12. 18/1061/FUL – Demolition of existing dwelling and construction of a replacement two storey dwelling with accommodation in the roofspace (Application to Vary Condition 2 (Approved Plans) and Remove Condition 3 (Materials) attached to the original planning permission 17/2536/FUL to facilitate changes to the roof and elevations and alterations to fenestration and materials) at 37 WESTBURY ROAD, NORTHWOOD HA6 3DB for Mr N Patel.

Parish: Batchworth Community Council Ward: Moor Park and Eastbury

Expiry of Statutory Period: 16 July 2018 Case Officer: Freya Clewley

Recommendation: That Planning Permission is Granted.

Reason for consideration by the Committee: Called in to Planning Committee by Batchworth Community Council.

1. Relevant Planning History

- 1.1 W/587/51/D31862 Residential Development Permitted 02.11.1951.
- 1.2 W/816/53 House and garage Permitted 10.07.1953.
- 1.3 W/1030/56 House and garage Permitted 27.07.1956.
- 1.4 W/1567/61 Garage to playroom, new garage Permitted 28.08.1961.
- 1.5 8/220/81 Sunroom, utility room Permitted 29.04.1981.
- 1.6 17/0892/FUL Part single storey and part two storey front, side and rear extensions; increase in eaves height; construction of rear dormer; external rendering; alterations to fenestration and alterations to front drive Permitted 11.07.2017.
- 1.7 17/2058/FUL Part single storey and part two storey front, side and rear extensions; increase in eaves height; construction of rear dormer; external rendering; alterations to fenestration and alterations to front drive Permitted 13.11.2017.
- 1.8 17/2536/FUL Demolition of existing dwelling and construction of replacement two storey dwelling with accommodation within the roofspace Permitted 06.02.2018 under delegated powers.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and is located on the north western side of Westbury Road, Northwood. The application site consists of a two storey detached dwelling with a red bricked and white rendered exterior and a dark tiled pitched roof with a front gable feature. Westbury Road is a residential street characterised generally by detached dwellings of varying architectural styles and designs, many of which have been extended and altered.
- 2.2 The dwelling is set back approximately 12m from the highway. There is an existing carriage driveway with space for at least three vehicles as well as an adjoining single storey garage to the south west built up to the south western boundary.
- 2.3 To the rear of the proposal site is the Sandy Lane Golf Course, to the east is 39 Westbury Road and 35 Westbury Road is to the west. Between this neighbour and the proposal site is a public foot path to the Golf Course.

2.4 A site visit was conducted on 4 July 2018 and it was noted that the pre-existing dwelling had been demolished pursuant to the previously permitted application reference 18/1061/FUL.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and the construction of a replacement two storey dwelling with accommodation within the roofspace. This application is to vary Condition 2 (Approved Plans) and remove Condition 3 (Materials) attached to the original planning permission 17/2536/FUL to facilitate changes to the roof and elevations and alterations to fenestration and materials.
- 3.2 The total width of the replacement dwelling is proposed to be 17.2m at ground floor level and 16m at first floor level. The overall maximum depth is proposed to be 16.7m and the western aspect at first floor level of the proposal would be 2.8m shallower than the eastern aspect to the rear.
- 3.3 A crown roof would be created. The main ridge height of the proposed dwelling would be 8.8m, the two gables to the front and two hipped projections to the rear are proposed to be 8.6m in height, approximately 0.3m lower than the previously approved replacement dwelling. The eaves of the property would be 5.4m. It is noted that the proposed width and depth of the proposed dwelling is identical to the previously approved replacement dwelling under application reference 17/2536/FUL. The maximum ridge of the proposed dwelling would be approximately 0.4m higher than the previously approved dwelling however the eaves height would remain the same and the front gable features and two hipped rear projections would be approximately 0.3m lower than the previously approved replacement dwelling.
- On the primary elevation there is to be a canopy over the front door which is 3.2m in height and 5.2m in width with a flat roof form. A flat roof dormer window is proposed within the rear roofslope with one rooflight proposed centrally within the front roofslope of the dwelling, one rooflight is proposed within the eastern and western flank elevations and one rooflight within hipped roof of both rear projections. The area of the crown roof is proposed to be approximately 51sqm.
- 3.5 The single storey protrusion to the rear of the property would have a depth of 2.3m beyond the main two storey rear elevation of the dwelling and a width of 10.7m; this element would have a flat roof form with a height of 8.8m. Bifolding doors and a set of patio doors are proposed at ground floor level within the rear elevation and an rooflight slip with a width of 8.7m would serve the ground floor.
- 3.6 The proposed rear dormer window would have a flat roof form with a width of 2.1m and a height of 1.7m. A two-casement window is proposed within the rear elevation of the dormer.
- 3.7 The proposal includes alterations to the elevational finishes of the replacement dwelling when compared to the approved scheme. To the frontage, the first floor level of the two gable features would be finished in timber gladding with hit-and-miss timber cladding obscuring the second floor glazing within the gable ends. The remainder of the front elevation would be finished in render. The flank and rear elevations would be finished in render. The proposed fenestration would be grey aluminium framed.
- 3.8 The current proposed development is of the same architectural style and design to the previously permitted application reference 17/2536/FUL with some amendments to the scheme. These amendments include a reduction in depth and width of the western front gable feature, alterations to the front door and additional glazing within the gable ends, the removal of two windows within the eastern flank elevation at ground floor level and resiting of the side door, internal alterations and reconfiguration of the ground and first floor

