**8. 16/1995/FUL – Erection of a timber framed outbuilding in the rear garden at CARTREF 24 SHIRE LANE, CHORLEYWOOD, WD3 5NP for Dr Daniel Strother**

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| Parish: Chorleywood | Ward: Chorleywood South & Maple Cross |
| Expiry Statutory Period: 17 November 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 Chorleywood Parish Council | |

1 **Relevant Planning History**

1.1 16/1636/FUL - First floor side and rear extension; front dormer; and alterations to fenestration and roof to rear. Permitted 23.09.2016, not yet implemented.

1.2 06/0209/FUL - Single storey rear extension and first floor side and rear extension. Permitted 10.04.2006, not implemented.

1.3 99/01622/FUL - Single storey infill extension to side. Permitted 03.08.1999 and implemented.

2. **Detailed Description of Application Site**

2.1 The application site is a rectangular shaped plot located on the north-west side of Shire Lane fronting an access road that runs parallel to the main highway. The road is characterised by relatively substantial Metro-land development of generally white rendered dwellings of traditional appearance. Many dwellings in the street scene have been extended, some to a substantial degree, which gives variety to the street scene. A well wooded verge runs between the access road and the main carriageway of Shire Lane which screens properties from view. There is also a wooded area to the rear of the dwellings and the trees are protected by a Tree Preservation Order.

2.2 The application dwelling is a detached property with a two storey projecting gable to the front and catslide roof with front box dormer. The dwelling is set back from the access road by approximately 9m with parking for three cars to the frontage. To the rear of the dwelling is a two storey flat roofed projection to the north-east and a single storey and a deeper single storey projection to the south-west.

2.3 The rear garden of the site measures approximately 620sq.m and is mostly laid to lawn. There are a number of mature trees to the rear of the garden protected by TPO290.

2.4 A Public Right of Way runs adjacent to the north-east flank boundary separating the application dwelling from no. 23 Shire Lane and connecting Shire Lane to Grovewood Close.

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for the erection of a timber framed outbuilding within the rear garden.

3.2 The outbuilding would be sited a minimum of 1m from the south-west flank boundary and approximately 14m from the rear boundary. It would measure 5.4m in length by 3.5m in width and would have a maximum height of 5.5m. The building would have a steeply pitched roof with eaves measuring 2.5m in height and would be of a Dutch hip design. The north-west elevation would include a 1m roof overhang to create a canopy. The outbuilding would be finished in softwood weatherboarding with plain clay tiles to the roof.

3.3 The ground level would be dropped by approximately 0.4m to facilitate the construction of the outbuilding with a ramp constructed to the south-east of the building to provide access from the higher natural land level.

3.4 The building would include a door and two two-casement windows to the ground floor with a mezzanine level served by a rooflight within the north-west roof slope.

3.5 It is noted that planning application 16/1636/FUL which recently granted planning permission for extensions and alterations to the main dwelling originally included the erection of a similar outbuilding but this was deleted from the proposal following objections from the Landscape Officer.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Chorleywood Parish Council

4.2.1 Summary: Objection

4.2.2 *‘The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.*

* *The proposed development by reason of its height, depth, bulk and massing would be dominant and out of character to the detriment of the visual amenities of the neighbouring properties*
* *Out of keeping with the street scene*
* *Concern with the tree roots*
* *Should this application be approved we request that a Condition is placed on the outbuilding “not to be used as a separate dwelling”.’*

4.3 HCC Footpaths Section

4.3.1 No comments received.

4.4 Landscape Officer

4.4.1 Summary: No objection, subject to conditions.

4.4.2 *‘This application is supported by an Arboricultural Impact Assessment prepared by Apex Environmental Ltd. (Ref: 16-044) The Tree Survey and Tree Constraints Plan meet the requirements of BS: 5837-2012 “Trees in Relation to Design Demolition and Construction.”*

*The northern corner of the proposed building will extend into the root protection area (RPA) of one of the protected Beech trees (T2) by about 1.4m. The Apex Environmental report identifies this as 0.3% of the entire RPA of this tree. This minor incursion into the RPA will have a very limited impact on the root system of the tree. It is of course possible that some minor roots may be encountered during the excavation works. This has not been addressed in the Apex Environmental Report.*

*The Tree Protection Plan shows the position of protective fencing which is set back from the footprint of the proposed building. It is normal to set back the fencing to allow a working area but this working area within the RPA should be protected with ground protection. Ground protection is not specified for this working area. It will be necessary, as will a method statement for the excavation works and an advisory for contractors if roots are uncovered.*

*The Apex Environmental report indicates that the crown of T2 will need to be raised to a height of 5.5m where the proposed building will be below the canopy. This can be achieved by removing a dead branch and live branches of less than 30mm diameter, though this is not specified in the report.*

*The proposal can be achieved with minimal impact on the protected trees in the rear garden of 24 Shire Lane. Further information in the form of method statements for tree protection and excavation works will be required to ensure that this happens.*

*The following conditions may be applied:*

*Tree Protection Scheme*

*No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’*

*The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.*

*Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

*Method Statement*

*No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.*

*The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.*

*Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).’*

5. **Neighbour Consultation**

5.1 No. consulted: 6

No. responses: 5

5.2 Site Notice: Posted 12 October 2016 and expired 2 November 2016.

Press Notice: Published 30 September 2016 and expired 21 October 2016.

