**12. 16/1815/FUL – Part single storey and part two storey side extension at 10 SOLESBRIDGE CLOSE, CHORLEYWOOD, WD3 5SP for Mr and Mrs Obergan**

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| Parish: Chorleywood | Ward: Chorleywood North and Sarratt |
| Expiry Statutory Period: 20 October 2016 | Officer: Rob Morgan |
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| Recommendation: That Planning Permission be granted | |
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| Reason for consideration by the Committee: Called-in by three Committee Members | |

1. **Relevant Planning History**

1.1 15/0879/FUL - Erection of an attached three-bedroom dwelling with associated parking. Refused 22.06.2015 for the following reason:

R1 The proposed development by reason of the insufficient size of garages to provide viable parking spaces would lead to a shortfall of parking provision which would result in a significant increase in parking outside of the site to the detriment of highway safety, the character of the area and residential amenity. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

The above application was dismissed at appeal on 26.01.2016. The Inspector made the following comments in conclusion of the decision:

*‘The contribution the development would make to the supply of housing in the area would be beneficial. However, as discussed above, the harm to highway safety and residents’ living conditions as a result of the proposed parking provision would significantly and demonstrably outweigh this benefit. Therefore, having regard to all matters raised, the appeal is dismissed.’*

1.2 15/0517/FUL – Erection of an attached three-bedroom dwelling with associated parking. Withdrawn 01.05.2015.

1.3 14/0186/FUL - Erection of an attached three-bedroom dwelling with associated parking. Refused 23.03.2014 for the following reasons:

R1 The proposed subdivision of the plot and erection of an attached dwelling, by reason of the resultant density, building to plot ratio, parking provision and unsatisfactory access arrangements would result in a cramped form of development, detrimental to the character and appearance of the residential area and street scene. As such the proposed development would be contrary to Policies CP1, CP3, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed development would result in an increase in demand for education, youth facilities, libraries, open space/play areas and sustainable transport facilities in the area. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies CP4 and CP8 of the Core Strategy (adopted October 2011) and the Open Space, Amenity and Children's Playspace SPD.

R3 The proposed development would result in an increase in demand for affordable housing and there is currently a shortage of affordable housing within the district. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies CP4 and CP8 of the Core Strategy (adopted October 2011) and Affordable Housing SPD.

The above application was dismissed at appeal on 16.02.2016. The Inspector made the following comments in conclusion of the decision:

*‘In providing a three-bedroom dwelling, the proposal would be beneficial in adding to the supply of small family housing for which, as intimated by the appellant, there is considerable demand. The scheme would also make good use of previously-developed land. However, my concern in relation to the shortfall of parking provision and the consequential implications for the general amenity of existing residents, significantly and demonstrably outweighs those benefits. On balance, therefore, I conclude that the appeal should not succeed.’*

1.4 11/1808/CLPD - Certificate of Lawfulness Proposed Development: Conversion of existing garage to a bedroom. Permitted 17.10.2011, not implemented.

2. **Detailed Description of Application Site**

2.1 The application site is located on the west side of Solesbridge Close, a compact residential cul-de-sac characterised by terraced and semi-detached dwellings on generally constrained plots. The application dwelling is a modest, two storey end of terrace dwelling. Although a pair of more recently constructed semi-detached dwellings lies adjacent to the site to the north (nos. 10a and 10b Solesbridge Close), the application dwelling retains a relatively large plot, particularly to the side, in relation to its neighbours.

2.2 The application plot is narrower at the front than the rear with the existing dwelling set in from the north flank boundary by 8.5m – 13m and set back from the highway by some 6.5m with spacing to the frontage for parking of three cars. There is also an integral garage however it is not of sufficient size for parking of modern vehicles.

2.3 The application dwelling is set forward of the adjoining dwelling, no. 9 Solesbridge Close by 3.5m with the other dwellings to the south similarly staggered. Nos. 10a and 10b Solesbridge Close to the north are set forward of the application dwelling.

2.4 During the course of the application an amended Location Plan has been submitted resulting in the removal of the highway and a piece of Three Rivers owned land from the application site.

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for the erection of a part single storey and part two storey side extension.

