

PLANNING COMMITTEE - 15 JULY 2021

PART I - DELEGATED

5. **21/0531/FUL: Variation of Condition 2 (Approved Plans) of planning permission 20/2046/FUL: (Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas) to include rear garage roof canopy with open sided area, alterations to roof of staircase link, alterations to rooflights and addition of chimney at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD**

21/0532/LBC: Variation of Condition 2 (Approved Plans) of Listed Building Consent 20/2047/LBC: (Listed Building Consent: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas) to include rear garage roof canopy with open sided area, alterations to roof of staircase link, alterations to rooflights and addition of chimney at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD (DCES)

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 12.05.2021
Extension of time: 22.07.2021

Ward: Dickinsons
Case Officer: David Heighton

Recommendation: That Planning Permission be GRANTED and Listed Building Consent be GRANTED.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee due to local interest in this site.

1 Relevant planning history

- 1.1 19/1567/LBC: Listed Building Consent: Various repair works to property including brick repairs, replacement doors and windows – Permitted – 08.10.2019
- 1.2 19/1998/RSP: Part Retrospective: Erection of gate and fencing fronting Windmill Drive - Permitted and implemented – 23.12.2019
- 1.3 19/2510/DIS: Discharge of Condition 2 (Gate details) pursuant to planning permission 19/1998/RSP – Determined 25.02.2020
- 1.4 20/0666/FUL: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn.
- 1.5 20/0667/LBC: Listed Building Consent: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn.
- 1.6 20/1668/FUL: Construction of two storey side extension, single storey front and rear extensions, changes to roof form, and balcony and demolition of existing outbuildings and construction of new outbuilding and hardstanding – Withdrawn

- 1.7 20/1669/LBC: Listed Building Consent: Construction of single storey side extension with accommodation in gambrel roof, alterations to elevations and roof of existing side extension, alterations to roof form of windmill, insertion of balcony, construction of single storey outbuildings and insertion of hardstanding – Withdrawn
- 1.8 20/2036/LBC – Listed Building Consent: Various repair works to property including brick repairs, window moulds, cap, reinstatement of external walkway and garage repairs – Permitted and implemented
- 1.9 20/2046/FUL: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas – Permitted and commenced
- 1.10 20/2047/LBC: Listed Building Consent: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas – Permitted and commenced

2 Description of Application Site

- 2.1 The Windmill is a Grade II listed former mill, which was constructed in the early nineteenth century and converted to a residential dwelling and substantially altered and extended in the 1960/70s. The plot within which The Windmill is situated is largely square in shape and measures approximately 1,800sqm in area, with a gated access and driveway located to the south west of the site, running parallel with the shared boundary of number 36 Windmill Drive.
- 2.2 The area surrounding the site comprises varying developments of residential dwellings which are modern in architectural style and design.
- 2.3 The Windmill had not been occupied for some time before the applicant moved in. The existing twentieth century windows are in round headed openings, and the building retains a leaded roof with timber parapet.
- 2.4 The existing extension to The Windmill is two storey in nature and adjoins the south eastern aspect, with the highest point adjoining The Windmill and the set down element comprising the majority of the massing, set furthest away from the Listed Building. To the rear, handmade droplet tiles cover the extension at first floor level, with an existing lean-to greenhouse structure infilling the irregular shape of the extension.
- 2.5 The pre-existing railing and metal five bar gate have been replaced with close-boarded timber fencing and an entrance gate along the southern front boundary. The parcel of land between the application site and Windmill Drive is owned by the Council and contains five protected trees and a group of semi-mature trees (TPO902).

