

## PLANNING COMMITTEE – 24 FEBRUARY 2022

### PART I - DELEGATED

#### 9. **21/2675/FUL – Retrospective: Erection of single storey garden outbuilding at 4 WATERFIELD, HERONSGATE, WD3 5BS**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 19 January 2022

Case Officer: Katy Brackenboro

Extension of Time: 3 March 2022

Recommendation: That Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Parish Council for the reasons set out in full at 4.1.1 below.

#### **1 Relevant Planning and Enforcement History**

- 1.1 21/0155/COMP - Works not in accordance with 20/1765/FUL – Pending consideration.
- 1.2 20/1765/FUL - Construction of outbuilding to side of dwelling. Permitted. 13.10.2020. Not built in accordance with plans.
- 1.3 10/2364/CLPD - Certificate of Lawfulness Proposed Use: Single storey rear extension adjoining the existing building. Approved.
- 1.4 8/530/83 - Erection of eight detached houses, garages and ancillary works. Permitted - 17.11.1983. Implemented.

#### **2 Description of Application Site**

- 2.1 The application site is a roughly rectangular plot of approximately 1300sqm located on Waterfield at the end of the cul-de-sac in Chorleywood.
- 2.2 The site contains a two storey detached dwelling with an 'L' shaped footprint, constructed from brown brick with brown timber panelling. The dwelling is set back approximately 17m from the road and is set on higher ground. There is an integral double garage and hardstanding to the frontage which together provide off-street parking for in excess of three cars.
- 2.3 The application dwelling is set in from the shared boundary with No. 3 Waterfield, the neighbouring detached dwelling to the south-west which is set forward in relation to the application dwelling. To the north-east is No. 5 Waterfield. This neighbouring detached property is set back in relation to the host dwelling. The western boundary of the site adjoins the curtilage of the Land of Liberty, Peace and Plenty Public House.

#### **3 Description of Proposed Development**

- 3.1 This planning application seeks retrospective planning permission for the construction of an outbuilding to side of the host dwelling.
- 3.2 The outbuilding is sited to the south flank of the dwelling. It is single storey and has a maximum width of 4.3m with a splayed rear elevation. It has a maximum depth of 9m, with a gently sloping roof with a maximum overall height of 3.4m measured from

ground level (including a concrete base with a maximum height of 0.3m). It is sited 1.1m from the flank of the host dwelling, and 0.1m from the south and south-west boundaries of the application site. A set of sliding double glazed glass doors has been inserted in the north western elevation facing towards the application dwelling. A window has been inserted into the north-eastern flank which is obscure glazed. Two rooflights are inserted onto the flat roof which has a maximum height of 0.1m.

- 3.3 The outbuilding is finished in composite timber effect grained grey panels with a felt roof. It is noted that the outbuilding is being used as an office. A trellis is proposed to be planted to the south-eastern and south-western elevations above the existing fencing, with a maximum height of 3.5m, measured from ground level.
- 3.4 One air conditioning unit is mounted to the south-eastern elevation of the existing outbuilding. This has a width of 0.2m, and height of 0.6m, positioned 0.6m from ground level.
- 3.5 The outbuilding is currently being used as a gym and office.
- 3.6 It is noted that the current application follows an approved scheme for a similar outbuilding. The difference between the approved scheme and the scheme for which retrospective planning permission is now sought are as follows:
- The building has a maximum height of 3.1m instead of 3.3m and is sited on a concrete platform approximately 0.3m in height.
  - The existing building has a depth of 4.3m instead of 4.2m.
  - The gap to the boundary with No. 3 is 0.1m.
  - Two rooflights have been added to the roofslope.
  - The outbuilding is constructed of timber effect grained grey composite boarding instead of wood cladding.
  - The outbuilding is currently being used as a gym/office instead of a gym/games room.
  - A planted trellis approximately 3.5m high is proposed to the south-eastern and south western flank by the existing fencing boundary treatment. This was not previously proposed.
  - An air conditioning unit has been mounted on the south-eastern flank of the outbuilding. This was not previously proposed.
- 3.7 Amended plans were submitted during the course of the application to add details of a proposed planted bamboo screen to be planted at 2.5m high.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council [Objects]**

- The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

- Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.
- Completely out of keeping within the street scene
- The height, scale, depth and dimensions of the outbuilding.
- The proximity to other residents
- Concern with the building materials

4.1.2 National Grid: No response received

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 9

4.2.2 No of responses received: 22 (18 Objections, 2 Neutral and 2 support)

4.2.3 Summary of responses:

- Height excessive
- Platform gives an elevated siting.
- Scale
- Skylights
- Air conditioning unit adds to the depth of the outbuilding
- Appearance at odds with the character of the local context akin to a portakabin
- Commercial use of the outbuilding

4.2.4 Site Notice: posted 30/11/2021 and expired 21/12/2021

4.2.5 Press notice: Not required.

## **5 Reason for Delay**

5.1 No delay.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local

Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

The Chorleywood Neighbourhood Development Plan. Relevant policy is Policy 2.

### 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 the character and appearance of the host dwelling and the streetscene

7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene.

