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**PLANNING COMMITTEE****MINUTES**

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 23 February 2023 from 7.30pm to 9.13pm

Councillors present:

Steve Drury (Chair)	Phil Williams (Sub for Cllr Raj
Matthew Bedford (Vice Chair)	Khiroya)
Sara Bedford	David Raw
Ruth Clark	Kate Turner (Sub for Stephanie
Phillip Hearn	Singer)
Andrea Fraser (sub for Cllr Lisa	
Hudson)	
Stephen Giles-Medhurst (sub Chris	
Lloyd)	

Also in attendance:

Councillors Debbie Morris, Batchworth Community Councillor Craige Coren, Croxley Green Parish Councillor Andrew Gallagher

Officers: Matthew Roberts, Adam Ralton & Lorna Attwood

**COUNCILLOR STEVE DRURY IN THE CHAIR****PC 93/22 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lisa Hudson and Raj Khiroya, Stephanie Singer and Chris Lloyd with the named substitutes being Councillors Andrea Fraser, Phil Williams, Kate Turner and Stephen Giles-Medhurst.

**PC 94/22 MINUTES**

The minutes from the Planning Committee Meeting held on 19 January 2023 were agreed and signed by the Chair.

**PC 95/22 URGENT BUSINESS**

There was no urgent business.

**DECLARATIONS OF INTEREST**

The Chair read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillor’s. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account information provided at Committee. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to any particular view.”

Councillor Drury read out a notice following advice from the Monitoring Officer regarding the last meeting and voting rules:

“There is no rule requiring councillors to recuse themselves from voting where they have not attended a site visit or have failed to attend all of the meetings. It is a matter of judgment for each councillor as to whether or not they can fairly assess the proposal’s planning merits. Attending a site visit is not compulsory. If an application has been deferred from a meeting where there was debate, it would be preferable for members to have been in attendance at the previous meeting, but is not compulsory. Members who were not present beforehand will have the benefit of the officer’s report, could ask for the presentation to be given again or at least ask questions of planning officers at the next meeting.

Therefore, it is up to each member to make sure they are fully prepared to fairly decide the application. If they feel that they are not prepared (e.g. because they have not attended the site visit or missed the previous meeting), they should not take part in the vote. However, that is for each councillor to judge for themselves and they cannot be forced to withdraw by anyone else. If they feel they are prepared, they are able to explain why (ie having read the minutes, the officer report, reviewed the plans, listened to the debate etc)”

The advice also covered turning up late to meetings or temporarily leaving and re-entering the room

All the standing orders require (Rule 23) is that the member is “present” at the meeting.

If someone turns up late, then they are still “present” at the meeting. If they left the room and re-enter, they would still be “present” (at the point of re-entering). So, in either case, it would seem they can vote. Again, here it is matter of judgment for each Member as to whether they can fairly assess the proposal’s planning merits; they cannot be forced to recuse themselves.”

**installation of privacy screens at SANDLEWOOD, 7A WOLSEY ROAD,  
MOOR PARK, HERTS, HA6 2HN**

The Planning Officer stated that this application was deferred at the December Planning Committee for Officers to seek amendments to the privacy screens and whether access could be restricted to part of the raised patio. Following discussions, the applicant did not wish to alter the proposed scheme so members were to determine based on the original plans.

In accordance with Rule 35(b) a member of the public spoke in support of the application.

In accordance with Rule 35(b) a member of the public spoke against the application.

Ward Councillor Debbie Morris spoke against the application, the height and range of the patio and people standing on this were at the same height as the boundary hedge. Anyone on the patio would have clear views into the conservatory and garden of number 9. The applicants had not taken into account Members views and their request regarding the privacy screens. This had caused considerable distress to the neighbours at number 9. Councillor Morris quoted parts of the neighbours' email to Officers which detailed the neighbours distress and anxiety surrounding the application. Councillor Debbie Morris urged Members to refuse the application.