3 Description of Proposed Development

- 3.1 The applications seek planning permission and Listed Building Consent for variation of the approved plans under reference 20/2046/FUL and 20/2047/LBC. The proposal has been revised from the previous approved schemes as follows:
- Additional of an open-sided canopy to the rear of the garage
 - Alterations including increase in height of the garage
 - Alterations to windmill link roof form

- Alterations to glass garage link
- Alterations to rooflights on the extension
- Additional of a chimney

- 3.2 The proposed extension with loft accommodation would largely remain as approved, with alterations to the approved fenestration. It would have retain a gabled roof design measuring 7m in height with an eaves height of 3.2m and would extend to a width of approximately 12m with a depth of 10m. It would have an addition of a chimney to the northwest corner of the extension, 8.2m in height. It would have two windows and bi-folding doors to the front and two windows and bi-folding doors to the rear at ground floor level with five rooflights (an increase of one compared to the approved scheme) within the rear roofslope. To the eastern flank there would be ground floor windows and a circular window at first floor level within the gable. The extension would comprise of a kitchen/dining room, office, snug and WC at ground floor level and at first floor level would contain a bedroom, bathroom, an en-suite, dressing room and family bathroom. A rooflight would be inserted into the roof of the existing windmill link which would remain as existing. The roof form of the windmill link in between the tower and the extension is proposed to be altered to a pitched roof form, a similar form with that of the extension. It would be set approximately 0.2m lower than the ridge line of the adjacent proposed extension.
- 3.3 A porch would be also constructed to the front adjacent to the windmill tower at ground floor level which would have a pitched roof with an eaves height of 2.4m and total height of 4.2m, which would be raised in height by 0.4m in comparison to the approved scheme.
- 3.4 The windmill tower balcony would be re-instated at first floor level around the windmill. The 1m high timber balustrade posts would be split into sections with immediate posts in between and would sit in existing sockets within the brickwork.
- 3.5 The existing garage has been replaced with the replacement building projecting a further 1.1m to the front with an open sided rear extension for storage purposes. The building would have an overall depth of 15.2m and a maximum ridge height of 4.1m, an increase of 0.3m in relation to the previous approved scheme with a similar pitched roof, with timber cladding and a zeroflame treatment to the western flank adjacent to the boundary and a tiled roof. Two rooflights would be inserted into the eastern roofslope.
- 3.6 To connect the replacement garage and the windmill tower, a glazed link is proposed, measuring a maximum of 1.6m in width and approximately 4.2m in depth, a reduction of 0.8m in comparison to the approved scheme with a mono-pitched roof to the same height as the approved scheme. It would be positioned approximately 1.6m further forward than the approved scheme and internally within the tower an existing window would be altered to a door with steps inserted.
- 3.7 The proposed materials for all pitched roofs would be of a heritage clay plain roof tile; the windmill extension would have black horizontal timber cladding to the exterior with mock timber doubled glazed windows and doors.
- 3.8 The existing windmill tower cap is proposed to be removed and replaced with a cap with a width of 4.1m and depth of 4.8m. The height of the cap and tower has been revised over the course of the application and would be the same as the approved scheme. The proposed cap would be constructed in timber. The tower would comprise of one further bedroom and en-suite at second floor level and another bedroom at third floor level with an en-suite at fourth floor level and area at the top of the window tower, which would comprise of one window to the southern elevation.
- 3.9 Revised drawings have been received during the course of the application. The amendments have reduced the height of the glass link, reduced the amount and size of the

rooflights within the extension, reduced and amended the windmill link roof and lowered the height of the windmill extension to the previously approved height.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: Original Comments [Objection]

Croxley Green Parish Council objects to the application. The proposed plans represent an overdevelopment and over massing of the site. The enlargement of the buildings will result in an obscurement of view of the historic windmill tower, which the Conservation Officer describes as the strongest feature in terms of its form and height the tower is the key feature of the property. The application will not marry with the existing protected structure and must be reduced to protect this vital heritage asset as per the approved plans of December 2020, A104 Rev 6. The committee also holds reservations regarding the garage canopy and support in full the letter of objection.

Comments following revised drawings: [No objection]

“Croxley Green Parish Council note that there appears to be a reduction in the bulk of the property and the removal of some roof lights. CGPC have no objections subject to neighbours comments.”

