

PLANNING COMMITTEE – 22 SEPTEMBER 2022

PART I – DELEGATED

8. **22/1487/FUL – Construction of two storey side extension at 84 RAGLAN GARDENS, OXHEY HALL, HERTS, WD19 4LL**

Parish: Watford Rural Council

Ward: Oxhey Hall and Hayling

Expiry of Statutory Period: 30 September 2022

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A District Councillor lives within the consultation area.

1 **Relevant Planning History**

- 1.1 21/2226/FUL - Joint Application: Construction of porch to numbers 82 and 84. Permitted. 17.11.2021. Implemented
- 1.2 03/1574/FUL - Single storey side extension. Permitted. 23.12.2003. Implemented.
- 1.3 8/303/90 - Single storey rear extension. Permitted. 25.05.1990. Implemented.

2 **Description of Application Site**

- 2.1 The application site contains a semi-detached two storey dwelling located on the south western side of Raglan Gardens, Oxhey Hall within the Oxhey Hall Conservation Area. The application dwelling has a plain tiled hipped roof form with wide overhanging eaves, characteristic of the Conservation Area. The dwelling is finished in white render. It has a single storey side and rear extension and a front porch extension which was constructed in conjunction with a similar front porch at No. 82.
- 2.2 To the frontage, there is hardstanding which can accommodate parking for three vehicles.
- 2.3 To the rear, there is a patio area adjacent to the rear elevation of the dwelling and an amenity area of approximately 230sqm comprising lawn and soft landscaping. Close boarded fencing encloses the rear garden.
- 2.4 The neighbour to the west, number 82 Raglan Gardens, adjoins the western flank of the host dwelling. This neighbour is built at the same land level and is on the same building line as the host dwelling. The neighbour has recently implemented the removal of the pre-existing garage and workshop and has constructed a single storey side and rear extension, the replacement of all windows to black aluminium, new pitched roof to porch canopy and removal of outer chimney. The common boundary is marked by close boarded fencing.
- 2.5 The neighbour to the east at No. 86 Raglan Gardens is set back in relation to the application dwelling and is set on a similar land level. It has no rear extensions. There is an outbuilding located to the rear garden adjacent to the common boundary with the application site. The common boundary is marked by close boarded fencing.

3 **Description of Proposed Development**

- 3.1 Full planning permission is sought for the construction of a two storey side extension. It would comprise of an enlarged bathroom, utility room and kitchen at ground floor level and an enlarged bathroom and bedroom at first floor level.
- 3.2 The proposed two storey side extension would be constructed to the eastern flank of the host dwelling. It would have a width of 1.2m and depth of 6.3m, set in 1.2m from the common

boundary with no. 86. It would be set back from the principal elevation by 3.7m and would align with the original rear elevation of the host dwelling. It would have a hipped roof form with a maximum height of 7.3m, to match the height of the main ridge and an eaves height of 5m to match the existing eaves height of the host dwelling. Two windows are proposed within the eastern flank at ground floor level and one at first floor level to serve the bathroom.

3.3 An existing and proposed roof plan was submitted during the course of the application.

4 Consultation

4.1 Statutory Consultation

Conservation Officer: [No objection]

This application is for the construction of a two-storey side extension. The property is located in the Oxhey Hall Conservation Area. Two storey side extensions and alterations to the roof are generally resisted in the Oxhey Hall Conservation Area as they have a negative impact on the coherence of the properties appearance, continuity of the streetscene and architectural interest of the planned neighbourhood. However, I note an appeal relating to the neighbouring property, Number 82 Raglan Gardens (ref: APP/P1940/D/21/3280854), regarding application 21/1367/FUL for the removal of garage and workshop. Proposed double storey side and single storey rear extension, replacement of all windows to grey aluminium, new pitched roof to porch canopy and removal of outer chimney. The Inspector stated: *'Similar to these implemented extensions on neighbouring properties, I find that the proposals width and set back at first floor level would be in keeping with the character and appearance of the host dwelling and would not result in an infill in the gap between semi-detached pairs. However, I find that the proposed crown roof form would not match the hipped roof of the host dwelling and would be visually discordant and incongruous within the context of the host dwelling and the local street scene. The proposal would, therefore, be harmful to the character and appearance of the appeal dwelling, that of the local area and would result in harm to the significance of the CA.'*

The statement within the appeal sets some precedent and forms the baseline from which this application is assessed. The appeal was dismissed based on the unacceptability of an untraditional crown roof, but the set back side extension was considered to preserve the character and appearance of the Conservation Area. It should be noted that there are concerns regarding the cumulative impact of side extensions which would gradually erode the original character and appearance of the Conservation Area. Given the current proposal does not result in a crown roof and the 1.2m wide side extension has been accepted on the neighbouring property, in this instance, I would not raise an objection to the proposal. Were permission granted, I recommend a condition is attached requiring materials to match the existing.

4.1.1 Watford Rural Parish Council: No response received

4.1.2 Landscape Officer: No response received

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 11

4.2.2 No of responses received: 0

4.2.3 Summary of Responses: None received.

Site Notice: Posted 16/08/2022 and Expired 07/09/2022

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

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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, DM3, DM6, DM13 and Appendices 2 and 5.

The Oxhey Hall Conservation Area Appraisal (October 2007).

