

PLANNING COMMITTEE - 18 JULY 2019

PART I – DELEGATED

5. **19/0832/FUL Single storey front extension and part single part two storey side and rear extensions at 2 HASTINGS WAY, CROXLEY GREEN WD3 3SG (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 12 July 2019

Ward: Durrants
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Call in by Parish Council.

1 Relevant Planning History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site is located on the northern side of Hastings Way, Croxley Green. Hastings Way is generally characterised by semi-detached dwellings.

2.2 The application dwelling is a two storey semi-detached dwelling with a tiled hipped roof form. The house is finished in red brick at ground floor and pebble dash at first floor. To the front of the application site is an area of soft landscaping and a driveway with provision for one car parking space. To the rear of the site is a single storey rear extension with a staggered rear building line. Furthermore, there is a pitched roof detached garage to the rear of this. The rear garden is predominately laid to lawn.

2.3 The adjoining neighbour to the west, No. 4 Hastings Way, has a similar architectural style to the application dwelling and is set on the same front building line and land level to the host dwelling. It has not implemented any extensions. To the rear, the shared boundary is marked by close boarded fencing.

2.4 The application site adjoins the rear gardens of 31-33 Durrants Drive to the east. The common boundary is marked by close boarded fencing.

3 Description of Proposed Development

3.1 Full planning permission is sought for a single storey front extension and part single, part two storey side and rear extension.

3.2 The proposed single storey front extension would project from the front building line by 1.2m and would have a total width of 3.6metres to adjoin the proposed single storey side element. The front extension would comprise a porch. A window and door would be inserted into the principal elevation and glazing would be inserted into the western flank. Amended plans detail that the porch would have a hipped roof with a maximum height of 3.4m and eaves height of 2.5m.

3.3 The two storey side element would be built along the eastern flank elevation. The ground floor element and would be set in 0.9m from the common boundary with the rear garden of 31 and 33 Durrants Drive. The ground floor element would project forward of the front building line by 1.2m to adjoin the proposed front extension. The side extension would have a width of 1.4m and a maximum depth of 13.3m to adjoin the proposed rear extension. Fenestration and a door would be inserted into the eastern flank at ground floor level. The

single storey side element would have a hipped roof with a maximum height of 3.5m and eaves height of 2.5m.

- 3.4 The proposed first floor element would be set back from the front building line by 5m and have a width of 1.4m and depth of 6.8m. The proposed hipped roof would have a height to the eaves of 4.8m (matching the existing dwelling) and maximum height of 6.8m and would be set down from the main ridge. A window would be inserted into the eastern flank at first floor to serve a bathroom.
- 3.5 The proposed ground floor rear element would be constructed projecting from the staggered rear building line. The part of the existing rear projection closest to the neighbouring property at No. 4 Hastings Way would be retained. The remainder of the existing rear projection would be demolished. The retained rear projection would have a new pitched roof form with a maximum height of 2.9m and eaves height of 3.4m. The proposed single storey rear extension would project a maximum of 3.6m from the recessed original rear elevation (2.1m beyond the existing single storey rear element). It would have a pitched roof form with a maximum height of 3.4m and eaves height of 2.3m. The two storey element of the extension would project by 3.6m from the first floor rear elevation and have a width of 3.9m and be set in from the common boundary with 31 and 33 Durrants Drive by 0.9m and 3m from No. 4 Hastings Way.
- 3.6 Windows would be inserted into the western flank at ground and first floor level. The proposed rear elevation would contain bi-fold doors at ground floor level and a window at first floor level.
- 3.7 Amended plans were submitted during the course of the application to reduce the single storey rear element to 3.6m in depth from 4.2 metres, and add a pitched roof to the proposed single storey elements.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

Croxley Green Parish Council objects to the proposal.

CGPC believes that the alteration to the porch is out of character with the street scene and does not comply with policy CA2 of the Croxley Green Neighbourhood Plan. CGPC feels that further extension to the road is inappropriate and not in accordance with the Neighbourhood Plan.

If the officer is minded to approve the application then CGPC would like the application to be considered by the TRDC planning committee.

