation area to leave the development as a building site as it was currently.

Councillor Matthew Bedford asked if this application had come forward at the time in 2021, would Officers have recommended approval.

The Planning Officer responded that a subjective view was taken, as much should be retained as was possible. The application was seen to be acceptable as it would mirror the previous one and put back something acceptable.

Councillor Matthew Bedford asked if they wanted this much demolition when making the original application would the Council have agreed?

The Planning Officer said that there had to be regard to the planning history, it was largely the same application other than some additional walls. The legal advice was that the differences were slight and wouldn't warrant enforcement action being taken.

Councillor David Raw agreed with Councillor Matthew Bedford and wished to object to the application.

The Planning Officer said that assumptions should not be made about what would have happened if it had or had not come to Committee. The application before Committee this evening needed to be considered. If an enforcement notice was served, the end result would be that the dwelling be constructed as currently proposed.

Councillor David Raw asked what could be done in future to stop this action. The Planning Officer said there were a large number of applications in Moor Park that were refused on the issue of demolition, Officers had to have regard to planning history in this case. The enforcement action that would be taken, would be to ask the applicant to build in accordance with the 2021 permission which was what this application was asking for.

Councillor Sara Bedford said although Members will be feeling frustrated about what had happened, Officers had presented the best option in terms of restoring the property. The house would remain in a state of demolition if planning was refused. Refusing would also not lead to any punishment or the house being restored to as it was previous.

Councillor Stephen Cox said it was far from ideal but the best that could be done was to agree with the Officers recommendation as the least worst option. The Councillor moved the Officers recommendation that Planning Permission be Granted.

Councillor Raj Khiroya asked about the legal opinion which had been sought, and what particular point this was on. Was this regarding enforcement?

The Planning Officer stated legal opinion had been sought regarding the expediency of taking enforcement action. It was deemed not expedient to take enforcement action.

The proposal was seconded by Councillor Raj Khiroya.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against, 3 Abstentions.

Members wished to have minuted that the Planning application was reluctantly agreed.

RESOLVED:

That Part Retrospective Planning Permission be GRANTED in accordance with officer recommendation and in accordance with the conditions and informatives set out in the officer report.

PC 51/22 22/1160/FUL - Demolition of existing conservatory to the rear and construction of single storey side and rear extension and two storey rear extension including rear dormers and rooflight at 16 THORNHILL ROAD, MOOR PARK, HERTFORDSHIRE, HA6 2LW

The Planning Officer updated the Committee stating that a further objection letter had been received from Moor Park 1958 reiterating concerns. Main concern was regarding the scale of the development, which the Officer stated was acceptable. It was queried whether the description was accurate with reference to demolition. Reference to paragraph 3.5 with walls being retained, internal wall would be removed. Suggested condition regarding a method statement. The Planning Officer presented the plans onscreen and talked through other points in the letter for the Committee.

In accordance with Rule 35 a member of the public spoke in favour of the development and a member of the public spoke against.

The Planning Officer said with regards to the scale, Officers professional opinion was that it has been reviewed and was acceptable and satisfactory. The plans had been carefully reviewed and presented them to the Committee.

Councillor Payne spoke against the development. Pre 1958 house should be safeguarded, the report noted at 7.1.1.0, the property displayed a number of original architectural features indicative of the key characteristics found in the conservation area. There were a number of concerns about the level of demolition. Any demolition should be clearly indicated. The application should be deferred for a full structural analysis. The application should come before the committee as a Retrospective one. The Committee was urged to defer until the information was clearly and accurately presented.

Parish Councillor Steve Mander spoke against the development and stated that amended drawings had only slightly amended and reduced the scale of the previous application. Although the Conservation Officer had not objected they did have outstanding concerns as detailed in the report. In light of recent unauthorised levels of demolition in Moor Park an immediate review should be completed of all demolition proposed of internal and external walls under this

application. The inclusion of a construction and demolition method statement was welcomed but Members needed to ensure the review was included in that statement and all demolition monitored throughout the works. It was requested that the application should be refused and details considered carefully before it was re-presented to the Planning Committee.

The Planning Officer said in response to the Cllrs comments that pre 1958 buildings should be safeguarded as written in the report and in this case it was believed this had been done. The roof form was not being altered other than where the extension adjoined it, the Chimney was not going to be lost. Demolition was considered to be acceptable and minor, there was a condition which required a method statement. With regards to scale there had been changes which have resulted in the application being recommended for approval. There was reference to the application coming back as a retrospective application but it was believed that this was not what the speaker meant. There was no overall increase to the width. With regards to the front elevation, the only change was to the window on the ground floor and gable and the front door was to be replaced.

Councillor Sara Bedford asked if Officers could confirm that this was a Planning Committee and not a Building Control Committee. The Planning Officer responded this was correct and advice could be sought to discharge particular conditions if required.

Councillor Matthew Bedford said that the plans set out which walls were proposed to be demolished so did not see any value in the application being deferred for review. Cllr wanted to know what would happen if more walls were demolished than shown on the plan?

The Planning Officer advised that if changes were made then enforcement could be considered. It was difficult to comment on a hypothetical situation.

Councillor Philip Hearn asked if in a Conservation area the development should enhance or preserve the area, would this apply if it were not visible to the public.

The Planning officer responded that if a development in the conservation is not seen that did not mean that it would automatically be acceptable. Significant changes had been made to the original application. Visibility could have more of an impact but this did not mean there was no impact because the changes being made were to the rear.

Councillor David Raw asked about the rear of the building and the wood panelling, should the new part of the building have the wood panelling back on. The Planning Officer responded that cladding was proposed on rear central part and presented the plans on screen to demonstrate to the Member. Samples of materials were to be provided prior to commencement of the works (Condition C5).