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 appearance of the dwelling, streetscene and Conservation Area

7.1.1 At a local level, 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 states that development should 'have regard to the local context

and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area and that extensions 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 The Design Criteria of the DMP LDD stipulates that few properties are designed to incorporate future extensions, therefore any additions built need to take into consideration their visual impact. Oversized, unattractive and poorly sited additions can detract from the character and appearance of the general street scene.
- 7.1.4 The application site is located within the Oxhey Hall Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area.
- 7.1.5 The existing dwelling is a semi-detached property. It is considered that it makes a positive contribution to the streetscene and wider conservation area as an attractive example of 1930's architecture with original features including windows, shutters, chimney and roof form still intact.
- 7.1.6 In relation to side extensions, Appendix 2 of the Development Management Policies LDD states that, at ground floor level the proximity to the flank boundary will be individually assessed. In relation to first floor side extensions, the Design Criteria at Appendix 2 states that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality development at first floor level should be set in from the flank boundaries by a minimum of 1.2 metres. It is noted Paragraph 3.6 of the Oxhey Hall Conservation Area Appraisal states: 'The character of this area is determined by the houses being regularly spaced with access ways to the garden behind. The scale and proportion of the buildings are mainly regular'.
- 7.1.7 The proposed two-storey side extension would be set off the boundary by 1.2m at both ground and first floor level and would therefore maintain access to the rear of the dwelling at ground floor and would maintain sufficient spacing at first floor level, in accordance with Appendix 2, to prevent a terracing effect from occurring.
- 7.1.8 The proposed extension would be set back 3.7m from the front elevation which would reduce its prominence within the street scene. The extension would be constructed in materials to match existing, and existing features such as wide eaves overhang would be retained.
- 7.1.9 In their comments the Conservation Officer has noted the comments of the Appeal Inspector in relation to an appeal at the neighbouring property (No. 82 Raglan Gardens). '*Similar to these implemented extensions on neighbouring properties, I find that the proposals width and set back at first floor level would be in keeping with the character and appearance of the host dwelling and would not result in an infill in the gap between semi-detached pairs.*'
- 7.1.10 The Conservation Officer notes that the neighbouring appeal was dismissed based on the unacceptability of an untraditional crown roof, but that the set back side extension was considered to preserve the character and appearance of the Conservation Area. Whilst they raise some concerns in relation to the cumulative impact of side extensions which would gradually erode the original character and appearance of the Conservation Area, given that the current proposal does not result in a crown roof and the 1.2m wide side extension has been accepted on the neighbouring property, they raise no objection but recommend a condition is attached requiring materials to match the existing.

7.1.11 In summary, subject to conditions, the proposal would be in keeping with the character and appearance of the application dwelling, street scene and Oxhey Hall Conservation Area and the proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Oxhey Hall Conservation Area Appraisal (2007).

7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 residential 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 two storey side extension would be constructed to the eastern flank of the host dwelling. The first floor element would be sited 1.2m from the common boundary with No. 86 and this neighbour is set approximately 2.3m from the common boundary. Given the spacing retained to the boundary and that the extension would not project significantly beyond the rear of the neighbour, it is not considered that this element would appear overbearing or result in loss of light to Flank glazing is proposed, however, it is noted that there is existing flank glazing and there would be a reduction in glazing at first floor level following the proposed extension. Subject to a requirement that the first floor flank bathroom window is obscure glazed and top opening, there would be no overlooking of the neighbouring property. A further condition would restrict the addition of any further openings without consent.

7.2.3 The proposed two side extension would be constructed to the eastern flank of the host dwelling and would not extend beyond the existing main two storey front or rear elevations of the dwelling. As such it would not result in any harm to the adjoining neighbouring property at No. 82.

7.2.4 Subject to conditions, it is not considered that the proposed development would result in harm to the residential amenities of neighbouring properties and the development is considered acceptable in this regard and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Trees and Landscaping

7.3.1 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.

7.3.2 The application site is located within the Oxhey Hall Conservation Area and as such all the trees within and adjacent to the application site are afforded protection by designation of the Conservation Area. There are no trees in close proximity of the work that it is considered would be affected by the proposed development.

7.4 Biodiversity and Wildlife

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. However, as the proposal would result in works to the existing roofslope, an informative shall be added advising the applicant what to do should bats be discovered during the course of development.

7.5 Highways, Access and Parking

- 7.5.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. 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. The parking standards state that a dwelling of three bedrooms should have a total of two assigned parking spaces.

- 7.5.2 The application dwelling is currently a three bedroom dwelling; there is existing hardstanding to the frontage with space for three vehicles. The proposal would not increase the number of bedrooms onsite. The existing hardstanding would be retained and as such there would be sufficient parking provision to serve the development and the dwellinghouse in accordance with the parking standards.

7.6 Amenity space

- 7.6.1 A rear garden of approximately 230sqm would remain. Appendix 2 of the Development Management Policies document states that a three bedroom dwelling should have a rear amenity space of at least 84sqm. Therefore, the proposed development would exceed the requirement for amenity space as stated as Appendix 2 of the Development Management Policies document.

8 Recommendation

- 8.1 That subject to no new material planning 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: DWL 01 REV J, DWL 02 REV J, DWL 03 REV J and DWL 04 REV J.

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development

Management Policies LDD (adopted July 2013) and the Oxhey Hall Conservation Area Appraisal (2007).

- 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 prevent the building being constructed in inappropriate materials 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 Before the first occupation of the extension hereby permitted the first floor window in the eastern flank wall facing No. 86 Raglan Gardens 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 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).

- C5 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevation or roof slopes of the two storey side 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).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows: All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered. There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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 stipulates that construction activity (where work is audible at the site boundary) 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 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).
- 15 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.