

14. 18/1680/FUL – Demolition of existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height at 23 LEWES WAY, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3SN

Parish: Croxley Green Parish Council

Ward: Durrants

Expiry of Statutory Period: 15 October 2018

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in to Planning Committee by Croxley Green Parish Council.

1 Relevant Planning History

- 1.1 17/2534/PDE – Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres) – Withdrawn 04.01.2018.
- 1.2 18/0049/PDE – Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres) – Permitted 06.02.2018, under construction.

2 Description of Application Site

- 2.1 The application site contains a detached property located on the southern side of Lewes Way, Croxley Green. The application dwelling has a red brick exterior with a dark tiled pitched roof form. The property was previously a link-detached property, with the adjoining garage to the eastern flank attached to the garage of the neighbouring property to the west, number 21 Lewes Way. The dwellings on this side of Lewes Way are set at an elevated level relative to the adjoining highway.
- 2.2 The dwelling is set back from the highway by approximately 9 metres with the frontage of the site consisting of hardstanding with space for at least two vehicles. To the rear, a patio area abuts the rear elevation of the dwelling leading to a higher area of lawn and soft landscaping. High level close boarded fencing encloses the rear amenity space provision.
- 2.3 The neighbour to the east, number 21 Lewes Way, is located on the same building line at a lower land level than the application site; it has an existing single storey side and rear extension built up to the shared boundary with the application site. The neighbour to the west, number 25 Lewes Way, has an existing single storey rear extension and is located at a slightly higher land level than the host dwelling.
- 2.4 During a site visit conducted on 26 September 2018, it was ascertained that works in relation to the construction of the single storey rear extension permitted under application reference 18/0049/PDE were in progress and that the flank walls of this single storey rear extension were in situ.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of part single, part two storey front, side and rear extensions and alterations to the roof to include an increase in ridge height. The proposal would result in a four bedroom dwelling (one additional bedroom).
- 3.2 The proposal would result in an increase in ridge height of the dwelling by 0.3m, from 7.8m to 8.1m. The main eaves height of the dwelling would remain the same at a height of 5.4m.

- 3.3 The proposed front extension would have a maximum depth of 1.9m from the eastern aspect of the frontage and a depth of 2.2m from the currently recessed western aspect of the frontage incorporating a front porch at ground floor level. The front porch would hold a width of 2.1m at its deepest point and the eastern aspect would hold a width of 3.6m at its deepest point. The front porch would have pitched roof form with a maximum height of 3.5m sloping down to an eaves height of 2.6m. At first floor level, the front extension would hold a depth of approximately 1.3m from the western flank and 1.6m from the eastern aspect reflecting the existing stepped frontage of the application site. The two storey front extension to the eastern aspect of the front elevation would have a hipped roof form with a maximum height of 6.8m, sloping down to an eaves height of 5.4m. The front extension to the western aspect would adjoin the main roofslope of the dwellinghouse with a maximum height of 8.1m, sloping down to an eaves height of 5.4m.
- 3.4 The front extension would adjoin the proposed side extension constructed to the eastern flank of the host dwelling replacing the existing adjoining garage. The side extension would hold a width of 2.2m from the existing main two storey flank elevation at ground floor level and a depth of 13.2m, extending approximately 3.6m beyond the existing main two storey rear elevation of the dwelling, adjoining the existing single storey rear extension. At ground floor level, the proposed side extension would be constructed up to the eastern flank boundary with a dummy pitched roof form with a maximum height of 3.4m and a pitched roof behind with a height of 2.9m.
- 3.5 At first floor level, the side extension would hold a width of 1m and a depth of 12.9m including a 3.6m deep rear extension. The extension would be set in approximately 1.3m from the eastern flank boundary and the extension would adjoin the ridge of the main two storey dwelling with a height of 8.1m, sloping down to an eaves height of 5.4m.
- 3.6 During the course of the application, the applicant confirmed in writing that the proposal would include white render to the flank elevations and rear elevation of the dwelling with the brickwork to the frontage retained to match the existing.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: Objection.

Croxley Green Parish Council (CGPC) object to the application 18/1680/FUL and would like it to be considered by the Three Rivers District Council Planning Committee.