Councillor Raj Khiroya clarified that the Conservation Officer had no objections. Cllr referred to point 4.1.4 and sought clarification on this point. The Planning Officer advised that the Conservation Officer commented before the new plans were submitted but there was no proposal to amend the front.

Councillor Sara Bedford said it would be useful if that comment was clarified in future but was happy to propose accepting the Officers recommendation to

approve planning permission. This was seconded by Councillor Stephanie Singer.

Councillor Chris Lloyd had left the room during the debate and therefore would not be voting.

On being put to the Committee the vote was declared CARRIED with the vote being 7 For, 2 Against and 1 Abstention.

RESOLVED:

That Planning Permission be GRANTED in accordance with the officer recommendation and in accordance with the conditions and informatives set out in the officer report.

Councillor Lisa Hudson left the meeting.

PC 52/22 22/1372/FUL - Second floor rear extension and alterations including replacement parapet wall to provide office premises at EMPEROR HOUSE 12 CHURCH STREET, RICKMANSWORTH

The Planning Officer updated the Committee and advised that following the publication of the report Officer's wish to suggest the attachment of two further conditions. The first is in relation to securing the use of the development as an office. Officers are suggesting wording which would prevent any other use for reasons relating to the close proximity of 'Unit 10' to residential flats. Class E into which an office use falls would include other uses which could be noisier or more inconsistent with the adjacent residential use (for example a hairdressers) as such the condition would limit any other use which would include any other use within Class E and C3 residential save for the express permission of the LPA. A further condition is also suggested to ensure that the flat roof is only accessed for maintenance purposes.

In accordance with Rule 35 a member of the public spoke against the development.

The Planning Officer clarified the reasons for refusal of the previous application. This was detailed in 1.1 of the report Planning History. The refusal was due to Section 106 not secured for Affordable Housing and restriction of residential parking permits. The refusal was not related to neighbours or scale.

In accordance with Rule 35 a Member of the public spoke in favour of the development.

Batchworth Community Councillor Steve Mander spoke against the development. This had been the fourth attempt for approval for a second floor extension. They believed this to be overdevelopment and detrimental to the Conservation Area. It is acknowledged that changes had been made with the addition of slade walls. Although Officers stated there would be no change to the existing parapet, it would be replaced but it is not known what height this would be replaced and this would need monitoring. The plans included a full kitchen and full bathroom, while a modern office would require a toilet, shower and basic kitchen facilities there could be no reason for full facilities other than future possible use of a home office. This would mean a requirement for parking spaces, of which there were none. A second means of escape would be

needed. There were ample office spaces available in the vicinity and believe the application should be refused.

With regards to health and safety second and means of escape, building regulations would need to be followed. Comments had been noted regarding the future use and two additional conditions had been suggested added. The outlook would change for some neighbours, however there was not a right to a view in planning terms but you have to consider if something was unneighbourly.

Councillor Sara Bedford asked if it was built as an office and then used as a flat what were the chances of successful enforcement action.

The Planning Officer responded that if the building was used contrary to planning permission, the Council would want enforcement action to be taken. It would be pursued but cannot answer what the chances of success would be.

Councillor Sara Bedford stated if a person chose to live in the town centre they should expect to be crowded, with unusual views, they should expect noise and disturbance. Looking particularly at the view and into conservation area. The development was ugly, bulky, overbearing and unneighbourly.

The Planning Officer replied that the previous application was for alternative use. Paragraph 1.10 refers to the previous application for office use. This was refused due to impact on neighbours, we had not previously refused this application due to character or heritage grounds.

Councillor Philip Hearn asked about the Section 106 agreement, if planning was permitted would a S106 payment not be paid?

The Planning Officer advised that Affordable Housing contribution only related to net gain for residential use. The permission would be for office use only and therefore the affordable housing policy did not apply.

Councillor David Raw stated the development was overbearing and out of character and should not be in Rickmansworth.

Councillor Sara Bedford made an alternative proposal to refuse planning permission due to it being bulky and unneighbourly. This was seconded by Councillor Matthew Bedford.

The Planning Officer would circulate the exact wording but had made a note of the Members reasons throughout the debate.

On being put to the Committee the motion was declared CARRIED with the voting being 8 For, 1 Against and 1 Abstention.

RESOLVED:

The Planning Permission be REFUSED (contrary to Officer Recommendation) on the grounds that the proposed extension by reason of its mass and bulk would be obtrusive and unneighbourly, detrimental to neighbouring amenity (exact wording to be circulated to Members for approval).

The reason for refusal agreed after the meeting being:

The proposed second floor rear extension by virtue of its design and the increase in bulk and mass would constitute an obtrusive and unneighbourly form of development when viewed from the windows and private amenity space of the neighbouring properties to the north and would therefore be detrimental to the residential amenity of these neighbouring occupiers. As such the development would fail to accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).

Councillor Lisa Hudson returned to the meeting.

PC 53/22 22/1487/FUL – Construction of two storey side extension at 84 RAGLAN GARDENS, OXHEY HALL, HERTS, WD19 4LL

The Planning Officer had no updates.

In accordance with Rule 35 a member of the public spoke in favour of the application.

This application had only been brought to Committee as a District Councillor lived in the immediate vicinity.

Councillor Sara Bedford moved the recommendation to grant planning permission. This was seconded by Councillor Chris Lloyd.

Eleven persons had been consulted on this application and there had be no responses or objections.

On being put to the Committee the motion was declared CARRIED with the voting being unanimous.

RESOLVED:

That Planning Permission be GRANTED in accordance with Officer recommendation and in accordance with the conditions and informatives set out in the officer report.

CHAIR