5.3 Summary of responses:

* Overly large development which would be dominating and intrusive in the locality and lead to overdevelopment of the plot.
* Permission would set a precedent for further applications to overdevelop rear gardens of Shire Lane.
* Negative visual impact in a woodland setting.
* Structure with its excessive height of over 5m would impose on the views of surrounding dwellings.
* Single storey structure with a shallow pitched roof would be more acceptable.
* Ridge height and eaves height of the building do not comply with legislation.
* Do any covenants apply to these properties?

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.

8.1.3 The proposed outbuilding would be sited approximately 14m from the rear site boundary and 20m from the rear elevation of the main dwellinghouse. It would be forward of the mature trees which create a woodland setting within the rearmost aspect of the gardens of the application site and neighbouring properties along Shire Lane.

8.1.4 The relatively substantial scale of the outbuilding is acknowledged with the outbuilding measuring a footprint of some 19sq.m and a maximum height of 5.5m. However, the siting of the building would be such that only oblique views would be possible from Shire Lane, mostly between the application dwelling and no. 25 Shire Lane to the south-west. The siting of the building some 41m from the access road of Shire Lane would be such that the 5.5m height of the building would not appear unduly prominent or harmful to the visual amenities of the street scene and the land level reduction would also serve to further reduce the prominence of the development.

8.1.5 The outbuilding would however be readily visible over the existing 1.8m high close-boarded fence which forms the boundary treatment along the Public Right of Way adjacent to the north-east flank of the site. Although visible from public vantage points, the bulk and massing of the outbuilding would be reduced as a result of its steeply pitched Dutch hipped roof design and low eaves set at 2.5m in height. The building would be sited approximately 10m from the Public Right of Way which would further reduce its prominence. It would be finished in softwood weatherboarding with plain clay tiles to the roof which would serve to integrate the building into the woodland setting and the overall design would be appropriate for an ancillary building. The siting of the outbuilding towards the rear portion of the garden is in keeping with the siting of existing outbuildings of neighbouring dwellings and the addition of such a structure would not appear unduly prominent.

8.1.6 The outbuilding would be set within a large rear garden which measures some 620sq.m and, although large, would remain subservient in scale to the large detached main dwellinghouse and would not result in an overdevelopment of the plot.

8.1.7 The proposed development is therefore 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 new 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.

8.2.2 The outbuilding would be sited 1m from the boundary with no. 25 Shire Lane and some 20m to the north-east of the rear wall of that dwelling. The siting of the outbuilding would therefore not result in significant loss of light to the rear windows or amenity space of the neighbouring property.

8.2.3 While it is accepted that the building would be visible from the rear windows and amenity space of no. 23 and the building would be relatively high for such a structure at 5.5m, given the separation distance and Dutch hipped roof design with steeply pitched roof slopes it is not considered that the outbuilding would result in an overbearing form of development and would not be detrimental to the residential amenities of the neighbour.

8.2.4 The outbuilding would also be visible from the rear amenity space of no. 23 and oblique views from the rear windows of this property. However, the building would be set in from the north-east flank by approximately 10m with the public footpath providing further separation to the neighbouring plot. No harm would therefore occur to the residential amenities of the dwelling.

8.2.5 The outbuilding would be served by two ground floor windows within the north-east flank. These windows would have outlook to the surrounding garden of the application site with the existing boundary treatments either side of the public footpath providing effective screening of no. 23.

8.2.6 A mezzanine level would be served by a rooflight within the north-west roof slope which faces the rear boundary. There would remain sufficient separation to the rear boundary of 14m, with the protected trees providing further screening, to ensure no loss of privacy would occur to the neighbours to the rear.

8.2.7 The proposed use of the building has not been fully detailed within the submitted plans and it is noted that the building would contain a ground floor served by two two-casement windows and a mezzanine level served by a rooflight. The applicant has advised during the course of the application that the building would be used incidental to the enjoyment of the main dwellinghouse. However, it would not be appropriate within the context of the site for the building to be used at any time as a separate residential unit. As such, a condition is recommended to prevent the building being used as a separate residential unit.

8.2.8 As such, the proposal is not considered to 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 four bedroom dwelling should provide three parking spaces.

8.3.2 The development would not impact on the existing parking provision to the front which provides three parking spaces and meets the maximum parking standards for a residential dwelling.

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 four bedroom dwelling should have 105sq.m amenity space.

8.4.2 The dwelling would retain a large amenity space of approximately 600sq.m which would be sufficient to serve existing and future residents of the site and the development would not result in an overdevelopment of the plot in relation to the surrounding character.

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. Trees to the rear of the site are covered by a Tree Preservation Order.

8.5.2 The Landscape Officer has raised no objection to the development, subject to conditions. The Landscape Officer has noted that there would be a minor incursion into the RPA of one of the protected Beech trees and some minor roots may be encountered during excavation works. However, this would constitute 0.3% of the entire RPA of this tree and is considered to have a very limited impact on the root system of the tree. Ground protection of the RPA would be required and the crown of the Beech tree would need to be raised to a height of 5.5m which the Landscape Officer advises can be achieved by removing a dead branch and live branches of less than 30mm diameter.

8.5.3 The Landscape Officer’s suggested conditions are therefore considered necessary and relevant and are recommended as part of any approval granted.

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. No further surveys are therefore considered necessary in this instance.

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: SLS16 110, SLS16 210 and SLS16 230.

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 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 The building 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 SLS16 210 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).

C6 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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 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 development maintains/improves the economic, social and environmental conditions of the District.

I4 The applicant is advised that a Public Right of Way runs adjacent to the application site. This Right of Way must be protected to a minimum width of 2m and its current surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.