CGPC objects for the following reasons:

- 1. In relation to the TRDC Local Development Document Appendix 2, 2.A Croxley Green Parish Council believes that the development will:
 - *Be excessively prominent in relation to adjacent properties.*
 - *Not have the appropriate number of car parking spaces for the size of property.*
 - *Not respect the character of the property and streetscene.*
 - *Result in a loss of light to the windows of neighbouring properties.**
- 2. The change in materials, especially the bright white rendering of the property, will completely unbalance the Lewes Way streetscene therefore not respecting the character of the area.*
- 3. The development will be directly overlooking neighbouring properties resulting in a loss of privacy.*
- 4. The increase in ridge height will again not respect the character of the street scene, most notably the properties roof form, and should be resisted.*
- 5. The plans indicate a potential infringement of the 45 degree rule.*
- 6. CGPC believe that this construction will result in a total overdevelopment of the site.*

Croxley Green Parish Council would also like to draw the case officer's attention to the comments submitted by 21 Lewes Way, whom hold serious and legitimate concerns about the application.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 17 No of responses received: 4 objections received.

4.2.2 Site Notice: Not required. Press notice: Not required.

4.2.3 Summary of Responses:

- Overdevelopment which would lead to a loss of light and negatively impact the privacy at neighbouring property.
- Submitted plans contain inaccuracies which do not represent the existing elevations correctly and raise concerns about a breach of Prior Approval reference 18/0049/PDE.
- Property will become incongruous within the streetscene where currently uniform paired properties exist in a line stretching from 1-27 Lewes Way.
- The existing ground floor plans and elevations submitted are inaccurate and show a single storey rear extension containing part of the kitchen and family room. This extension is not yet built, is not fit for purpose to provide such accommodation and there can be no building completion certificate in existence.
- Plans show a new side extension next to boundary line. The boundary line is in the middle of a part wall which currently exists. It is not feasible for the owner to remove half the width of that party wall and build right up to the boundary line.
- The plans show a 52mm gap between the property and our own property. Does the Council consider a 52mm gap makes this a detached property? If not, the 8m single storey rear extension would be in breach of permitted development.
- This planning application is built around the existence of that 8m single storey rear extension.
- Plans in application 18/1680/FUL to build a 3m double rear extension invalidates the basis for the approval decision by the council to prior application 18/0049/PDE for an 8m single storey rear extension, given as "it is not considered that the single storey rear extension would appear overbearing or result in a significant loss of light to either neighbour and would not cause unacceptable overlooking".
- Plans in application 18/1680/FUL to build a side extension, extending 3.6m beyond the rear wall of the original house invalidates the content of the approval decision by the council to prior application 18/0049/PDE, whom advised us that the extension should not be built within 2.5m of the boundary with our property. Based on application 18/1680/FUL, 3.6m of extension would now be built to the rear of our property right up to the boundary.
- Plans in application 18/1680/FUL show a 2.2m gap between the 8m rear extension and our boundary. Does this put the 8m rear extension in breach of the content of the approval decision given by the council to prior application 18/0049/PDE, whom advised us it would be built 2.5m from our boundary?
- Use of the 'rights of light 25 degree rule of thumb' demonstrates that the daylight and sunlight levels to our property can be expected to fall below standard. The drawings below show that the proposed positioning and roofline of both the single and double-storey side extensions cross the 25 degree line drawn from 1) our ground floor side window and 2) from our roof windows in the flat roof of our existing side extension / garage conversion (which provide the only source of natural light).