Councillor Craige Coren spoke against the application and said that Batchworth Community Council strongly objected to another retrospective application and asked for it to be refused. Councillor Coren said that Members had received a heartfelt email from the neighbour and their privacy had been impacted beyond what was reasonable. It had affected the whole family and they had tried to be reasonable throughout. It was unfortunate that a site visit had not been completed as this would have made it clear. Councillor Coren believed that if the details and extent of the current retrospective application had been submitted at the outset then it would have been likely that it would have been refused by Officers or Committee on privacy grounds alone. The impact on the privacy could clearly be seen on the photos shared by the neighbour at number 9. The proposed 1.8 Perspex screen was 6 feet on top of a 6 feet patio that projected 6.5 feet from the rear wall of the house. This was not fitting for a Conservation area. The landscaping, hedgerows and trees that were originally located on the northwest side of 7a Wolsey Road, had been damaged or removed during construction. The hedgerow at number 9 had been damaged during the course of works. The applicant had refused to make any amendments as discussed at the December Committee and they had also reneged on discussions with the neighbour to rectify the overall problem and to act reasonably. Batchworth County Council believed that the applicant should be forced to revert to the original scheme and permission for this application to be refused.

Councillor Matthew Bedford asked if the Officers could comment on the photos that had been circulated and the ones on the application in relation to the privacy screens, as these were not shown on the pictures. The Planning Officer responded that this was correct, the photos did not show the privacy screens as they were not yet in place but the photos did show a privacy issue due to

the increased height of the raised patio and its depth. The privacy screens were required to prevent the views onto the lower neighbour and they would be stepped in their design. Councillor Matthew Bedford also wished to clarify that the area next to the privacy screens near to number 9 would not be in use? The Planning Officer clarified that this area was the plant room roof and there would be a condition attached that sought to prevent use as a terrace and to be accessed for maintenance purposes only.

Councillor Matthew Bedford said it was frustrating that there was another retrospective application and it seemed unfair, however, he was struggling to find a planning justification for refusal.

Councillor Philip Hearn asked about the condition regarding the roof of the plant room and how it was enforceable. The Planning Officer said that there would be a condition to prevent people from standing on the roof. This would be a flat roof and would not require much maintenance. The condition was enforceable if it was breached. This was to safeguard the residential amenities of the neighbour.

Councillor Stephen Giles-Medhurst who was not at the previous meeting asked Officers to clarify what the applicant was asked to do at the last meeting and if there was an example of what the privacy screen would be made of and the composites. Councillor Giles-Medhurst advised that from reading the report he felt the issue was not just the privacy screen but the depth and scale of the unauthorised patio extension which was considerably larger than the previously granted planning permission. Another concern related to condition 4 which was a standard condition but if the trees were to die and not replaced this would be left open. Enforcement could be difficult particularly at the rear of a property where Officers could not easily check that the permission was being complied with.

The Planning Officer responded that there were discussions at the previous meeting as to whether the applicant could prevent access from what was previously a garage. The Planning Officer then presented the plans to show this. The suggested condition regarding the privacy screens would require the applicant to submit details on the obscurity level. This would be required within one month of the decision. This was set out in condition 2. With regards to the changes, it was still found to be acceptable subject to the conditions in the report. The primary concern was the impact on the neighbour, and the required privacy screens would mitigate this impact. The proposed landscaping was not essential to mitigate the overlooking impact.

Councillor Stephen Giles-Medhurst asked about the privacy screen and was concerned about the colour and maintenance and how it would be fixed. The Planning Officer responded that we could only condition so far with regards to disrepair and maintenance. The important aspect was the design and height. The materials would need to be sympathetic to the Conservation area.

Councillor David Raw wanted to ask about how the privacy screens would be fixed and was concerned about them being moved away or falling off. Councillor Raw was also concerned about overlooking and prominence which the privacy screen would be. The Planning Officer responded that it would need

to be permanently fixed at a height of 1.8m. Officers had considered that the screen would not be unduly prominent subject to submission of its design.

Councillor Matthew Bedford asked for clarification on how far from the boundary was the short section that faced towards number 9. The Planning Officer read out section 7.3.5 of the report to clarify.