accommodation and relocation of the staircase, the addition of a full height obscurely glazed window within the eastern flank elevation at first floor level, a reduction in height of fenestration within the front elevation, a reduction in casement sizes within the front elevation fenestration, a reduction in the width of the rear dormer and casement size of the window within the rear dormer and the addition of rooflights within the front, flank and rear elevations. The submitted plans indicate that eight solar panels would be mounted on the western flank roofslope of the dwellinghouse.

4. Consultation

4.1 Statutory Consultation

4.1.1 <u>Batchworth Community Council</u>: Objection.

The Council recommends that the application be called in and referred to the Planning Committee if the case officer is minded to approve the development.

4.1.2 National Grid: No Objection.

National Grid has no objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line – Overhead Electricity Line, Electricity Tower, Low Pressure Gas Mains, Medium Pressure Gas Mains and Local High Pressure Gas Mains.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 6 No responses received: 1
- 4.2.2 Site Notice: Expired on 19 June 2018 Press notice: Expired on 22 June 2018

4.2.3 Summary of Responses:

- The application and supporting documents do not confirm the height of the proposed new building relative to the heights of the two adjacent properties. I would consider it unacceptable if the proposed new building were to exceed the heights of the two adjacent properties.
- On the drawing Proposed Front Elevation (South), there are two notes, 1) HORIZONTAL BOARD CLADDING and 3) TILED ROOF on each of the first floor left and right vertical faces. There is no indication on the drawing of any change in materials in either of these faces so the notes require clarification or correction.
- The application form section 5 states that the development has not already started. Since the application was submitted, has the Planning Authority been notified by the applicant that the development was started on 28 May 2018.

Officer Comment: 'All material planning considerations are outlined within the relevant analysis section below. The submitted plans have been amended to reflect the previously incorrect annotations and an indicative streetscene has been submitted to demonstrate the relationship between the new dwelling and the adjacent neighbouring dwellings.'

5. Reason for Delay

5.1 None

6. Relevant Planning Policy, Guidance and Legislation

6.1 <u>National Planning Policy Framework and National Planning Practice Guidance</u>

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and 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 NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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), 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, 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 Principle of Demolition

- 7.1.1 Within the previous Officer's Report for application reference 17/2536/FUL, the principle of demolition was considered as; 'the application site does not lie within a Conservation Area and the building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling'.
- 7.1.2 There have been no alterations to the overriding policy documents to retain the existing dwelling, thus the principle of demolition is still considered to be acceptable.

7.2 <u>Impact on Character and Street Scene</u>

7.2.1 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'.