- The roofline of the single-storey side extension is too high and should be rejected. The second storey side extension should not be allowed due to the loss of light to our property.
- Object to the second storey side extension due to the addition of windows. We are very concerned about our privacy of our roof window in the shower room/WC in our single storey side extension. The plans show an opening in those side windows, so use of obscured glass does not reduce our concerns. No windows currently exist on that side of 23 Lewes Way. The second storey side extension introduces a new privacy issue for us.
- Object to the overall size and scale of the proposed development at 23 Lewes Way. The planning application represents an over development. The original house area would be 122sqm (incl. garage). Anything over 183sqm should be considered over development (50% increase to original house). These plans add up to a total 235sqm, equating to a 93% increase of the original house, which is completely unacceptable and incongruous with the street scene. The comparative scale and impact of overdevelopment referred to is illustrated below by comparison to our own neighbouring property (internal layout of 21 not intended to be representative of actual configuration).
- The sunlight enjoyed in a south-facing garden was one of the primary reasons for us buying our property. No other double-storey rear extensions exist in that property type in the entire row of properties of the same design 1-27 Lewes Way. We are extremely concerned that the proposed first floor rear extension would cause shading and loss of light:
 - a. Our 3m single-storey rear extension roof windows at 21 Lewes Way
 - b. Our 3m decking area to the rear of our 3m single storey extension at 21 Lewes Way.
- The proposed first floor rear extension would cause unacceptable loss of privacy currently enjoy in rear garden. The owner has excavated the garden at 23 Lewes Way to approx. 2m below the original level of the rear garden (which used to be at the same level as our rear garden at 21 Lewes Way). The distance between the windows of that proposed first floor rear extension and the ground level of our rear garden is therefore reduced by 2m, worsening the impact of the overlooking and loss of privacy.
- A side-extension build of single-storey right up to the boundary with our property is unacceptable given the 8m rear extension given approval under prior approval (permitted for a detached dwelling if completed by 30th May 2019). A double-storey side extension as proposed is completely out of line with the prior approval decision and wholly unacceptable to us as the neighbouring property owner.
- We object to the proposed 3.6m side extension (measured from the point of the rear wall of the original dwelling) on the basis that it is beyond the length of the existing 3m rear extensions to both neighbouring properties 21 and 23 Lewes Way.
- We object to the proposed side extension on the basis that we have reasonable grounds to expect increased noise. There is currently a machine positioned in the store/garage area of 23 Lewes Way which is causing excessive noise and vibration to enter our property 21 Lewes Way. The proposed positioning of the side extension and utility room within it raises concerns that this excessive noise and vibration will become a permanent burden.
- If the 8m rear extension which gained approval in application 18/0049/PDE is never completed as originally proposed and certified as complete, by 30th May 2019, should then the 8m single storey rear extension upon and around which this proposed planning application exists be considered in breach of planning permission? Any planning permission applications should be rejected on that basis until the 8m rear extension has been completed as permitted.
- The construction of the proposed front extension, including extending forward of the existing garage location will be completely out of character with our own property at 21 Lewes Way with which it is paired.

- The higher flat roof roofline for the single-storey side extension shown in the front elevation is significantly higher than our own existing and approved side extension / garage conversion roofline. Approval of our own planning permission application was granted by the council only after we were asked to reduce the height of our roofline. It would be wholly unacceptable for the council to grant planning permission for a higher roofline than our own on that basis. Also, as stated, 'rights of light' demonstrates that the higher roofline proposed causes loss of light to our property and should be rejected on that basis.
- Object to the front extension on the basis that extending the property forward by >2m reduces (almost by half) the existing parking area available for vehicles at that property. The owners regularly have 3-4 vehicles at any one time, which is already causing additional pressure on the parking available in the road. Construction waste currently limits their parking space available, just as building of the proposed front extension would. It is frequently causing vehicles using the highway to slow down excessively to safely squeeze through a tight gap. This raises concerns about access by emergency vehicles. Increasing the size of the property at 23 Lewes Way while reducing the size of off-street parking available so significantly and permanently will increase the problem of street parking in Lewes Way.
- Object to the proposal to render and paint the property off-white, which again will make it look completely different to all neighbouring properties on that side of Lewes Way, destroying the uniformity of the paired houses that currently exists stretching from 1 through to 27 Lewes Way.
- Object to the proposal to remove the roof and increase ridge height on the basis that it will have a higher roof than both our house on one side (21 Lewes Way) and that on the other side (25 Lewes Way), which would be incongruous in the street scene. It will be completely out of character versus the current uniformly paired properties.
- Object to the proposal to construct a double-storey front extension, which will protrude out by more than 2.4m beyond the front wall of the existing dwelling. There are ground floor side windows to the front of the properties at 21 and 23 (and 25) Lewes Way. Ours will be shaded, overlooked and there will be a loss of view from those windows as a direct result of the construction of a double-storey front extension at 23 Lewes Way.
- Concerned about the proposed move of the bathroom facilities from the side of the dwelling that they are currently located, to a new location on the side that borders our property at 21 Lewes Way and any impact this could have / connection it may require to the drains under our own existing side extension or to the rear of our property.
- Object to the relocation of any soil pipes from the side of 23 Lewes Way that they currently exist, to a new position next to our property 21 Lewes Way and particularly next to the opening (flat roof) roof windows that we have in our existing side extension / garage.
- Concerned about the construction of this development in unsociable hours. The building work on the work in progress 8m rear extension has largely been outside of working hours and socially acceptable hours for construction, including Saturday afternoons, Sundays and Weekday evenings after 6pm. The owner of the property is a builder who is working on developments at his own property outside of running his business during normal working hours. The impact of the construction noise, smell and dust from cutting building materials outside of working hours over a protracted period due to the part-time nature of the development at 23 Lewes Way are extremely unwelcome and unacceptable. We are very concerned about the negative impact on us of this approach during such a large build.
- The proposed development effectively represents the demolition of the entire existing house, rather than the demolition simply of the garage as per the application. Replaced with an entirely new, much larger property of 93% increased

size, shape, design and colour completely different to the other uniformly paired properties from 1 to 27 Lewes Way.