Councillor Kate Turner said there had been several planning applications/permissions and wondered if this could continue indefinitely, especially when there had been breaches. The Planning Officer responded that often building works needed changes or tweaks over time. The previous applications were explained and how the application had evolved over the years. With regards to this application the works had gone beyond the scope of the planning permission. There were other elements that were not in accordance which would be dealt with separately. It was the Officers view that if this application was refused, it would be difficult to defend at appeal.

Councillor Stephen Giles-Medhurst asked about the image where a person could be seen over the privacy screen. The Planning Officer advised that this person was on the plant room roof which, as previously discussed, would be controlled by condition.

Councillor Andrea Fraser asked about the privacy screens and if this would have been approved if it came in as part of an application as it would not be in keeping with the Conservation area. The Planning Officer advised that each application was different. This was not a pre-1958 dwelling but was a more contemporary dwelling and therefore it was felt that the patio and the screens would not be harmful to the host dwelling and wider conservation area.

Councillor Matthew Bedford clarified that none of this was visible from the street which would make it difficult to argue harm in the Conservation area. The Planning Officer replied that even though it was not visible did not mean there would be no harm but the fact it was not visible was a big factor to consider. Councillor Matthew Bedford said if the permission was refused the works would have to revert back to what was approved and the applicant could appeal the decision. In this case the planning inspector could come to a different view and may not impose as many conditions, it was hoped they would implement the privacy screens as a matter of planning judgement.

Councillor Steve Drury asked for the Officer to present the plans on screen and asked if the privacy screens were running back to the edge of the building and then there was a privacy screen running round the plant room also. The Planning Officer responded that this had already been suggested but the applicant did not wish to make changes. The decision must now be made on what Members had in front of them and as it had been deferred already and we were past the statutory determination date the applicant could appeal non-determination. The Planning Officer explained that a recommendation by Officers had been put forward and no planning reasons had been put forward on an alternative recommendation.

Councillor Matthew Bedford moved the proposal to accept the Officers Recommendation to Grant Planning Permission subject to the conditions proposed. This was not seconded.

Councillor Stephen Giles-Medhurst proposed an alternative recommendation to refuse planning permission due to the undue effects on the neighbouring property and the detrimental effect on the conservation area in terms of overlooking and the detrimental effect the privacy screens would have on that property. This was seconded by Councillor Phil Williams.

Councillor Philip Hearn felt that the Committee should not include harm to the Conservation Area in the reason for refusal. Both the proposer and seconder of the motion agreed to this amendment.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 2 Against and 2 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE REFUSED, for the following reason (the wording having been agreed after the meeting):

The raised rear patio including the plant room results in unacceptable levels of overlooking to the neighbouring property at No.9 Wolsey Road which significantly erodes their privacy levels and therefore has a detrimental impact on their living conditions. In addition, the proposed introduction of privacy screens by virtue of their siting, height and nature combined with the scale of the raised patio results in an un-neighbourly and overbearing form of development which would have a harmful impact on the visual amenity of the neighbouring occupiers at No.9 Wolsey Road. The development is therefore contrary to Policy 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).

**PC 98/22      22/1507/FUL - Partial demolition of no.51 and sub-division of rear gardens of no.51 and no.49 and construction of two storey detached dwelling with associated access road and boundary treatment at THE HAWTHORNS, 51 BATCHWORTH LANE, NORTHWOOD, HA6 3HE**

The Planning Officer gave an update to say that the application had been deferred from the previous meeting in January for a site visit which took place on 11 February. Prior to the site visit the plans were amended to remove the first floor gable and first floor glazing, thus removing the second reason for refusal in respect of overlooking.

In accordance with Rule 35(b) a member of the public spoke in support of the application.

Councillor Debbie Morris spoke against the application. There was concern that this was a listed building and had been recommended for refusal. Unfortunately, only three Members had attended the recent site visit. This was a Grade II listed building and Members were urged to carefully consider going against the Officers recommendation to refuse planning permission.

Councillor Craige Coren also spoke against the application. There had been a significant number of resident objections as this affects a number of neighbours. This was fundamentally backland development which was out of character for the area. The proposed development would have an impact on the adjoining Upland Court and the privacy of the owners and residents.

Batchworth County Council supported the recommendation for refusal and urged Members to follow.