4.1.2 National Grid: [No response received]

4.1.3 Landscape Officer: [No objection]

Recommend: Approval of amended plans, a condition should be applied that requires the applicant to follow the advice guidance in the submitted arboricultural reports.

4.1.4 Conservation Officer: [Revised, No Objection, subject to conditions]

The applications are for the variation of Condition 2 (Approved Plans) of Listed Building Consent 20/2047/LBC and the variation of Condition 2 (Approved Plans) of planning permission 20/2046/FUL to include rear garage roof canopy with open sided area, alterations to roof of staircase link, alterations to rooflights and addition of chimney.

The Windmill is a grade II listed building (list entry no: 1100797). Dating from the early-mid 19th century, it became redundant in the early 20th century and was extended and converted to a dwelling in the 1970s. The listing description notes that the c.1970 extension is of no special interest.

Pre-application advice on the construction of new extensions has been given under 18/2442/PREAPP and 19/2511/PREAPP. Three sets of applications have been withdrawn (20/0667/LBC & 20/0666/FUL, 20/1158/LBC & 20/1157/FUL and 20/1669/LBC & 20/1668/FUL) due to serious concerns regarding the impact of the proposals on the significance of the listed building. Following revisions and further amendments, a scheme for extending the windmill was approved under 20/2047/LBC & 20/2046/FUL.

The following amendments are now proposed (as per page 4 of the Design and Access Statement):

- 1. New cantilevered garage canopy to create garden storage area at the rear of the garage*
- 2. Amend the stair tower flat roof to a pitched roof to align with the extension roof*
- 3. Roof light size and position changes and the addition of a chimney*

There are no objections to the open-sided canopy to the rear of the garage. Although it extends the roof form, the open sides reduce the massing and visual bulk of the structure.

The approved scheme retained the sloping flat roof of the pre-existing staircase link and whilst this was not a particularly attractive roof form, it did provide a visual separation between the windmill tower and new extension. If the now proposed pitched roof can be set down from the extension, this change may be acceptable as it would maintain the visual break between the structures whilst introducing a more traditional roof form. The floor plans note that the existing stair structure would be demolished so there would be a new detail to the junction between the stair extension and the tower. A detail of the junction of the new roof and walls with the tower is needed, either through a condition or the submission of a detail drawing.

The proposed larger rooflights are not acceptable. They are considered to clutter the roofslope and detract from the simple design of the extension, designed as such to allow the windmill tower to be the most visually prominent structure on site. They are an overly prominent addition to the scheme. Relocating the approved rooflights further down the roofslope may be acceptable.

There are no in principle objections to the chimney. Historic photos within the Design and Access Statement show that the previous ancillary structures contained a brick chimney. It would be preferable for the chimney to be located away from the tower, rather than at the closest corner, to better preserve the predominance of the tower, but if this is not possible an objection would not be raised. The proposed brick and chimney pot will have to be agreed, either through condition or the submission of additional information.

The height of the proposed extension appears to have increased, although this is not noted as an amendment. The approved height should be maintained. The glass link design has also changed, shifting further to the front of the garage and slightly increasing in height. The increase in height brings it close to the underside of the balcony, and it would be beneficial to reduce this.

Comments following revised drawings:

The applications are for the variation of Condition 2 (Approved Plans) of Listed Building Consent 20/2047/LBC and the variation of Condition 2 (Approved Plans) of planning permission 20/2046/FUL to include rear garage roof canopy with open sided area, alterations to roof of staircase link, alterations to rooflights and addition of chimney.

Following a previous letter (dated 21/05/2021), the scheme has been revised. Revisions include:

- Reduction in overall height of extension (as per approved scheme)*
- Height reduction to staircase link*
- Reduction in number and scale of rooflights*
- Height reduction to glass link*

An additional detailed drawing has also been provided to show the proposed lead flashing detail between the staircase link and the windmill tower.

The revisions are all beneficial and address previous concerns. There are no further objections.

