**13. 16/1636/FUL – First floor side and rear extension; front dormer; and alterations to fenestration and roof to rear at CARTREF 24 SHIRE LANE, CHORLEYWOOD, WD3 5NP for Dr Daniel Strother**

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| Parish: Chorleywood | Ward: Chorleywood South & Maple Cross |
| Expiry Statutory Period: 26 September 2016 | Officer: Rob Morgan |
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| Recommendation: That Planning Permission be granted | |
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| Reason for consideration by the Committee: Called-in by Chorleywood Parish Council | |

1 **Relevant Planning History**

1.1 06/0209/FUL - Single storey rear extension and first floor side and rear extension. Permitted 10.04.2006, not implemented.

1.2 99/01622/FUL - Single storey infill extension to side. Permitted 03.08.1999 and implemented.

2. **Detailed Description of Application Site**

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

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

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

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for the erection of a first floor side and rear extension, front dormer and alterations to fenestration and the roof at the rear.

3.2 The proposed first floor extension would be to the south-west flank and would include a pitched roofed dormer to the front. The extension and dormer would create floor space at first floor level measuring 10.8m in depth along its flank elevation which would project by 3.2m beyond the existing first floor rear wall. The flank extension would have a width of 2.5m while the rear wrap-around element would measure 4.9m in width. The extension would have a hip to catslide roof to match that of the existing dwelling and would adjoin the ridge of the property.

3.3 Alterations would be made to the rear windows and doors and the existing two storey flat roofed element at the rear would be altered to a hipped roof measuring 7.6m in height.

3.4 During the course of the application an outbuilding proposed within the rear garden has been deleted from the application.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Chorleywood Parish Council

4.2.1 Summary: Objection – character, trees, use of outbuilding.

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

* *The proposed development by reason of its height, depth, bulk and massing would be dominant and out of character to the detriment of the visual amenities of the neighbouring properties.*
* *Out of keeping with the street scene.*
* *Concern with the tree roots*
* *Would request a Condition is placed on the outbuilding "Not to be used as a separate dwelling".*

4.3 HCC Footpaths Section

4.3.1 No comments received.

4.4 Landscape Officer

4.4.1 Summary: No objection to extension / Objection to outbuilding.

4.4.2 *‘I have no objection to the proposed extension but do have some concerns about the location and size of the workshop. Part of the rear garden of 24 Shire Lane is protected by the Three Rivers (Grovewood Close No.1) Tree Preservation Order 1991. The submitted plan indicates that the workshop is to be positioned outside of the root protection area of the closest protected trees. It should be noted that the application is not supported by an Arboricultural Report and no details are included on the proposed foundation design. The Application Form indicates that none of the trees will need to be pruned but that seems doubtful given the proposed height of the workshop.*

*I am unable to support the workshop element of this application in its current form and recommend refusal.*

*Reason:*

*The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).’’*

5. **Neighbour Consultation**

5.1 No. consulted: 6

No. responses: 6

5.2 Site Notice: Posted 17 August 2016 and expired 7 September 2016.

Press Notice: Published 12 August 2016 and expired 2 September 2016.

5.3 Summary of responses:

* Concern regarding use, location, height and size of outbuilding in a residential garden.
* Noise generated by outbuilding to disturbance of neighbours.
* Loss of boundary hedges.
* Possible future conversion of outbuilding to a separate dwelling.
* Two comments were made raising no objections to the extensions to the dwelling.

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

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

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

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

7.4 Other

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

8. **Analysis**

8.1 Character, Appearance & Street Scene

8.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

8.1.3 The Design Criteria at Appendix 2 of the Development Management Policies LDD states that first floor side extensions shall be a minimum of 1.2m from the flank boundary. The proposed first floor side extension would be off-set from the flank boundary by approximately 1.8m and would therefore not result in a terrace effect and would maintain sufficient spacing in the street scene. As viewed from Shire Lane the extension would have a hipped roof which would adjoin the ridge of the existing dwelling with catslide to the front. The roof design and height would retain the character of the host dwelling and would be in keeping with the architectural design of the general street scene.