The Planning Officer advised that backland development had been discussed at length at the previous meeting whereby it was agreed not to be a reason for refusal. The sole focus was the impact of the setting of the grade II building.

Councillor Stephen Giles-Medhurst moved the Officers recommendation to refuse planning permission. This was seconded by Councillor Phil Williams.

Councillor Matthew Bedford said he had struggled with the recommendation as there were other backland developments within close proximity to the building including those at Upland Court and how it would cause significant harm. The Planning Officer said that the reasons for its impact had been discussed at the last Committee but in summary it related to the new dwelling's siting, and scale with its gabled roof form and how it would be viewed from the access into Upland Court and from within the grounds of Upland Court whereby a large part of the new dwelling would be very visible.

Councillor David Raw asked for clarification as to why this backland development would be different to others in the vicinity. The Planning Officer responded that there were a number of large, detached buildings behind houses fronting Batchworth Lane which informed the local character and noted that the listed building had already been eroded due to adjacent development. Officers felt that this application would further erode the setting of the listed building and the scale and roof form tipped the balance.

Councillor Philip Hearn was in agreement with Councillor Stephen Giles-Medhurst and said it would be hard to argue with the policy.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 1 Against and 3 Abstention.

RESOLVED:

That PLANNING PERMISSION BE REFUSED in accordance with the Officers recommendation as set out in officer report.

**PC 99/22      22/1830/FUL – Construction of two bedroom detached dwelling to rear of 4 Scots Hill accessed via Windmill Drive with associated access, parking and landscaping, boundary treatments including timber fence at 4 SCOTS HILL, CROXLEY GREEN, HERTFORDSHIRE, WD3 3AD**

Councillor Sara Bedford advised that she would be leaving the room for a short time.

The Planning Officer advised that there were some updates in the report section 3.5 it should be noted there were changes to the elevational treatments to the dwelling and presented the plans on screen to show Members. Other than the small changes the scheme was the same as previously granted which had expired before being developed.

Croxley Green Parish Councillor Andrew Gallagher spoke against the development. It was believed that Committee came to the right decision when an application was refused in 2018, the Planning Inspector then came to an incorrect decision when determining the subsequent appeal in 2019. The

Officers have given undue weight to the Planning Inspectors decision. It was difficult to see how the current business on site would survive if the parking spaces were taken away for this development. The photographs tabled show how properties on Windmill Drive would be overlooked. The Parish Council believed the application should be refused due to overdevelopment, lack of amenity and parking space. The concerns of the neighbours were supported, the proposed two storey building was cramped, visually prominent and intrusive development and was not in keeping with the local area.

The Planning Officer responded regarding the concerns about the business based at the site, this was not a material planning consideration. Planning permission had been granted previously and the Officer could not see any reason why we would divert from this.

Councillor Stephen Giles-Medhurst said that we needed to take into account the decision made at the appeal. There was a slightly reduced impact on this application. If planning permission were refused this would likely be overturned.

Councillor David Raw was concerned about the loss of car parking spaces.

Councillor Philip Hearn asked if the Officer could clarify on the timings of the appeal. Had the three year requirement to start the development expired. The planning officer advised this had now expired. The variation application in 2020 did not change the timings thus the permission had expired in June 2022.

Councillor Matthew Bedford moved the recommendation to grant planning permission as per the Officers recommendation. This was seconded by Councillor Ruth Clark. Councillor Stephen Giles-Medhurst wanted to clarify that the footprint of the development had not changed. The Planning Officer confirmed that the footprint had not changed.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against and 3 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer recommendation and the conditions and informatives set out in the officer report.

**PC 100/22      22/1994/FUL – Rearrangement of internal floor plan layout; alterations to rear fenestration including provision of Juliet balcony to the rear and repositioning of door, window and dormer to the rear; provision of internal staircase at CHELSEA HOUSE, 10 ASTONS ROAD, MOOR PARK, HERTFORDSHIRE, HA6 2LD**

The Planning Officer advised there was no update. When the plans were published with the agenda it showed the existing chimney stacks to be removed but this had now changed and the chimney stacks were to be retained.