3.2 The two storey extension would align with the front and rear walls of the existing two storey part of the dwelling and would have a width of 4.2m and a depth of 9.3m. A single storey projection would extend forward of the two storey part by 1.5m to align with the existing single storey front projection to the dwelling. The ground floor element of the proposed extension would also project a further 2.5m in width beyond the two storey part with a depth of 5.9m and set back from the front elevation by 5m.

3.3 The development would also include the conversion of the integral garage into habitable accommodation and demolition of the existing porch. Two additional bedrooms would be provided at first floor level to create a five-bedroom property.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Chorleywood Parish Council

4.2.1 Summary: Concern – parking, not to be used as independent dwelling.

4.2.2 *‘The Committee have concerns with this application on the following grounds:-*

* *Due to the history of the previous applications for this property the Committee would request that a condition is placed on this development – “not to be used as a separate dwelling.”*
* *Concern with any additional parking issues.’*

5. **Neighbour Consultation**

5.1 No. consulted: 11

No. responses: 7

5.2 Site Notice: Posted 7 September 2016 and expired 28 September 2016.

Press Notice: Not required.

5.3 Summary of responses:

* Extension appears larger than previously refused new dwelling and it would seem that it would cause the same problems; parking issues, unsuitable access for emergency vehicles and impact on neighbour’s living conditions.
* Solesbridge Close is a cramped and congested close mainly comprised of young families or elderly people resulting in difficulties of parking and manoeuvring.
* The proposed extension would be larger in footprint than the existing dwelling and similar dimensions to the refused new dwelling.
* The parking layout would be the same as that for the refused new dwelling and the red line of the application site includes land outside of the applicant’s ownership resulting in the fourth parking space being unachievable
* Building work would need to be carried out in close proximity to a BT pole.
* Extension will result in a loss of light and the upper front window will affect privacy.
* Concern regarding future development.
* Enlarged dwelling will result in additional parking requirements to serve occupants.
* Cars often park opposite no. 10 Solesbridge Close and access to and from the driveway would be difficult to achieve the shown parking provision.

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM6 and DM13 and Appendices 2 and 5.

7.4 Other

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

7.4.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

8. **Analysis**

8.1 Character, Appearance & Street Scene

8.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

8.1.2 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. 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.

8.1.3 The Design Criteria at Appendix 2 of the Development Management Policies LDD states that two storey side extensions may be positioned up to the flank boundary provided that the first floor element is set in by a minimum of 1.2m; the criteria seeks to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality.

8.1.4 The proposed side extension would extend into the side garden and part of the front driveway of the application dwelling, utilising the enlarged plot size relative to neighbouring properties. The two storey part would be set in from the flank boundary by a minimum of 4.3m level with the front wall and increasing to 8.5m at the rear. While the single storey element would project an additional 2.5m in width it would also retain spacing of at least 3m to the flank boundary. Solesbridge Close is comprised of a mix of semi-detached and terraced properties and in a previous appeal at this site the Inspector noted that the open space to the north of the application dwelling *‘is not seen as integral part of the street scene here, being tucked away in a corner of the cul-de-sac.’* As such, the side extension is considered to maintain appropriate spacing in character with the street scene.

8.1.5 With the exception of the single storey projection to the north flank, the single and two storey extension would align with the respective front and rear walls of the original dwelling and would match the heights and designs of these parts of the dwelling and the neighbouring dwellings in the terrace to the south. The two storey extension would have a width of 4.2m which would not appear disproportionate to the host dwelling or unduly prominent at the end of the existing terrace in a corner of the cul-de-sac. The additional single storey projection beyond the two storey development to the north would be set back from the front elevation by 5m and would be largely obscured from the street scene by the existing and proposed built form. In any case, the extension would reflect the scale and flat roofed design of the original single storey front projections to the dwellings within the terrace and would not appear unduly prominent in the street scene.

8.1.6 The conversion of the garage into habitable accommodation and demolition of the porch, including replacement of the existing garage door with a three-casement window and replacement canopy would not result in demonstrable harm to the character or appearance of the street scene with the removal of the porch resulting in the reinstatement of the original front building line and flat roofed canopy feature.

8.1.7 The proposed development is not considered to result in significant harm to the character or appearance of the host dwelling, street scene or wider area and 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 LDD.

8.2 Impact on Residential Amenity

8.2.1 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 LDD set out that extensions 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.

