**10. 16/1457/FUL - Demolition of existing garage and erection of single storey outbuilding with chimney flue, at BANK END, 50 QUICKLEY LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5AF, for Mr & Mrs McGrath.**

Parish: Chorleywood Parish Ward: Chorleywood South and Maple Cross

Expiry Statutory Period: 19 September 2016 Officer: Denis Toomey

1. **Relevant Planning History**
   1. 06/0711/FUL – Single storey extension and loft conversion with second floor flank window and velux windows to front and rear elevation – Permitted – 21.06.2006
   2. 15/0752/FUL - Demolition of existing garage and erection of single storey outbuilding - Permitted - 10.06.2015
   3. 16/0906/NMA - Non Material Amendment to planning permission 15/0752/FUL: The addition of a double skin flue on the sloping roof of single storey outbuilding. - Refused - 20.05.2016
2. **Site Description**
   1. The application site consists of a two storey detached property located along Quickley Lane and is approximately 7m from the highway. The application property contains brown rendering and has a black tiled roof. The front of the dwellinghouse consists of hardstanding gravel and garden lawn. The hardstanding follows on to a garage located to the rear that is not connected to the main dwelling. An approximately 1m high wooden fence acts as the front boundary. The rear of the property has a single storey rear extension. A patio area surrounds the extension to the rear and leads up to a raised garden. The properties within the vicinity of the application dwelling vary in architectural style and design.
   2. The dwelling located north of the application site (No. 48 Quickley Lane) is set back and is built on higher ground in relation to the application dwelling. The rear boundary between both these properties consists of an approximately 2.5m high wooden fence. The property positioned south of the application site (No.52 Quickley Lane) is set forward and is located on a lower land level. The boundary line between both these properties is an approximately 1.5m wooden fence and vegetation that varies in height.
   3. The application site is located in Chorleywood Station Estate Conservation Area.
3. **Proposed Development** 
   1. The application seeks full planning permission for the demolition of existing garage and erection of single storey outbuilding with chimney flue.
   2. The proposed outbuilding would be similar to the previously approved application (Reference: 15/0752/FUL), however, it would incorporate a flue to the proposed roof design.
   3. The new single storey outbuilding would hold the following dimensions; an overall depth of 8m, a maximum height of approximately 3.9m and a width of 3.9m. The south east elevation of the new building would have a log store. Both the north west and north east elevation would include additional fenestration. A flue would be inserted on the southern portion of the roof. The flue would have a height of 0.6m and would be set 1.9m from the boundary.
   4. Additional hardstanding would be included to the rear of the property to create a new patio area directly around the existing single storey rear extension.
   5. The application was accompanied by a Biodiversity Checklist.
4. **Consultee Responses**

**4.1 Statutory Consultation**

* + 1. Chorleywood Parish Council: made the following comments:

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

* *If the application is approved the Committee would request that a Condition is placed on this application "Not to be used as a separate habitable dwelling*
  + 1. National Grid: no comments received.
    2. Conservation Officer: made the following comments:

*The outbuilding is set back from the road and not widely visible from the Conservation Area. As such, the addition of a flue on the south west elevation is not considered to adversely affect the character or appearance of the Conservation Area, meeting the criteria set out in policy DM3.*

* + 1. Environmental Health Officer: made the following comments:

*I have checked the drawings and taking into account that the stove is DEFRA approved and the proposed location of the store I do not forsee that it would have an adverse effect on neighbouring property. I would therefore not have any objection to the proposal from an Environmental Health perspective.*

**4.2 Public Consultation**

4.2.1 Number consulted: 5 Number of responses: 0

4.2.2 Site Notice: Posted on 12 August 2016 and expired on 02 September 2016

Press notice: Published on 08 August 2016 and expired on 02 September 2016

1. **Reason for Delay** 
   1. Not applicable
2. **Relevant Planning Policy, Guidance and Legislation**

6.1 The Three Rivers Local Plan:

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

The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include DM1, DM3, DM6, DM9 and DM13 and Appendices 2 and 5.

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

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

6.4 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.

* 1. The Chorleywood Station Estate Conservation Area Appraisal (2005).