Councillor Craig Coren spoke against the development. Since the initial objections there had been a number of updates. The applicant had revised the intent to remove the chimney stacks. Therefore Batchworth County Council wished to remove the objection to the development but within the decision asked if Officers could ensure that the chimney stacks were not removed and



inform all parties involved in the build so that there would not be a repeat of previous demolition in Moor Park.

Councillor Philip Hearn moved the proposal to accept the Officers recommendation to grant planning permission. This was seconded by Councillor David Raw.

On being put to the Committee the motion was declared CARRIED by the Chair with the voting being unanimous. With the exception of Councillor Sara Bedford who had not yet returned to the meeting.

RESOLVED:

That Planning Permission be GRANTED (in accordance with the conditions and informatives set out in the officer report)

**PC 101/22      22/2250/FUL - Subdivision of the site and the construction of 2no. two storey detached dwellings with rooflights and associated accesses, parking, landscaping and ancillary works at NORTH VIEW FARM, BELL LANE, BEDMOND, HERTFORDSHIRE, WD5 0QT**

The Planning Officer clarified in the report sections 7.4.6 and 7.4.7 and said the site was only partly covered by the village boundary. Plans were then presented to show Members that the majority fell within the settlement boundary of Bedmond.

In accordance with Rule 35(b) a member of the public spoke in favour of the development.

Councillor Matthew Bedford accepted that the development was in the settlement of Bedmond, but felt that some recent applications had not and felt it would be difficult to argue with the Officer recommendation.

Councillor Steve Drury asked about Bell Lane said it looked as if this was an unmade road. He wondered as it had not been adopted by the County Council if the developer could do something to alleviate some of the flooding. The Planning Officer responded that it would be unreasonable to attach such a condition and the developer may not even have the right to do such a thing.

Councillor Stephen Giles-Medhurst said that Bell Lane was an unmade road, there may be some concern from neighbours that construction vehicles may make this worse. Could there be an informative to ensure that this would not be made worse? Councillor Giles-Medhurst also wondered if the garage would be useable for a vehicle and if that could be conditioned. The Planning Officer responded that an informative regarding the road would not be enforceable. In terms of the garage the plan shows cars would fit in it and the driveway had enough space to park cars to meet the policy requirement. Therefore it would not be reasonable to add a condition regarding use of the garage as a parking space.

Councillor Philip Hearn asked about the side of the dwelling there was woodland and did this meet the definition of infill? There were four conditions to be completed before the work started and would this amount of pre commencement conditions stand up at appeal. The Planning Officer replied that it did constitute infilling. It was not unusual to have pre commencement

conditions. For example tree protection and badger reports were examples of some.

Councillor Phil Williams asked if it was a legal obligation not to damage the road. The Planning Officer replied in planning terms there was no obligation. He also wondered if there could be restrictions on the size of vehicles entering the site and times of construction. The Planning officer replied that there was a construction management plan that would need to be completed as part of condition 7.

Councillor Stephen Giles-Medhurst asked about the times and work commencing at 8am and would it be more reasonable to suggest 9am? The Planning Officer replied that on site there was a lot of space for vehicles to get in. These construction hours were not uncommon, this may not be reasonable in this case. As the lanes were not extremely narrow compared with some country lanes.

Councillor Stephen King proposed to move the proposal to granted planning permission. This was seconded by Councillor Ruth Clark.

On being put to the Committee the motion was declared CARRIED by the Chair with the voting being 7 For, 0 Against and 3 Abstentions. Councillor Sara Bedford did not return to the meeting for this vote.

RESOLVED:

THAT PLANNING PERMISSION BE GRANTED subject to the completion of a Section 106 Agreement (in accordance with the officer's recommendation and the conditions and informatives set out in the officer report) with the inclusion of an additional informative regarding the condition of Bell Lane during and after construction)

Additional Informative:

The applicant is reminded that whilst Bell Lane is a private road and not maintained by Hertfordshire County Council, parts of the road surface have been in a state of disrepair for a number of years and this could be exacerbated by construction traffic heading to and leaving from the application site. The applicant is encouraged to liaise with the owner(s) of Bell Lane prior to construction work and that any worsening of the road surface as a result of the construction traffic should be repaired at the cost of the applicant.

**CHAIR**