- Concerns of additional traffic.
- Proposal would create an undesirable precedent and would make the house entirely out of proportion to the surroundings.
- Front extension would leave little room for parking.
- Dimensions not shown on drawings.

Officer Comment: *'All material planning considerations are outlined within the relevant analysis sections below. The Local Planning Authority cannot assess Party Wall issues as part of planning applications as they are a civil matter and all granted consents are subject to further legal and party wall agreements. Although construction hours do not fall within planning legislation, an informative would be added to any granted consent to advise the applicant of the hours of construction permitted within the District.'*

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 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 2018 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 Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011) and the Development Management Policies Local Development Document (adopted July 2013). 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, CP8, 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, DM4, DM6, DM10, 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 (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 Appendix 2 of the Development Management Policies document sets out in relation to front extensions that applications will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent within the streetscene. In relation to side extensions, Appendix 2 sets out that at single storey level, the proximity to the flank boundary will be individually assessed and however, in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, side extensions should be set in a minimum of 1.2m from the flank boundary at first floor level. Applications for two storey rear extensions will be assessed on their individual merits in terms of size and volume and according to the characteristics of the particular property. Generally, the maximum depth of single storey rear extensions to detached dwellings should be 4m.
- 7.1.3 It is acknowledged that concerns have been raised by neighbours in relation to the accuracy of the plans showing a single storey rear extension in situ. In addition concerns have been raised by neighbours about the validity of the previously approved Prior Approval application. Whilst these concerns are noted, during a site visit conducted on 26 September 2018, it was ascertained that the flank walls of the Prior Approval extension have been built and are currently in situ. Therefore, the plans are considered accurate as the building works to the extension are ongoing. It is also noted that concerns have been raised in relation to the separation of the application dwelling and the side extension of the neighbour to the east, number 21 Lewes Way. In permitting the previously approved application reference 18/0049/PDE, the Officer noted; *the host dwelling was previously considered as a link-detached property as the garage adjoining the host dwelling also adjoined the garage of the neighbour to the east, number 21 Lewes Way. During works conducted by the neighbour to the east, number 21 Lewes Way in 2017, in order to construct a new side extension the garage associated with this neighbours property had to be demolished. The garage was one of a pair that linked the two neighbouring houses. The boundary between the two properties ran along the centre line of the wall that divided the two garages. That wall was therefore a "Party Wall". It was a 100mm thick wall. The party wall was taken down as part of the demolition works and has evidently been reconstructed as an independent wall in the same location as the original wall and again to a 100mm thickness. The garage belonging to 21 Lewes Way has not been reconstructed. The property is therefore detached by virtue of demolition of its former garage*. Furthermore, in an appeal decision for 183 Devonshire Way, Shirley, Croydon

(Appeal Reference APP/L5240/X/17/3166472) on 13 September 2017, the Inspector commented that; *in the absence of any apparent affixation of the walls one to the other, notwithstanding the shared copings, it was considered that the property should be considered as a “detached dwellinghouse” for the purposes of A.1 (f) (i) as a matter of fact and degree.* It is also noted that the definition of a detached house is one that is not joined to any other house. For the reasons above, the Local Planning Authority remain of the view that the application dwelling is a detached dwelling. Notwithstanding the above information, an informative would be attached to any granted consent to advise the application that the requirements of the Party Wall Act 1996 may need to be satisfied prior to the commencement of works.