1. **Analysis** 
   1. Impact on Character, Appearance and Conservation Area
      1. Policy CP12 of the Core Strategy (adopted October 2011) relates to the ‘Design of Development’ and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.
      2. In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will be permitted if it preserves or enhances the character or appearance of the area and does not harm important views into, out or within the Conservation area.
      3. The proposed new single storey outbuilding would replace an existing garage. The proposed alterations are not considered to be an unduly prominent form of development in a mixed streetscene. The proposed outbuilding would result in an increase of height however the increase of approximately 0.9m is not considered to result in a prominent addition along Quickley Lane. The proposed outbuilding would also be situated approximately 15m from the Quickley Lane and the majority of views of the new structure would be blocked off by the existing property on site and by No. 52. The proposed flue would not exceed the height of the outbuilding and consists of a slim design such that it would not appear prominent. Therefore it is considered that the new outbuilding would not readily visible from the street scene. As such due to the siting, design and site characteristics the proposed development would not harm the street scene or character of the area.
      4. The proposed outbuilding would be set back and would have a limited impact on the character of the Conservation Area. The height of the proposed development is not seen as inappropriate and would not result in any harm important views into, out or within the Conservation Area. The Conservation Officer raised no objection and stated that the outbuilding is set back from the road and not widely visible from the Conservation Area. As such, the addition of a flue on the south west elevation in relation to the previous consent (Application Reference: 15/0752/FUL) is not considered to adversely affect the character or appearance of the Conservation Area.
      5. The additional patio area to the rear would be located to the rear of the property and would not harm the character of the street scene.

* + 1. Subject to the outbuilding being finished in materials to match the existing dwelling, the proposal would not result in demonstrable harm to the character or appearance of the dwelling, streetscene or wider Conservation Area and the proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013).
  1. Impact on Residential Amenity
     1. Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
     2. The proposed outbuilding would not result in any loss of light or affect the residential amenities of near neighbours. The outbuilding would be built right up to the boundary between the application site and No.52. However the outbuilding would contain a roof that would be sloping away from No. 52. The additional fenestration that would be added to the outbuilding would not be directed towards the neighbour at No. 52.
     3. The flue on the southern portion of the roof would be positioned approximately 1.9m from the adjoining boundary and would be positioned a further 2.9m from the neighbouring property. The Environmental Health Officer raised no objection and stated that there would be no adverse effect caused by the proposed flue.
     4. Additionally the glazing to the northern elevation would not result in any overlooking to the neighbours at No. 48 due to the distance between the proposed development and the neighbouring property. Furthermore the wooden fence that acts as the boundary between both properties provides sufficient screening. This neighbouring property is also set back and therefore no residential amenities would be affected.
     5. It is not considered that the proposal would result in demonstrable harm to the character or appearance of the application dwelling or area. As such, the proposed development is in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
  2. Amenity Space
     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.
     2. The proposed scheme would not result in a significant loss of existing amenity of space. The dwelling would therefore have an amenity space of approximately 240 sqm.
  3. Trees
     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.
     2. No significant tree within the application site or neighbouring properties would be harmed by the proposed development.
  4. Highways, Parking & Access
     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. The parking standards state that a dwelling of four bedrooms or more should have a total of three parking spaces.
     2. The site currently benefits from a garage (used for storage) and 2 car parking spaces on the driveway. No increase in bedrooms is proposed and the driveway parking would be unaffected. Whilst the proposed garage at a width of 2.3 metres would be unlikely to accommodate a vehicle, it is acknowledged that there would be no change over the existing circumstances as the existing garage is not used for parking. As such the shortfall of 1 parking space against standards is not considered to justify refusal of planning permission.
  5. Wildlife & Biodiversity
     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.
     2. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. It is therefore unlikely that there would be any harm to any protected species. The proposal would include the demolition of an existing garage and therefore an informative would be attached to any grant of planning permission to ensure that if bats are found all works stop immediately and advice sought as to how to proceed.

1. **Recommendation**

8.1 That 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: 0115/01, 0160/1, 0160/3 Rev. D, 0160/4 and 0160/5 Rev. F.

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, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Chorleywood Station Estate Conservation Area Appraisal (2005).

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The proposed single storey outbuilding 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.

Reason: The creation 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).

* 1. Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

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

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).