8.1.4 The extension would include a front pitched roofed dormer which would sit beside the original flat roofed dormer. The Design Criteria within the Development Management Policies LDD states that front dormers may not always be appropriate in the street scene and dormers should always be subordinate to the main roof. With regard to multiple dormers, they should be proportionate in scale and number to the host roof. It is accepted that the proposed front dormer is relatively large and would sit close to the flank wall of the dwelling. However, the catslide design of the front roof slope results in a relatively large surface area and the siting of the existing and proposed dormers at first floor level serves to reduce the prominence of the dormers within the roof slope. Furthermore, dormer windows are characteristic of the development within the street scene with numerous visible dormers to neighbouring properties of varying scale and design, including a large box dormer to the flank of no. 25 Shire Lane. As such, it is not considered that the proposed dormer window would result in demonstrable harm to the character of the host dwelling or visual amenities of the street scene.

8.1.5 The first floor extension would project beyond the existing two storey rear wall by 3.2m. The extension would not extend the footprint of the dwelling. The existing flat roofed element would also have its roof altered. The Design Criteria at Appendix 2 of the Development Management Policies LDD sets out that two storey rear extensions will be individually assessed in terms of size and volume. The proposed extension and roof alterations would have hipped roof form which would adjoin the ridge of the host dwelling. The extension would have a rear width of 4.9m and the rear catslide element would be retained between the two storey projections to provide separation and retain part of the original character of the dwelling where views would be visible from the public footpath to the north-east. The extensions would not result in a significant increase to the bulk and massing of the dwelling as viewed from the street scene.

8.1.6 The proposed development is not considered to result in significant harm to the character or appearance of the host dwelling, street scene or wider area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.2 Impact on Residential Amenity

8.2.1 Policy CP12 of the Core Strategy states that development should *'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'*. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.2.2 The Design Criteria at Appendix 2 of the Development Management Policies LDD sets out that two storey rear extensions should not intrude a 45 degree splay line drawn across the rear garden from a point on the shared boundary level with the rear wall of the neighbouring property. The proposed first floor side and rear extension would be off-set from the shared boundary with no. 25 Shire Lane by approximately 1.8m. No. 25 has a single storey rear extension which roughly aligns with the rear wall of the proposed first floor extension; the two storey rear wall is roughly level with that of the application dwelling. The proposed extension would therefore intrude the 45 degree line by approximately 1.4m. However, the Design Criteria sets out that spacing and positioning of windows should also be taken into account. No. 25 has a flank catslide roof and there is significant spacing to the closest first floor rear window. The extension would not have a detrimental impact on the ground floor windows of the neighbour which would be approximately level with the proposed extension and any loss of light or outlook to the neighbour would therefore be significantly reduced.

8.2.3 The proposed roof alteration to the existing flat roofed element would increase the height of this part of the dwelling. However, no significant loss of light or outlook would occur to the neighbour at no. 23 Shire Lane as the rear wall of no. 23 is deeper than the location of the roof alterations.

8.2.4 There would be no additional flank windows within the extensions or alterations which would overlook the neighbouring property and the proposed front and rear windows would not result in direct overlooking of any neighbour to result in a loss of privacy.

8.2.5 As such, the proposal would not have a harmful impact upon the residential amenities of occupiers of existing or proposed dwellings and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.3 Highways, Parking & Access

8.3.1 Policy CP10 of the Core Strategy requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards and advise that a four bedroom dwelling should provide three parking spaces.

8.3.4 The front driveway would be of sufficient size to accommodate three vehicles which would meet the parking standards of Appendix 5.

8.4 Amenity Space Provision

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies LDD sets out indicative amenity space standards and advises that a four bedroom dwelling should have 105sq.m amenity space.

8.4.2 The dwelling would retain a large amenity space well in excess of the indicative standards.

8.5 Landscaping & Trees

8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. Trees to the rear of the site are covered by a Tree Preservation Order.

8.5.2 The Landscape Officer raised no objections to the development with regard to the proposed extensions. While objections were raised to the outbuilding this has been removed from the proposal and the Landscape Officer’s objection has therefore been overcome and the development is not considered to result in harm to any trees.

8.6 Wildlife & Biodiversity

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

8.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. While the proposed extensions would result in works to the original roof, the dwelling already contains habitable loft space and it is therefore not considered that there is a reasonable likelihood that bats, or any other protected species, would be affected by the proposal. However, it is considered that an informative should be attached to any permission granted advising the applicant of their responsibilities towards bat protection.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: SLS16 100, SLS16 101, SLS16 102, SLS16 200 Rev. A, SLS16 201 Rev. A, SLS16 202 Rev. A and SLS16 220 Rev. A.

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

C3 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 buildings 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).

9.2 **Informatives**

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

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

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

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

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that 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).