Details of the proposed materials have been provided, however, it is also recommended that the proposed brick for the new chimney is also provided (colour, type and manufacturer). Alternatively, this could be reserved by condition.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 22
- 4.2.2 No of responses received: 11 (5 supporting and 6 objections)
- 4.2.3 Site Notices: 21/0531/FUL & 21/0532/LBC
- Posted: 02.04.2021 Expired: 24.04.2021
- Press Notices: Published – 02.04.2021 Expired– 24.04.2021
- 4.2.4 Summary of Responses (original plans):

Objections

- Loss of privacy, overlooking – Cap window and first floor balcony
- Overdevelopment
- Windmill link and garage link heights would detract from windmill tower
- Garage is large
- Overbearing affect to listed building
- Roof height and cap increased
- Potential damage to trees
- Construction not in accordance

Supporting comments

- Minor amendments
- Good design
- In keeping link roof
- Restoring building and historic features

Officer comments:

Revised drawings were received during the course of the application taking into account the objections. Further re-consultation letters were sent, which expires on 12th July so any comments received following the publication of this report will be verbally updated at the committee.

All material planning considerations are outlined within the relevant analysis section below.

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, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA2 and Appendix B. Character area 2.

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 setting of Listed Building, 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 Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, 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 Policy DM3 of the DMP LDD relates to Heritage Assets such as Conservation Areas and Listed Buildings. It states that the Council will preserve the Districts Listed Buildings and will only support applications where the extension/alteration would not adversely affect its character both internally or externally or its wider setting. Development should preserve and enhance Conservation Areas. Policy CP12 of the Core Strategy advises that development should conserve and enhance heritage assets. The NPPF under paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.1.4 Policy CA2 of the Croxley Green Neighbourhood Plan outlines that domestic extensions should seek to conserve and enhance the Character Areas through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.
- 7.1.5 The Windmill is a Grade II Listed Building, dating from the early nineteenth century (listing ref: 1100797). Early Ordnance Survey maps dating from 1868 and 1899 show the building occupying a semi isolated site, removed from the larger development of Croxley Green. This detachment highlights the historic and open setting of the windmill, which is a large contributor to its significance. The general character of the area is now suburban in character.
- 7.1.6 It is acknowledged that the existing extensions to The Windmill are unsympathetic and their partial removal is welcomed (listing acknowledges that the extension is of no special interest), albeit subject to a suitable replacement which looks at opportunities for new development to enhance or better reveal their significance, in accordance with paragraph 200 of the NPPF. The heritage significance of The Windmill stems from its tower mill, rounded heading openings and timber steps up to the first floor balcony running all the way around (which appeared to have been removed some time ago). Clearly, there is scope to enhance the listed building by re-introducing former features and better enhance the tower's prominence within the site and from public view from within the wider locality given its uniqueness.
- 7.1.7 A number of previous schemes were withdrawn due to their adverse impact on the heritage asset as the extensions were overly dominant and detracted from the unique character of The Windmill. Significant on-going discussions with the applicant have taken place which led to the applicant obtaining planning permission and listed building consent under 20/2046/FUL and 20/2047/LBC. This application seeks to vary the approved plans and includes the addition of an open-sided canopy to the rear of the garage, alterations to raise the height of the windmill extension and link, increase the height of the garage to 4.1m in height, alterations to glass garage link, the addition of one further rooflight on the extension and the inclusion of a chimney.
- 7.1.8 This amended proposal would include a gabled roofed extension with roof accommodation, projecting from the existing south eastern windmill link. The proposed extension, would be similar to the approved scheme extended to a width of approximately 12m, which is noted would be close to double the existing floor area of the current extensions. However, the proposed extension would appear as a single storey addition, albeit would be served by roof accommodation, although from the front this would not be readily noticeable as the rooflights are sited to the rear. As noted above, the height of the extension has been lowered during the course of the application, back to the previous approved height and therefore would not be considered as visually dominating or detracting from the significance of the windmill tower.