- 7.1.4 Concerns have been raised by neighbours in relation to the prominence of the proposed front extension within the streetscene of Lewes Way appearing out of keeping with neighbouring properties. The front extension would hold a maximum depth of 1.6m from the eastern flank and 1.3m from the western flank at first floor level, reflecting the existing stepped front elevation of the host dwelling. Whilst the concerns are acknowledged, during the site visit it was ascertained that there is no established building line to the frontage of the properties on the southern side of Lewes Way. The properties to the west of the application site are set forward of the application dwelling and are of a different architectural style and design than the host dwelling as are some properties to the east. Furthermore, it was apparent that some properties within close proximity of the application site have existing two storey front extensions and some have existing single storey front extensions and porch structures, thus there is existing variation within the streetscene of Lewes Way. In addition, the proposed front extension would have a set down hipped roof form to the eastern aspect and a hipped roof form adjoining the main two storey roofslope of the dwelling to the western aspect, reflecting the existing roof forms of the dwelling. Therefore, when considering the existing variation in terms of extensions and alterations to the front elevations of neighbouring properties, that the architectural style and design of properties within Lewes Way are varied and the proposed design and roof forms of the front extensions, it is not considered that this element would appear unduly prominent within the streetscene of Lewes Way or result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area. The proposed front porch would hold a depth of 0.9m and a width of 2.1m with a pitched roof form. Neighbouring properties have implemented porch structures of a similar scale and differing designs and therefore it is not considered that this element would result in any harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.5 The proposed side extension would be constructed to the eastern flank of the host dwelling with a width of 2.2m at ground floor level built up to the shared eastern flank boundary and a width of 1m at first floor level, set in approximately 1.3m from the shared eastern flank boundary. At ground floor level, the side extension would replace an existing adjoining garage built up to the eastern flank boundary. Whilst the roof form would be altered from a flat roof form to a dummy pitched roof form, it is noted that neighbouring properties have implemented similar extensions with pitched or hipped roof forms and as such, it is not considered that the single storey side extension would appear unduly prominent or result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area. The two storey side extension would be set in approximately 1.3m from the eastern flank boundary thus it would comply with the spacing requirement of 1.2m set out within Appendix 2 of the Development Management Policies document. In addition, the first floor side extension would have a hipped roof form, reflecting the existing roof form of the dwelling and there are examples within the streetscene of Lewes Way of side extensions of a similar size and scale. Therefore, given the 1.3m spacing retained between the eastern flank of the extension and the eastern flank boundary at first floor level, the width of the proposed extension and the hipped roof form, it is not considered that the proposed two storey side extension would appear unduly prominent within the streetscene of Lewes Way or result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area.

- 7.1.6 The proposal would include a rear extension. The rear extension would comprise a 3.6m deep single storey projection to the rear of the proposed side extension which would adjoin the 8m deep single storey rear extension approved under application reference 18/0049/PDE. The 8m deep rear extension approved under application reference has been partly implemented with the flank walls of the elevation now in situ. However, as the extension is not complete, it is considered necessary and reasonable to assess the impact of the 8m deep rear extension as part of this application. It is acknowledged that the rear extension would exceed the 4m guidance depth set out within Appendix 2 of the Development Management Policies document however, when considering the extension would be set in a minimum of 1.2m from the eastern boundary and constructed in line with the existing western flank of the host dwelling as well as the height and roof form of the proposed extension, it is not considered that this element would result in demonstrable harm to the character or appearance of the host dwelling or appear unduly prominent or incongruous within the streetscene of Lewes Way. In addition, a first floor rear extension is proposed which would extend approximately 3.6m beyond the existing main two storey rear elevation, over part of the 8m deep single storey rear extension and would adjoin the proposed two storey side extension. The first floor rear extension would have a width of approximately 7.1m to the rear with a hipped roof form adjoining the maximum ridge of the two storey dwelling. The ground floor element of the extension joining the proposed side extension and existing single storey rear extension would hold a depth of 3.6m which would comply with the guidance set out within Appendix 2. In addition, given the siting of the proposed two storey rear extension, the depth and hipped roof design of the extension and the variation within the streetscene of Lewes Way including two storey rear extensions and rear dormer windows, it is not considered that this element would appear unduly prominent within the streetscene of Lewes Way or result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.7 The development proposes an increase in ridge height of approximately 0.3m. Land levels increase from east to west such that the neighbour to the west, number 25 Lewes Way is at a slightly higher land level and the neighbour to the east, number 21 Lewes Way is at a slightly lower land level than the host dwelling. Whilst the increase in ridge height would increase the overall height of the application dwelling, the indicative streetscene indicates that the maximum height would not exceed the height of the dwelling to the west, and that the eaves height would be maintained. Therefore, it is not considered that the proposed increase in ridge height would appear incongruous or adversely impact the character of the host dwelling, streetscene or area.
- 7.1.8 The proposed glazing would be in keeping with the character of the host dwelling and would not be significantly different to the existing glazing. In relation to proposed external materials and finishes, the applicant confirmed during the course of the application that the brickwork to the front elevation of the dwelling would be retained and the front extensions would be finished in materials to match the existing dwelling. Whilst white render is proposed to the flank and rear elevations, given the siting of the render, that there is an existing variation in terms of brickwork and pebbledash render within the streetscene and that the frontage would be retained to match, it is not considered that the proposed materials would result in demonstrable harm to the character and appearance of the host dwelling, streetscene or wider area so as to justify the refusal of permission.
- 7.1.9 In summary, whilst the proposed development would increase the size and scale of the host dwelling, it is not considered that the proposal would appear unduly prominent within the streetscene or disproportionate in relation to the application dwelling or to other dwellings within the vicinity. The proposed development would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