Officer Comment: The Parish Council was further consulted on the amended plans received and they still wish the application to be called in.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted:10

4.2.2 Description was amended and amended plans received therefore neighbours were re-consulted for 10 days.

4.2.3 No of responses received: 0

4.2.4 Site Notice: Not required 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

In 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 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, DM2, DM6, DM12 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA2.

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'. 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 Policy CA2 of the Croxley Green Neighbourhood Plan sets out that 'Domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas described in Appendix B through the careful control of massing, alignment and height. Extension that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. Proposals should take account of the guidelines in Appendix C.' Appendix C includes the advice "New front porches should complement the existing design and materials. They should not generally extend in front of the existing building line and they should not be permitted when they will reduce off street parking".
- 7.1.4 Appendix 2 of the Development Management Policies outlines that single storey front extensions should not be excessively prominent within the street scene. The extension would be set in from the shared boundary with No. 4 Hastings Way by 3.2m and would be set forward of the front building line by 1.2m. Whilst it would project forward of the front building line, this is only by 1.2 metres and this extension would remain set back from Hastings Way. It is not considered that the proposed front extension would appear unduly prominent or incongruous within the street scene or adversely affect the appearance of the host dwelling, given the varied nature of dwellings along Hastings Way.
- 7.1.5 Amended plans detail that the proposed front extension would have a hipped roof form. The extension would be readily visible from the street scene, however it would be seen as a subordinate addition to the dwelling and would not appear unduly prominent within the street scene.
- 7.1.6 The part single part two-storey side element would be built adjacent to the eastern flank elevation. The single storey side element would adjoin the single storey front element and would have a hipped roof form. The proposed side extension would be visible from the street scene of Hastings Way but given its siting and hipped roof form and given the number of side extensions of varying designs visible within the street scene, it is not considered to detract from the main features of the dwelling and it is not considered that the proposed side extension would result in demonstrable harm to the street scene or host dwelling.
- 7.1.7 The two-storey side element would be set 0.9m in from the shared boundary. Guidance within Appendix 2 states that two storey side extensions, in order to prevent a terracing effect and maintain an appropriate spacing between properties, may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. In high density areas an absolute minimum of 1

metre will be considered. Croxley Green is considered a high density area. It is acknowledged that 0.9m does not comply with the recommended spacing. However, given that the properties at No. 31 and 33 Durrants Drive are set away from the common boundary, it is not considered that the proposed extension would result in a terracing effect and appropriate spacing would be maintained. Furthermore, the proposed two storey side element would be set back 5 metres from the front elevation, and would have a maximum height set below that of the main dwelling. The extension would therefore appear subordinate to the host dwelling.

- 7.1.8 The existing single storey rear extension would have a new pitched roof. Given its scale and siting it is not considered that it would have a detrimental impact on the host dwelling or wider streetscene.
- 7.1.9 The extensions proposed to the rear of the dwelling would be largely screened from public views from the street scene. It is considered that the proposed depth, scale and roof forms of the proposed rear extensions respect the character of the dwelling such that it would not result in harm to either the host dwelling or the wider streetscene.
- 7.1.10 The submitted drawings show that the existing render would be painted white, with the extension designed to match this finish. There are other examples of white-painted dwellings in the street and it is not considered that this change would result in any harm to the character of the area.
- 7.1.11 Overall, given the siting, scale and design of the proposed extensions and subject to the use of materials to match the host dwelling it is considered that the proposal would not result in any harm to the character or appearance of the existing dwelling or the street scene. The proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

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 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.
- 7.2.2 The proposed single storey front element would be set in from the common boundaries with all neighbouring properties. Given its limited depth, it is not considered that the single storey front element would have an overbearing impact on any neighbouring dwelling. Whilst one side window is proposed facing No. 4, this would be set some distance from No. 4 and face toward a publicly visible area. As such, it is not considered that any adverse overlooking would be facilitated with regards to this neighbour.
- 7.2.3 The Design Guidelines at Appendix 2 provide specific guidance including that to avoid unacceptable loss of light to neighbours, two storey development at the rear of properties should not intrude a 45 degree splay line 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 properties and consideration will be given to the juxtaposition of properties, land levels and the positioning of windows and development to neighbours.
- 7.2.4 The proposed two storey side extension would not result in additional built form to the side of the application site facing No. 4 Hastings Way as the proposed extension would be screened by the host dwelling. Therefore it is not considered that the development would result in any detrimental harm to this neighbour.