- 7.2.2 Appendix 2 of the Development Management Policies document sets out with regards to two storey side extensions that the first floor element should be set in 1.2m from the flank boundary in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality.
- The current proposed development is of a similar architectural style and design to the 7.2.3 previously permitted application reference 17/2536/FUL with some amendments to the scheme. These amendments include a reduction in depth by approximately 0.5m and in width by approximately 0.8m of the western front gable feature, the removal of two windows within the eastern flank elevation at ground floor level and resiting of the side door, internal alterations and reconfiguration of the ground and first floor accommodation and relocation of the staircase, the addition of a full height obscurely glazed window within the eastern flank elevation at first floor level, a reduction in height of fenestration within the front elevation, a reduction in casement sizes within the front elevation fenestration, a reduction in the width of the rear dormer by approximately 0.1m and casement size of the window within the rear dormer from a three-casement window to a two-casement window and the addition of rooflights within the front, flank and rear elevations. Given the nature and scale of the proposed amendments and that the majority of the amendments would be a reduction to the previously approved footprint of the dwelling although the maximum ridge of the dwelling would be increased by approximately 0.4m; however, it is not considered that the proposed alterations to the scheme would cause demonstrable harm to the character of the street scene of Westbury Road or the area. Whilst some concerns have been raised by an adjacent neighbour in relation to the use of timber cladding at first floor level on the front elevation of the dwelling, there is existing variation within the streetscene in relation to external materials and finishes and weathered timber is historically in situ within the streetscene. It is also noted that further details and physical samples of the proposed materials were submitted during the course of this application and Officer's consider that the proposed external materials would be of an appropriate quality and as such would not appear unduly prominent within the streetscene of Westbury Road or result in demonstrable harm to the character or appearance of the dwelling, streetscene or wider area.
- 7.2.4 In summary, the principle of the demolition of the pre-existing dwelling and the construction of a replacement two storey dwelling was approved under application reference 17/2536/FUL. The proposed amendments would not alter the bulk and massing of the previously approved dwelling and given the existing variation within the streetscene, the proposed materials are not considered to be inappropriate in this instance. Therefore, it is considered that the proposed development would respect the character and appearance of the host dwelling and streetscene and would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) in this regard.

7.3 <u>Impact on Amenity of Neighbours</u>

7.3.1 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 residential 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. Two storey development should be located 1.2m away from the flank boundaries with neighbouring properties at

first floor level. Two storey developments should also not protrude past the 45 degree line when taken level from the flank boundary with the neighbouring properties.

7.3.2 It is not considered that proposed alterations would result in any further adverse impact to neighbouring amenity than the already approved application reference 17/2058/FUL. Whilst it is noted that additional rooflights are proposed within the main roofslope of the dwelling and an additional window is proposed at first floor level within the eastern elevation, conditions would be attached to any granted consent to require all first floor flank fenestration to be obscurely glazed and top level opening and the rooflights to be positioned a minimum of 1.7m above internal floor level to safeguard residential amenity. There would be no change to the bulk and massing of the previously approved dwelling and therefore it is not considered that the dwelling proposed as part of the current application would have an overbearing or intrusive impact to any neighbouring property. The proposed development is therefore considered to be acceptable 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 interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. Given that the works would affect the roof, an informative on any consent would advise the applicant what to do should bats be discovered during the course of development.

7.5 Trees and Landscaping

- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.5.2 With the exception of one tree shown to be removed as part of the previously permitted application reference 17/2536/FUL, no other trees would be removed as part of the proposal and this is considered to be acceptable as the tree removed did not have a TPO on it nor was it in a Conservation Area.

7.6 <u>Highways, Access and Parking</u>

7.6.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and require 3 spaces for a four or more bedroom dwelling. The hardstanding to the frontage could still accommodate 3 cars thus the proposed development is considered to be acceptable in this regard.

7.7 Amenity Space

7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The application site would retain a rear garden amenity space of over 600sqm; this exceeds the requirements for a 5 bedroom dwelling at 126sqm.

7.8 Sustainability

- 7.8.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".
- 7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.8.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.8.4 The previously approved application reference 17/2536/FUL was accompanied by an energy statement by Falcon Energy Limited (November 2017) which identifies that the proposal would achieve at least a 5% CO2 saving over Building Regulations 2013. A condition would require that works are carried out in accordance with this statement.

8. Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:
 - C1 The development shall be begun before 6 February 2021.
 - 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.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: C302 Rev 2, C320 Rev 2, C302-10 Rev B, C302-12 Rev B, C302-13 Rev B, C302-14 Rev B, C302-21 Rev B, C302-22 Rev B, C302-23 Rev A and C302-25 Rev A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Before the first occupation of the building/extension hereby permitted the windows in the first floor flank elevations 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(s) 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).

C4 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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).

C5 The building shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Numbers C302 Rev 2 and C320 Rev 2 or stated in the submitted materials details document; and no external materials shall be used other than those approved.

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).

C6 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement by Falcon Energy Limited (November 2017) submitted as part of the previously approved application reference 17/2536/FUL are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

8.2 Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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.

- 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.
- The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website.

Please contact Andrea Trendler, Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8