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 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree splay line 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 the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.2.3 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.2.4 It is noted that concerns have been raised by neighbours in relation to the proposed two storey front extension resulting in loss of light to neighbouring fenestration. Whilst the 45 degree splay line is usually used to demonstrate the impact of two storey development to the rear, in this instance, it is considered reasonable to apply this to the two storey front development. The proposed two storey front extension would not intrude a 45 degree splay line when taken from a point on the shared eastern flank boundary level in line with the main two storey front elevation of the neighbour to the east, number 21 Lewes Way. In addition, the proposed two storey front extension would not intrude a 45 degree splay line when taken from a point on the shared western boundary in line with the main two storey front elevation of the neighbour to the west, number 25 Lewes Way. Therefore, given that the proposed two storey front extension would not intrude a 45 degree line when taken from a point on the shared boundary with either immediate neighbour and the depth, height and hipped roof form of the extension, it is not considered that this element would appear overbearing or result in loss of light to either neighbouring property.
- 7.2.5 The proposed part single, part two storey side extension would be constructed to the eastern flank of the host dwelling and given the siting of the proposed extension, it is not considered that this element would result in any adverse impact to the neighbour to the west, number 25 Lewes Way.
- 7.2.6 The proposed part single, part two storey side extension would extend from the flank closest to the neighbour to the east, number 21 Lewes Way. It is acknowledged that concerns have been raised in relation to this element resulting in loss of light and having an overbearing impact to neighbouring properties. Whilst these concerns are noted, when considering the first floor element of the side extension, this would be set in approximately 1.3m from the shared eastern boundary, in accordance with the guidance of 1.2m spacing as set out within Appendix 2 of the Development Management Policies document. Furthermore, the neighbour to the east has an existing single storey side and rear extension, thus the main two storey aspect of this neighbouring dwelling is set in approximately 2m from the shared boundary. This neighbour has an existing single-casement window at first floor level within the front projection and no other existing flank fenestration. Whilst concerns have been raised in relation to a loss of light from the rooflights of the existing side extension of this neighbour, the rooflights in situ are reliant on light available from the application site and therefore it is not considered that the proposed part single, part two storey side extension would result in loss of light or appear overbearing to the neighbour to the east.

