

PLANNING COMMITTEE – 21 APRIL 2022

PART I - DELEGATED

7. 22/0244/FUL- Single-storey side and rear extension and construction of raised patio at 245 UXBRIDGE ROAD, RICKMANSWORTH, WD4 8DP (DCES)

Parish: Non-Parish

Ward: Penn and Mill End

Expiry of Statutory Period: 25.04.2022

Case Officer: Lauren Edwards-Clewley

Recommendation: That the decision be delegated to the Head of Regulatory Services to consider any representations received and that Planning Permission be Granted

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to concerns regarding the impact on the adjoining neighbour.

1 Relevant Planning History

- 1.1 22/0243/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion with rear dormer and front rooflights – pending consideration.

2 Description of Application Site

- 2.1 The application site is rectangular in shape with a stepped western flank boundary and is located on the southern side of Uxbridge Road, Rickmansworth. The application dwelling is a two storey semi-detached property with an existing loft conversion and rear dormer window.
- 2.2 Land levels slope down towards the rear of the site with an existing raised patio adjacent to the rear elevation. To the front of the site is a pebbled driveway.
- 2.3 The adjoining neighbour at No.243 is a two storey semi-detached dwelling which reflects the application dwelling is size and architectural style and is un-extended to the rear.
- 2.4 To the west of the application site is No.251 and No.251A. The ground floor of this building is occupied by a furniture shop 'Country House furniture' and 'Herts door stripping'. There is residential use at first and second floor level. The main building sits forward of the application site however there are various buildings which run adjacent to the boundary with the application site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for a single storey side and rear extension and construction of a raised terrace.
- 3.2 The proposed single storey side extension would project 1.9m beyond the main flank of the existing dwelling and would be set back 5m from the existing front projection. This element would have a depth of 4.9m to extend in line with the existing rear elevation and would have a flat roof form with a height of 3m.
- 3.3 The proposed single storey rear extension would have a depth of 3.6m and would extend across the width of the application dwelling (8.6m in total). This element would have a flat roof form with a height of 3m.
- 3.4 The proposed raised terrace would link the side access path around the single storey extensions and would wrap around to the rear. However would not extend across the full width of the rear extension and would be set in 2m from the boundary with No.243. This element would project 1m beyond the extensions (to the side and rear) and would be 1m

above the lower ground level to the rear. The rear section would include steps from the rear extension onto the lower ground level.

- 3.5 Amended plans were received during the application to reduce the depth of the single storey rear extension from 4m to 3.6m. A raised terrace was added to the amended plans as no access from the rear doors had been shown on the plans as originally submitted. Neighbours have been re-consulted on these plans.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: No comments received

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 12 (re-consulted for 14 days, consultation ends 22.04.2022)
- 4.2.2 No of responses received: 1 objection at time of writing, additional comments will be reported verbally.
- 4.2.3 Site Notice: Expired 30.03.2022 Press notice: Not required
- 4.2.4 Summary of Responses:
- Concerns regarding impact on foundations
 - Loss of light
- 4.2.5 Officer comment: The impact of a development on foundations is not a material consideration nor are party wall concerns, however, the grant of planning permission would not overcome the requirement to comply with Building Regulations or other civil legislation. All other material planning considerations are taken into account in the analysis section below.

5 Reason for Delay

- 5.1 Not applicable

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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.

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, DM6, DM8, DM13 and Appendices 2 and 5.

6.3 Other

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

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on Character and Street Scene

- 7.1.1 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'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene. Appendix 2 sets out that 'oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original dwelling and streetscene'. Development should not have a significant impact on the visual amenities of an 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.
- 7.1.2 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached properties should not generally exceed a depth of 3.6m. Appendix 2 also adds that single storey side extension will be assessed on their own individual merits in relation to their proximity to the boundary.
- 7.1.3 The proposed single storey side extension would be visible from the streetscene. However this element would be set in 1m from the boundary and would be set back from the existing single storey front projection by 5m. Given this in addition to its single storey flat roofed nature it is considered that the proposed single storey side extension would appear as a subordinate addition to the host dwelling and would not be an unduly prominent or incongruous addition to the streetscene.

- 7.1.4 The proposed single storey rear extension as amended would have a depth of 3.6m and as such would comply with the guidance of Appendix 2 in this respect. Given this in addition to its single storey flat roofed nature, that it would extend in line with the main flank and the mixed character of the Uxbridge Road it is not considered that this element would result in harm to the character of the property or area.
- 7.1.5 The raised terrace would not be readily visible from the streetscene and in any event is not considered to appear as an incongruous addition within the residential setting of the application site.
- 7.1.6 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the host dwelling, streetscene or area 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 DMP LDD.
- 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 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached properties should not generally exceed a depth of 3.6m. Appendix 2 also adds that single storey side extension will be assessed on their own individual merits.
- 7.2.3 The proposed single storey side extension would not extend beyond the existing rear elevation and as such would not be readily visible to the neighbour at No.243. This element would be set in from the boundary with the building to the west by 1m and owing to the existing relationship with this neighbour, with built form along the majority of the flank boundary, it is not considered that the proposed extension would result in harm to No.251 or 251a.
- 7.2.4 The proposed single storey rear extension would be set up to the boundary with the neighbour at No.243 and it is acknowledged that this neighbour is currently not extended to the rear. However as amended the proposed rear extension would comply with the guidelines of Appendix 2 of the DMP LDD in relation to its depth. The application site and neighbour have south east facing rear gardens and as such the proposed extension may result in the loss of some late evening sun to the private patio area of this neighbour. However the proposed extension would be single storey and would have a flat roof and would be set down from the first floor cills. Given this in addition to its compliance with Appendix 2 in relation to its depth it is not considered that the proposed single storey rear extension, as amended, would result in demonstrable harm by virtue of an overbearing impact or loss of light. No flank openings are proposed.
- 7.2.5 The building at No.251 extends along the majority of the flank boundary and as such the proposed single storey rear extension would not result in harm to them.
- 7.2.6 The proposal also includes a raised terrace which would extend 1m from the rear wall of the proposed extension, albeit set off the boundary. Whilst some views may be afforded towards the rear garden of No.243 there is an inherent degree of overlooking between the gardens as existing owing to the changes in land levels. When considering the existing site circumstances, that the terrace would be set in from the boundary with No.243 by 2m thereby preventing any overlooking into neighbouring habitable rooms and would not be deep enough so as to accommodate larger gatherings it is not considered that the proposed

raised terrace would result in unacceptable levels of overlooking so as to result in detrimental harm to neighbouring amenity.

7.2.7 In summary, it is not considered that the proposed development would result any adverse impact on the residential amenity of any neighbouring occupier and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.3 Amenity Space

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.

7.3.2 The proposal would not result in the creation of any additional bedrooms and the site would retain approx. 150sqm of amenity space which would be ample to serve a dwelling of this size.

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 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

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 not located within a Conservation Area nor are there any on-site TPOs. As such it is not considered that the proposal would result in unacceptable harm in this respect

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 The proposal would not result in the creation of any additional bedrooms or loss of existing parking provision.

7.7 Flood Risk

7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.7.2 The River Colne runs along the rear boundary of the application site however the application site itself is not located within a Flood Risk Zone. As such the proposal is not considered to result in harm in this respect.

8 Recommendation

8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), 101 (received 04.04.2022) and 300 (received 04.04.2022)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To 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).

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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard

to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant 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 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.