- 7.2.5 The single storey rear element would extend 3.6m at ground floor level but would be approximately 3 metres from the common boundary with No.4 Hastings Way. The two storey rear-projecting element would also be set in 3m from the shared boundary.
- 7.2.6 The Design Criteria indicates that 3.6 metres is the maximum depth generally considered acceptable for single storey rear extensions. Where an extension exceeds this depth it should be demonstrated that the proposal would not result in a significant adverse impact on the residential amenity of any neighbouring property. The neighbour at No .4 has no rear extension. The 3.6 metre rear element would be set away from No. 4 and would comply with the guidelines within Appendix 2. Furthermore, it is considered that the proposed single storey rear extension would not appear overbearing or cause significant loss of light to this neighbour.
- 7.2.7 The two-storey rear element would not intrude a 45 degree splay line taken from the boundary and therefore would not appear overbearing or cause significant loss of light to No. 4 Hastings Way. This element would be set in 3m from the shared boundary and therefore would not have a detrimental impact on this adjoining neighbour.
- 7.2.8 Glazing is proposed on the western flank elevations of the extension at ground floor. However this would be set in 3m from the common boundary with No. 4 Hastings Way and therefore would not result in any unacceptable overlooking.
- 7.2.9 The proposed first floor window within the western flank at first floor would serve a bedroom. Any grant of planning permission would condition this window would be obscure glazed and top level opening only at 1.7m above the floor level to ensure that no overlooking is facilitated to 4 Hastings Way.
- 7.2.10 The proposed extensions would be set approximately 0.9 metres from the common boundary between the application site and No. 31 and 33 Durrants Drive. Those neighbouring properties are approximately 30 metres from the proposed extension. Given the separation distance, that the majority of the proposed extension would be read against the massing of the existing dwelling, and the subordinate appearance of the proposal, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from either of these properties.
- 7.2.11 Flank windows are proposed which would face these neighbouring properties. However, those at ground floor level would face the boundary fence and so would not facilitate any overlooking. The new window at first floor level would be a high level window and obscurely glazed. Subject to a condition requiring the installation of obscure glazing, it is not considered that any overlooking would be facilitated to the neighbouring properties at Durrants Drive which would harm the amenities of occupants.
- 7.2.12 In summary, it is not considered that the proposed development would result in any significant adverse impact on the residential amenity of any neighbouring dwelling; the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

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 privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all residential developments.
- 7.3.2 It is noted that a 4 bedroom property requires 105sqm of amenity space. It is considered that the application dwelling would have adequate rear amenity space for future occupiers and therefore this application 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 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. 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 DMP 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.

7.5.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Policy DM13 and Appendix 5 of the Development Management Policies document set out Parking Standards. The Parking Standards require 3 parking spaces for properties with 4 or more bedrooms. The proposal creates 3 bedrooms and a study which could be used as a bedroom.

7.6.2 The proposal sees the number of bedrooms increase from three to four and therefore the site would require an additional parking space. After the development, one parking space would be retained to the front of the dwelling, which would result in a shortfall of 2 spaces. However it is noted that there is space for one additional car parking space to be provided within the front garden. This would reduce the shortfall to one space in accordance with the standards. Due to the availability of on-street parking, the shortfall of one parking space is not considered to lead to any demonstrable harm and the proposed development would therefore be acceptable. It is not considered that the proposed development would cause harm to highway safety.

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: AR-P01, AR-P02, AR-P03, AR-P04 REV A, AR-P05 REV B, AR-P06 REV B and TRDC001 (Location 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, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (adopted December 2018)
- 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 at first floor level or above in the flank elevations or roof slopes of the extension 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 occupation of the extension hereby permitted the window(s) in the first floor western and eastern flanks shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition 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).

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) - 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 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.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).