- 7.1.9 As part of this application an additional rooflight is proposed, taking the total number on the rear roofslope to 5. All rooflights would also be set further down within the slope of the roof, towards the eaves of the extension. However they would remain at the same size as previous approved. Whilst an additional rooflight is proposed, it is not considered that the total amount is unacceptable, having regard to their siting (positioned away from the tower and the fact they would be flush with the adjacent roof tiles).
- 7.1.10 This application also proposes changes to the unsympathetic roof form of the link in between the tower and the proposed extension. The roof form would incorporate a more traditional pitched roof form which would be set below the pitched roof of the new adjoining extension. This set down nature would provide a visual separation between the windmill tower and new extension and break up the structures and would be considered sympathetic to the windmill tower.
- 7.1.11 The windmill tower cap itself has been amended over the course of the application and would be of the same size and height in regards to the previous scheme, which is considered to appear in keeping with the windmill tower and is considered as a sympathetic addition with historical merit. The proposed application proposes to include additional detailing, which was located behind the previous cap at the top of the windmill tower and has not altered the height of the approved cap. In isolation would not appear incongruous and would respect the character of the existing building. Further details would be required on the proposed materials at the top of the tower and would be subject of a condition to ensure appropriate materials are used.
- 7.1.12 There are also proposed alterations to the approved garage, which would increase the footprint relative to the previous garage which has been removed. Whilst the proposed replacement garage would extend approximately 1.1m further forward and extend the roof form to an overall depth of 15.2m, given its single storey nature and the fact that the extension towards the rear would be open in appearance it would reduce the impact of the extension and the visual bulk of the proposed structure. It is noted that the height of the garage would increase by 0.3m from the approved scheme to a maximum height of 4.1m. This increase in height is considered limited and would not result in a detrimental impact on the windmill tower. The proposed garage alterations including timber cladding would be considered in keeping with similar outbuildings in the vicinity and the surroundings, which would be partially screened due to boundary treatment and trees to the western flank. It is noted that a zeroflame treatment would be applied to cladding to the western flank of the garage, for the purpose of building regulations matters, which is considered not to result in any harm and no objection is raised on this element. Given that the garage extension would be partially open in appearance and would appear subordinate to the host dwelling it is considered that the proposed alterations would not appear unduly prominent to the detriment of the Heritage Asset.
- 7.1.13 Whilst it is noted that the glazed link has moved forward by approximately 1.7m the proposed alterations would also reduce its depth by approximately 1m. The revised drawings have lowered the height back to the previously approved height. As such, the reduction in the size of the glazed link is considered as an improvement and would still utilise an existing window opening to the western flank of the windmill tower. It is acknowledged that part of the windmill tower below the existing window opening would be removed for an access door, but utilising the existing opening would significantly limit any loss of building fabric. It is considered that the changes to the proposed glazed link would not be detrimental to the heritage asset.
- 7.1.14 There are no in principle objections to the additional of the chimney, given its siting to the rear of the extension. Further, historic photographs within the Design and Access Statement show that the previous ancillary structures on site contained a brick chimney. The proposed brick and chimney pot materials would be subject of a condition to ensure appropriate materials are used.

- 7.1.15 There is no objection to the reinstatement of the windmill tower balcony, a historic feature at first floor level, which would utilise existing brackets and sockets to allow for an accurate reconstruction in regard to its location and dimensions.
- 7.1.16 In light of the above alterations, the proposed extensions and alterations within the curtilage would collectively result in a form of development which would not have an adverse impact on the heritage significance of the listed building nor erode its setting. The Conservation Officer commented that the revised drawings were considered to address any previous concerns.
- 7.1.17 It is acknowledged that the building had fallen into a state of disrepair and that there would be some public benefit from the building being brought back into residential use, whilst preserving the setting and significance of the listed building. It is considered that given the amended proposals and sensitive design approach that the proposed replacement extensions would be considered acceptable and would be a public benefit by better revealing its significance and visibility.
- 7.1.18 It is acknowledged that the site has a degree of archaeological significance. Given that the development could have an impact on heritage assets of archaeological interest, the works will be subject to a condition.
- 7.1.19 Therefore, it is considered that the proposed amended development would not have a harmful impact on the setting of the listed building and would not have a detrimental impact on the heritage significance of the listed building. The development would therefore comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).