8.2.2 The proposed extension would be wholly screened from the visibility of no. 9 Solesbridge Close by the existing building and would not result in a loss of light or have an overbearing impact on this neighbour.

8.2.3 No. 10a Solesbridge Close is a semi-detached dwelling to the north of the application site which is set forward of the front building line of the application dwelling. The proposed extension would therefore project beyond the rear building line of no. 10a. The Design Criteria at Appendix 2 of the Development Management Policies LDD sets out that two storey rear extensions should not intrude a 45 degree splay line drawn across the rear garden from a point on the shared boundary level with the rear wall of the neighbouring property. The two storey extension would retain significant spacing to the shared boundary with no. 10a and would not intrude the 45 degree splay line of this neighbour. Moreover, no. 10a is set at a different orientation such that its rear wall faces away from the proposed extension further reducing the impact to the rear windows of this neighbour. The single storey projection to the north would also retain sufficient spacing from the rear wall of the neighbour to not have a significant impact on the residential amenities of its occupiers.

8.2.4 The extension would include ground floor windows in all elevations and first floor windows to the front and rear. The windows proposed within the front and rear elevations would have outlook onto the highway and rear garden of the application site respectively. The windows would result in similar outlook as that possible from the existing windows within the application dwelling and would not result in a significant loss of privacy to the rear garden of no. 11 Solesbridge Close opposite.

8.2.5 The ground floor flank windows would be off-set from the shared boundary with no. 10a by a minimum of 3m. Given the separation, standard boundary treatment would provide sufficient screening to prevent overlooking of the neighbour.

8.2.6 As such, the proposal would not have a harmful impact upon the residential amenities of occupiers of neighbouring dwellings 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.

8.3 Highways, Parking & Access

8.3.1 Policy CP10 of the Core Strategy requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards and advise that a dwelling containing four or more bedrooms should provide three parking spaces with the curtilage.

8.3.2 The application originally included land which was outside of the applicant’s ownership and the relevant Certificate of Ownership had not been signed or notices served. The original proposal indicated that four parking spaces could be achieved within the curtilage. However, amended plans have been submitted which reduces the red line and removes the land which is outside of the applicant’s ownership. As a result the proposed number of parking spaces has been reduced to three given that the fourth could not be accessed without using land to which the applicant does not have rights of access and would also be restricted by the existing BT pole.

8.3.3 The proposal would therefore meet the parking requirements for a dwelling of this size in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

8.3.4 It is acknowledged that previous applications on this site have been refused by the Council, and subsequently dismissed at appeal, due to a shortfall in parking provision and the consequential implications for the general amenity of existing residents. However, these previous applications sought planning permission for the erection of a new dwelling whereas the current proposal is for extensions to the existing dwelling only. The concerns of the Parish Council and neighbours that there is potential for the extension to be used as a new dwelling in the future are also noted, however, there is no indication from the proposed plans that this would be achievable without substantial alterations to the internal and external appearance and layout of the dwelling. The extension would not be served by its own front entrance and only one internal staircase is proposed. The conversion of the extended dwelling into two residential units would require planning consent in its own right and would be assessed on its individual merits should such an application be submitted. Such an application would take into account all material planning considerations, including the planning history of the site.

8.4 Amenity Space Provision

8.4.1 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. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies LDD sets out indicative amenity space standards and advises that a five bedroom dwelling should have 126sq.m amenity space.

8.4.2 The dwelling would retain a side and rear garden which would measure approximately 165sq.m and would retain private areas to the rear. The amenity space provision would be suitable to serve occupiers of the dwelling and would be in keeping with the character of the locality whereby dwellings are served by relatively constrained rear gardens.

8.5 Landscaping & Trees

8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.5.2 The development would not result in any impact to trees.

8.6 Wildlife & Biodiversity

8.6.1 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.

8.6.2 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 LDD. 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. However, given that works are proposed to the original roof of the dwelling it is considered appropriate to attach an informative to any permission granted advising the applicant of their responsibilities towards bat protection.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject 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: 2016/154/201A, 2016/154/202 and 2016/154/203A.

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 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The extension shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number 2016/154/202 and no external materials shall be used other than those approved.

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).

9.2 **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 £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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.

I2 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.

I3 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: 0845 6014523

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

(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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

I4 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.