7.1.2 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.1.3 The host dwelling is positioned near the end of the cul-de-sac and the building subject of this application is located between the front-most part of the host dwelling and the road. Given the lower height of the building relative to the host dwelling, the screening afforded by existing soft landscaping, and having regard to the only minimal height increase between the approved scheme and as-built scheme, it is not considered that the outbuilding results in any harm to the streetscene or character and appearance of the host dwelling. Given its single-storey scale it does not erode the open and spacious character between the dwellings. Whilst some views of the proposed

building are visible from the streetscene, where there was previously no built form, it is not considered that they are harmful. The Conservation Officer was verbally consulted and states that the proposal does not result in harm to views in or out of the Conservation Area

- 7.1.4 It is noted that concerns were raised by neighbours due to the external appearance of the outbuilding, in particular with the materiality of the building. It is acknowledged that the building is finished in grey stained cladding and that this is considered by neighbours to be unsightly on a residential road. Whilst it is noted that the outbuilding does not match the materiality of the host dwelling (multi-brick) or other properties within the cul-de-sac, and is different to the material approved as part of the original planning application, the building is ancillary in size and scale and it is not considered that the appearance of the building is out of character within the context of the visual amenities of the streetscene or character and appearance of the area.
- 7.1.5 The application also includes an air conditioning unit, and rooflights, neither of which formed part of the previously approved scheme. Both are small in scale and are not considered to adversely impact the character of the building or wider area.
- 7.1.6 It is noted that the application has been amended to include bamboo planted in pots around two elevations of the building. This would act to soften the visual impact of the proposed development and given its position considered to be harmful to the character of the area. Conditions would be attached requiring details of the trellis and planting to be submitted to the LPA for approval.
- 7.1.7 The proposal complies with Policy 2 of the Chorleywood Neighbourhood Plan as it does not result in any harm to the character and appearance of the host dwelling or wider streetscene.
- 7.1.8 It is considered that the proposed development does not result in harm to the character or appearance of the existing dwelling, streetscene or wider area. The proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and Appendix 2 of the Development Management Policies LDD and the Chorleywood Neighbourhood Plan (adopted December 2020).

## 7.2 Impact on amenity of Neighbours

- 7.2.1 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.
- 7.2.2 The outbuilding is sited to the south east of the host dwelling. It is located 0.1m from the common boundary with No. 3. However, given its scale and single storey nature, the outbuilding does not have impact upon this neighbour in terms of overbearing impact or loss of light. Furthermore, this neighbouring property is set in from the common boundary by approximately 10m. It is noted that the existing outbuilding is 0.1m lower than previously approved and as such, it is not considered that it would result in any harm in terms of loss of light or overbearing impact. The flat roof design further minimises its impact.
- 7.2.3 The application site shares a boundary with The Land of Liberty, Peace and Plenty Public House, however the development is sited away from this boundary such that it would not have any impact. The proposal whilst visible from the neighbouring

property at No. 5 Waterfield does not have an adverse impact on No. 5 Waterfield as it is sited some 18m from the outbuilding.

- 7.2.4 The fenestration overlooks the front driveway and the rear private garden and would not adversely affect the privacy of the occupants of any neighbouring dwelling.
- 7.2.5 The proposal includes rooflights. However, given their siting it is not considered that they result in any harm to the visual amenities of any neighbouring properties.
- 7.2.6 The proposed bamboo planting would not result in any harm to neighbours.
- 7.2.7 The application includes an air conditioning unit. It is noted that no response was received from the Environmental Health Officer. However, given the positioning and scale of the air conditioning unit, set away from neighbouring dwellings, it is not considered that it results in any harm to neighbouring amenities in terms of visual impact, disturbance or noise. As such the proposal would comply with DM9.
- 7.2.8 In summary, the proposed development does not result in any adverse impact on any neighbouring 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.

### 7.3 Use

- 7.3.1 It is noted that concerns are raised by neighbours regarding the current use of the outbuilding and that it is being used for commercial purposes. However, the submitted application form and information supplied with the application states that the outbuilding is used as an office/ gym and this was the case during the officer's site visit. It should be noted that an ancillary use would still allow the outbuilding to be used for a commercial purpose, albeit, it would have to be on a relatively low scale, such as a home office which still maintains a functional relationship with the main house. Additionally, it might be that the building is visited by those not connected with the house; however, importantly, it would appear that the office is currently linked to those residing at the host property, thus maintaining the ancillary link. As such, whilst this differs from the gym use under the previous application, the outbuilding is considered, based on all the available facts and evidence to date, to have a use ancillary to the host dwelling which is considered acceptable. The design of the proposed outbuilding contributes to the ancillary character of the proposed development. A condition is attached requiring the building to be used only for ancillary purposes to ensure that its use does not expand or result in a separate planning unit.

### 7.4 Amenity Space Provision for future occupants

- 7.4.1 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD. The application dwelling retains a rear garden of over 300sqm which is considered ample amenity space to serve current and future occupiers.

### 7.5 Wildlife and Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which

state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 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 DMP 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.

## 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value have been harmed or removed by virtue of the proposal and the development is considered acceptable in this regard. The proposal includes additional planting the south-eastern and south-western flanks. It is not considered that this would result in any harm.

## 7.7 Highways, Access and Parking

7.7.1 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 proposal does not result in any additional bedrooms and the parking provision of this site is not altered. It is therefore considered that there is adequate parking provision to serve the development

## **8 Recommendation**

8.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions:

C1 The detached outbuilding hereby permitted 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 at any time.

Reason: The creation and use 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).

C2 Within two months of the date of this decision, the bamboo planting as shown on drawing 001 D shall be carried out and installed at the site.

If this bamboo is removed, dies, becomes severely damaged or diseased within five years of the date of this decision it shall be replaced with a planted trellis of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**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. Information and application forms are available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk). Alternatively the Council's Building Control section can be contacted on telephone number 01923 727130 or email [building.control@hertfordshirebc.gov.uk](mailto:building.control@hertfordshirebc.gov.uk).

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

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

Where possible, energy saving and water harvesting measures should be incorporated. 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.