

PLANNING COMMITTEE - 23 JUNE 2022

PART I - DELEGATED

12. **22/0630/FUL - Erection of detached outbuilding at ASH COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, HERTFORDSHIRE, WD3 3JY (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 13/07/2022

Ward: Dickinsons
Case Officer: Lilly Varnham

Recommendation: That Planning Permission be GRANTED.

Reason for consideration by the Committee: TRDC staff member lives within neighbour consultation area.

1 Relevant Planning History

1.1 8/41/92 – Erection of 8 Dwelling houses – Allowed at appeal

1.2 95/0523 – Single storey garden shed – Permitted

2 Description of Application Site

2.1 The application site contains a two storey semi-detached dwelling located on Whitegates Close within the Croxley Green Conservation Area and is located within Character Area 2 of the Croxley Green Neighbourhood Plan. The application dwelling has a dark tiled gabled roof form and a mix of brown and red brick to its elevations.

2.2 To the rear of the dwelling is an amenity garden that is predominantly laid as lawn, with a small patio area extending from the rear elevation and benefits from an existing detached shed (outbuilding) allowed under planning permission 95/0523. There is a Birch Tree within the application sites rear garden which is sited in close proximity to the existing detached shed (outbuilding). There is also a Norway Spruce and Himalayan Birch located in the neighbouring garden Brackendale, the branches of which overhang the application site in close proximity to the existing detached shed (outbuilding).

2.3 The application site is situated within the 'Kings Oak' development, built in the 1990s and is accessed via Whitegates Close cul-de-sac. The development consists of eight semi-detached dwellings of similar design centred around a courtyard which includes three Oak trees protected by Tree Preservation Order TPO518.

3 Description of Proposed Development

3.1 The application seeks full planning permission for the erection of a new detached outbuilding located in the north-west corner of the site where the existing detached shed (outbuilding) is situated. The existing shed would be replaced. It would have a maximum depth of approximately 1.8m, a width of approximately 2.4m and a height of approximately 1.8m at the eaves and 2.23m at the ridge (including the existing concrete base)

3.2 Within the front elevation of the proposed outbuilding there would be double doors with adjacent fixed glazed panes. Both side elevations would have opening windows. The proposed outbuilding will sit on the same concrete base as the existing shed and will be located close to the north-west boundary with the neighbour at Brackendale, set back from this boundary by approximately 1.26m. The rear elevation will be set up to the boundary line.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [No Comments Received]

4.1.2 National Grid: [No Comments Received]

4.1.3 Landscape Officer: [No Comments Received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 9 No of responses received: 0

4.2.2 Site Notice: Posted 26/05/2022, expires 18/06/2022

4.2.3 Press notice: Published 23/05/2022, expires 19/06/2022

4.2.4 Summary of Responses: [No responses received]

5 Reason for Delay

5.1 Not Applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 In July 2021 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. National Planning Policy Framework and National Planning Practice Guidance

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

6.3 Other

Croxley Green Neighbourhood Plan (Referendum Version December 2018), Policy CA2 and Appendix B are relevant.

Croxley Green Conservation Area Appraisal (1996)

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**

7.1.1 Design and Impact on Character and Appearance of Conservation Area

7.1.2 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area.

7.1.3 The site is located within the Croxley Green Conservation Area and Policy DM3 of the Development Management Policies document sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.

7.1.4 The Croxley Green Neighbourhood Plan does not specifically mention outbuildings, however, Policy CA2 advises that domestic extensions should seek to conserve and enhance. Whilst the proposal is a detached outbuilding, it is domestic in scale and CA2 is considered relevant.

7.1.5 The proposed outbuilding would be sited to the north of the application site where the existing detached shed (outbuilding) is located, backing on to an area of hardstanding that provides parking provision for the application site and would therefore not be readily visible from any public viewpoints and would not adversely affect the streetscene of Whitegates Close.

7.1.6 The outbuilding would have a footprint of approximately 2.4m by 1.8m and would be single storey with a pitched roof form with a maximum height of approximately 2.2m, measured from the highest form of the pitch. The scale of the proposed outbuilding would therefore appear subordinate to the host dwelling and given that there is an existing shed (outbuilding) with the same dimensions it would not appear excessive with regard to the application site. The outbuilding will be constructed of a medium oak wood, and will have a pair of doors on the front elevation with a single pane of glass in each door, alongside two fixed panes and opening windows in both side elevations.

7.1.7 There are other outbuildings visible within the vicinity of the application site and as such the proposal would not appear out of character within the residential garden. It is therefore not considered that the proposed outbuilding would result in any adverse impact on the character or appearance of the host dwelling, streetscene or Conservation Area.

7.1.8 As such the development is considered acceptable in accordance 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) and Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.2 The proposed outbuilding would have a depth of approximately 1.8m, a width of approximately 2.4m and a height of approximately 2.2m and would be set off the boundary with the neighbour at Brackendale by approximately 1.26m, this neighbour would also be separated by existing screening from trees T1, T2 and T3 and a close boarded fence. The position of the outbuilding relative to this neighbour is such that it would not result in overshadowing or loss of light. The double doors and fixed panes within the front elevation would face into the site so would not facilitate overlooking. The flank glazing in the western elevation would face the boundary with Brackendale but given the single storey nature and boundary screening, it would not facilitate overlooking.