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 Design Criteria at Appendix 2 of the Development Management also state that two storey development should not intrude into a 45 degree splay line drawn 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 spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties
- 7.2.3 The proposed windmill extension would be set in from the flank boundaries by 11.5m to the eastern boundary and 16m to the western boundary. The location of the proposed windmill extension would be to the rear of adjacent properties, No. 32 and 36 Windmill Drive and would interrupt the 45 degree splay line from a point on the joint boundary, level with the rear walls. However, given the separation distances and the site circumstances there would be no harm so as to justify refusal of the application in this regard. Two ground floor windows and a window at first floor level would be inserted into the eastern flank. Given the site circumstances and existing close-boundary treatment no overlooking would result from the ground floor windows. A first floor circular window would be located within the eastern gable. As a result a condition would be recommended to ensure the window is positioned 1.7m above the existing floor level to avoid overlooking. As such, the windmill extension element of the development would not result in an unacceptable loss of light or overbearing impact and no overlooking would occur to neighbouring properties.

- 7.2.4 The proposed single storey replacement garage and open sided extension and glazed link adjacent to the windmill tower would be of a size and scale that would not result in any loss of light to surrounding neighbouring properties. No glazing is proposed within the western flank elevation of the replacement garage adjacent to the boundary and other glazing (such as the rooflights) would have an outlook onto the garden areas serving the dwelling and it is not considered that unacceptable overlooking would arise into surrounding neighbouring properties.
- 7.2.5 The height of the cap and tower has been revised during the course of this application to the previous approved height. It is therefore not considered that the window in the cap would result in any increased harm relative to the existing windmill windows, which would already have some outlook into neighbouring properties. There are no changes to the approved cap window, apart from glazing bars. It remains of a limited size, fronting the highway verge and is a minimum of 36m from the rear building line of No.32 and 25m from No.36, which would mitigate the level of perceived and actual overlooking as a result.
- 7.2.6 The revised drawings submitted show a section of the first floor balcony at the front would remain restricted from access and would be only be accessed for maintenance purposes. This is subject of a condition in the area of concern. The remaining usable balcony would not arise in overlooking issues given the site circumstances and separation distances to the rear and east site boundaries and the protected trees and evergreen vegetation screening the site to the west.
- 7.2.7 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a four bedroom dwelling should provide 105sqm amenity space.
- 7.3.2 Following the proposed development the application site would retain 900sqm of amenity space, which would be sufficient for future occupiers and as such would comply with Appendix 2 of the DMP LDD.

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.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist and the site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further

surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

7.4.4 The Herts and Middlesex Wildlife trust further commented the ecological survey is adequate and puts forward the required mitigation and compensation measures, subject to a condition with respect to the necessary mitigation licence with authorisation for the development. The required mitigation has been installed on site and a Protected Species Mitigation Licence from Natural England obtained.

7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'. Policy DM6 of the Development Management Policies LDD states that development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage.

7.5.2 The application site is not located within a conservation area, however, there are 5 individually protected trees to front verge of the site and a series of trees which make up group G1 of a new TPO Order (TPO902). Given the nature and siting of the extensions to The Windmill, it is not considered that the abovementioned TPO would be adversely affected, albeit they would need to be protected in the event planning permission was granted.

7.5.3 The addition of the open-sided garage extension and the submitted arboricultural impact assessment and method statement has been reviewed by the landscape officer, who was satisfied that the extension would not result in an impact on the existing neighbouring trees along the western boundary. This would be subject to work being carried out in accordance with the submitted method statement, which would be subject of a condition.

7.5.4 Therefore, it is considered that the proposal, subject to conditions, would safeguard the protected trees both on and immediately adjacent to the site. Furthermore, it is noted that further landscaping will be planted to all boundaries. The proposed development would therefore result comply with the requirements of DM6 of the Development Management Policies and Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The parking standards state that a six bedroom dwelling should have a total of 3 spaces.