- 7.2.7 The proposed part single, part two storey rear extension would hold a depth of 3.6m. The single storey element of the rear extension would be constructed up to the boundary with the neighbour to the east, with the first floor of the rear extension set in 1.2m from the eastern flank boundary, in line with the proposed two storey side extension. The 8m deep single storey rear extension would be set in a minimum of 2.2m from the shared eastern boundary with number 21 Lewes Way. This neighbour has an existing single storey side and rear extension with a depth of approximately 3m. In addition, the boundary treatment along the eastern boundary of the application site comprises high level close boarded fencing. Therefore, due to the spacing between the boundary and the proposed extension, the height of the extension and the existing boundary treatment, it is not considered that the proposed extension would result in an overbearing impact or loss of light to this neighbouring property. Furthermore, the extension would be set in approximately 0.5m from the western flank boundary, constructed in line with the existing western flank of the host dwelling. The neighbour to the west, number 25 Lewes Way, has an existing single storey rear extension with a depth of approximately 3.6m. It is also noted that close boarded fencing lines the shared western boundary. Therefore, it is not considered that the 8m deep rear extension would result in an overbearing impact or result in loss of light to this neighbouring property.
- 7.2.8 The proposed first floor rear extension would intrude a 45 degree splay line when taken from a point on the shared boundary level with the two storey rear elevation of the neighbour to the east by approximately 2m. Whilst this is acknowledged, when considering the existing site circumstances and the spacing between the two storey development, the first floor extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the existing single storey rear extension of this neighbour in accordance with guidance set out in Appendix 2, and it would not intrude a 45 degree splay line when taken from the corner of the main two storey element of this neighbour. Therefore, this demonstrates that the proposed first floor rear extension would not result in loss of light to first floor fenestration, ground floor fenestration and amenity space of this neighbour. In addition, the proposed first floor extension would extend 0.6m beyond the existing rear extension of this neighbour and the neighbour is sited to the east, and as such, it is not considered that this element would appear overbearing or result in loss of light so as to justify the refusal of planning permission.
- 7.2.9 The proposed first floor rear extension would intrude a 45 degree splay line when taken from a point on the shared boundary level with the two storey rear elevation of the neighbour to the west by approximately 2.5m. Whilst this is acknowledged, when considering the existing site circumstances including the closest first floor window within the rear elevation of this neighbour being obscurely glazed, and the spacing between the two storey development, the first floor extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the existing single storey rear extension of this neighbour in accordance with guidance in Appendix 2, and it would not intrude a 45 degree splay line when taken from the closest first floor window within the rear elevation of the main two storey element of this neighbour. Therefore, this demonstrates that the proposed first floor rear extension would not result in loss of light to first floor fenestration, ground floor fenestration and amenity space of this neighbour. In addition, the proposed first floor extension would extend 0.6m beyond the existing rear extension of this neighbour and the neighbour is sited to the west, and as such, it is not considered that this element would appear overbearing or result in loss of light so as to justify the refusal of planning permission.
- 7.2.10 In relation to overlooking, there are existing single-casement windows within the two storey front projection of the dwelling which are not obscurely glazed and there are two existing windows at first floor level within the western flank of the dwelling. Given the existing site circumstances, it is not considered reasonable to attach a condition to require the first floor windows within the front extension to be obscurely glazed, given their location and the limited opportunity for overlooking. The proposed development would

result in two additional windows at first floor level within the eastern flank elevation, one single-casement and one two-casement, both of which would serve bathrooms. It is therefore considered reasonable to attach a condition to any granted consent to require these windows to be obscurely glazed and top level opening to prevent unacceptable overlooking. The window at first floor level within the western flank would not be altered, and the second window within the western flank would be removed. Whilst it is not considered reasonable to attach a condition in relation to the existing window, a further condition would be attached to any granted consent to prevent additional windows being added at first floor and ground floor levels within the flank elevations of the development. Whilst concerns have been raised in relation to the glazing proposed within the rear of the two storey rear extension, whilst views of neighbouring gardens may be available, it is not considered that these views would be significantly different to those views already available from the first floor level fenestration so as to result in unacceptable overlooking justifying the refusal of planning permission. The proposed rooflights within the side extension would serve the ground floor and would not result in unacceptable overlooking.

7.2.11 In summary, whilst the proposal would increase the size and scale of the dwelling, it is not considered that the proposal would have an overbearing impact or result in loss of light so as to justify the refusal of planning permission in this regard.

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.

7.3.2 The proposed development would result in a four bedroom dwelling. Appendix 2 of the Development Management Policies document outlines that a four bedroom dwelling should retain 105sqm of usable, private amenity space. The application dwelling would retain over 240sqm of amenity space to the rear and as such, would exceed the requirements set out within Appendix 2 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.

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 which states 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; however given the development would affect the roofspace of the dwelling, an informative would be attached to any consent to advise the applicant of what to do should bats be discovered during the course of the development.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies document 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 protected trees on or near the site. As such, it is not considered that the proposed development would result in any harm in this respect.

7.6 Highways, Access and Parking

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

- 7.6.2 The proposed development would result in a four bedroom dwelling, thus generating a requirement for three onsite parking spaces. The submitted block plan indicates hardstanding to the frontage with space for three vehicles which is currently in situ, albeit currently partly used for material storage. The proposal therefore would comply with Appendix 5 of the Development Management Policies document in this regard.

8 **Recommendation**

- 8.1 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), 180211/A and 180210.

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, 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).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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).

- C5 Before the first occupation of the building/extension hereby permitted the two-casement window and single-casement window at first floor level within the eastern flank elevation serving the bathroom and en-suite; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the 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).

8.2 **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. 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 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 development 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).

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.