7.2.3 The proposed outbuilding would be set back from neighbouring property Rowan Cottage by approximately 11.4m, the proposed fenestrations and pair of single paned doors in the front elevation of the outbuilding would predominantly face the host dwelling and its rear garden. Given the separation and that the proposed outbuilding is replacing an existing structure of the same dimensions, it is therefore not considered that the proposal would appear overbearing or result in any loss of residential amenity to the occupiers of Rowan Cottage.

7.3 Rear Garden Amenity Space Provision

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.3.2 The proposed outbuilding would not increase the number of bedrooms within the dwelling and would therefore not require additional amenity space. The outbuilding would be within the rear garden, and would be replacing the current structure. Notwithstanding this, the application site would retain approximately 167.7 sqm of amenity space, following the implementation of the proposed outbuilding which would accord with standards. The proposal is therefore considered acceptable in this regard.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies 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.

- 7.4.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the 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.

- 7.5.2 The application site is located within the Conservation Area and as such all trees are protected. Within the rear garden of the host dwelling there is a Birch Tree (T1) the canopy of which hangs over the existing and proposed outbuilding. The existing and proposed outbuilding also falls within T1's Root Protection Area. Adjacent to the proposed outbuilding are a Norway Spruce (T2) and Himalayan Birch (T3) in the garden of the neighbouring property Brackendale, however, the proposal falls outside of the Root Protection Areas of T2 and T3.

- 7.5.3 The submitted Arboricultural Impact Assessment includes a Method Statement including the sequence of works for the proposed removal of the existing wooden summerhouse and the erection of a new summerhouse of the same dimensions on the existing concrete base which was approved under permission [95/0523]. The AIA states that no tree removal or facilitation pruning is required. It is acknowledged that branches from T1 are in close proximity and overhang the existing structure, but that these are secondary branches that can be easily moved/tied back and are unlikely to be damaged during the proposed works.

- 7.5.4 Additionally the location of the existing and proposed outbuilding falls within T1's Root Protection Area, however, the existing concrete base will be retained in place with the new outbuilding erected on top of it, as such no excavation or concrete mixing is proposed and the existing structure can be dismantled using hand tools without the requirement for heavy machinery. The AIA concludes that it is highly unlikely that nearby trees will be negatively impacted by the proposal as long as the tree protection measures are observed.

- 7.5.5 The submitted Method Statement notes that due to the minor work, and no heavy machinery being required tree protection fencing and temporary ground protection is considered unnecessary and that tying back the pendulous branches from T1 where required would suffice. The general tree protection measures should be observed to prevent unnecessary damage to the retained trees and in particular T1.

- 7.5.6 Given that the proposed shed (outbuilding) will be replacing an existing structure and would be located on an area of existing hardstanding and would not require additional digging within the RPA of T1 it is not considered that the proposed would give rise to any harm to any of the trees within close proximity to the site as identified on the submitted Tree Protection Plan ATS-TPP-24532 Rev 01 and the development is considered acceptable in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 7.6.2 The proposed shed (outbuilding) would not be increasing the number of bedrooms within the dwelling and therefore would not require additional parking spaces, notwithstanding this the application site has parking provision on the north-west boundary as well as a garage belonging to the dwelling. The proposal would not cause harm to highway safety.
- 7.6.3 The proposal is therefore considered to be acceptable in terms of parking and would accord with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management LDD (adopted July 2013).

8 Recommendation

- 8.1 That subject to no new material planning considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration date 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: PP-11168600, Drawing no. 2 (Proposed Site Plan), PP-11168600, Drawing no. 4 (Kelling Summerhouse Specification Sheet), PP-11168600 Drawing no. P1 (Location Plan), Drawing no. D1 (Proposed Floor Plan), D3A (Block Plan including Location of Nearby Trees), Drawing no. D4 (Proposed Elevations), Drawing no. (Nearby Trees Plan), TRDC01 (Heritage Statement), TRDC02 (Information on Nearby Trees), TRDC03 (Arboricultural Impact Assessment AIA-24532).

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendix B of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and the Croxley Green Conservation Area Appraisal (1996).

- C3 The shed (outbuilding) hereby permitted shall be finished in timber as stated within the Heritage Statement (TRDC01) and the Kelling Summerhouse Specification Sheet (PP-11168600 Drawing no. 4).

Reason: To ensure that the external appearance of the outbuilding is satisfactory 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 The Arboricultural Impact Assessment AIA-24532 (TRDC 03) prepared by Artemis Tree Services shall be adhered to fully throughout the removal of the existing outbuilding and erection of replacement outbuilding.

Reason: To ensure that appropriate measures are taken to prevent damage being caused 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).

8.2 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 £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The 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.
- 13 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.