7.6.2 The proposed development would result in a four bedroom dwelling. The hardstanding to the front would be retained which could accommodate three cars in addition to a garage being created as part of the development, which could accommodate at least another further vehicle. Therefore the proposed development would comply with Appendix 5 of the DMP LDD in this respect.

7.7 Conditions

7.7.1 Since the grant of planning permission 20/2046/FUL & listed building consent 21/0532/LBC a number of conditions have been discharged. To summarise, materials have all been agreed (including the timber cladding of the replacement garage, which will be treated with a non-combustible material, in this case intumescent zero flame clear paint), a Written Scheme of Investigated has been submitted and considered acceptable to enable works to commence, although a post investigation assessment will still be required. In relation to

biodiversity, the mitigation measures have been installed on site. All other original conditions have been re-imposed as set out within the recommendation below.

8 Recommendation

That PLANNING PERMISSION and LISTED BUILDING CONSENT BE GRANTED for the following reason(s):

8.1 21/0531/FUL 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: TRDC 001 (Location Plan), A101 REV 1, A102, A103, A104 REV 1, A105, A101 REV 11, A102 REV 10, A103 REV 10, A104 REV 11, A105 REV 10, A106 REV 10, A109 REV 9, A113 REV 3, A115 REV 9, A116 REV 9, A117 REV 2, A118 REV 10, A119 REV 11

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Grade II listed building 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 Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).

C3 The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural and Planning Integration Report prepared by GHA trees dated 12th June 2020, Tree Protection Plan (AIA Nov 20) and Phase II Arboricultural Impact Assessment forming part of this application.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

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 ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis and publication where appropriate.

Reason: In the interests of protecting any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be

harmed/destroyed by development. This is in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Before the first occupation of the windmill extension hereby permitted the first floor window facing No. 32 shall be 1.7m above the internal 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).

- C7 The gate as shown on Drawing A101 REV 11 shall be erected on the first floor balcony shall be erected prior to the first use occupation of the extensions hereby approved in accordance with the submitted drawing and permanently maintained as such thereafter. The proposed flat roof area of the balcony as shown hatched in red on Drawing A101 REV 11 shall be used/accessed for repair and maintenance only and not as an external platform or balcony at any time.

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).

- C8 The rooflights within the extension hereby permitted shall be set flush with the adjacent roofing materials, and not project above the plane of the roof in which they are located.

Reason: In the interests of visual amenity and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 of the Development Management Policies LDD (adopted July 2013).

- C9 The garage 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).

8.2 **21/0531/FUL 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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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).

Demolition or stripping works that disturb bat roosting places identified in the bat survey (Chase Ecology CE1444) shall not in any circumstances commence unless the local planning authority has been provided with a copy of the licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.

I5 Any works which have the potential to impact the tree canopy to the western boundary should not occur until an application for tree works is submitted to and approved by the Council's Landscape department as these trees are protected and are subject to a tree preservation order (TPO).

8.3 **21/0532/LBC: Conditions**

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C2 The development hereby permitted shall be carried out only in accordance with the following approved plans: TRDC 001 (Location Plan), A101 REV 1, A102, A103, A104 REV 1, A105, A101 REV 11, A102 REV 10, A103 REV 10, A104 REV 11, A105 REV 10, A106 REV 10, A109 REV 9, A113 REV 3, A115 REV 9, A116 REV 9, A117 REV 2, A118 REV 10, A119 REV 11

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place/commence before details of the steel at the top of the windmill tower shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 No development shall take place/commence before details of the chimney materials including pots shall be submitted to and approved by the Local Planning Authority in writing prior to their installation on site and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The rooflights within the extension hereby permitted (and agreed via Condition 3) shall be set flush with the adjacent roofing materials, and not project above the plane of the roof in which they are located.

Reason: In the interests of visual amenity and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.4 **21/0532/LBC: 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.