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**RECONVENED PLANNING COMMITTEE****MINUTES**

Of a reconvened meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 5 January 2023 from 7.30pm to 7.53pm.

Councillors present:

Matthew Bedford (Vice Chair in the Chair)	Raj Khiroya
Sara Bedford	Chris Lloyd
Phillip Hearn	David Raw
Shanti Maru (sub for Cllr Lisa Hudson)	Phil Williams (Cllr Stephanie Singer)
Stephen King	Sarah Nelmes (Cllr Steve Drury)

Also in attendance: Chorleywood Parish Councillor Jon Bishop

Officers: Claire Westwood, Scott Volker, Sarah Haythorpe

**COUNCILLOR MATTHEW BEDFORD IN THE CHAIR****PC 80/22 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lisa Hudson, Steve Drury and Stephanie Singer with the named substitutes being Councillors Shanti Maru, Phil Williams and Sarah Nelmes. An apology for absence was also received from Councillor Ruth Clark.

**PC 81/22 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."

The Chair advised that the Liberal Democrats Councillors on the Committee wished to declare a non pecuniary interest in Item 3. Members of the Committee are not personal friends of the Councillor who was acting as an agent on this application and do not feel there is any conflict of interest.

**PC 82/22      22/1776/FUL - Construction of a single storey rear extension and alterations to patio at 31A Trowley Rise, Abbots Langley, Hertfordshire, WD5 0LN**

The Planning Officer reported one update with regard to Condition C4 which requires the erection of a 1.8 high privacy screen along the patio. The agent provided an updated plan to show where this would be sited. The wording of Condition C4 remains unchanged however Condition C2 the plan number condition would be updated to refer to this revised plan number.

Councillor David Raw proposed, seconded by Councillor Raj Khiroya that planning permission be granted with the amendment to Condition C2.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

**RESOLVED:**

That Planning Permission be GRANTED in accordance with the officer report and conditions and informatives set out in the report but subject to an amendment to Condition C2 (the plan number condition to read as follows):

The development hereby permitted shall be carried out in accordance with the following approved plans: 2286-SK-100C.

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

**PC 83/23      22/1658/RSP - Retrospective: Part demolition of existing single storey side extension and construction of two storey side and rear extension with balcony, two storey rear extension, single storey rear extension with balcony, loft conversion including dormers to front and rear and roof lights, alterations to fenestration and extension and alterations to terrace including landscaping works and alterations to land levels at KEEPERS LEA, OLD SHIRE LANE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5PW**

The Planning Officer reported that there was one additional neighbour comment received which refers to a new fence erected along the boundary which would be investigated as part of the ongoing enforcement case. There were no other comments raised which have not been included in the report. Condition C1 would be updated to remove reference to the Moor Park Conservation Area.

Parish Councillor Jon Bishop said their concerns were on the balcony to bedroom one which gives direct views to Grove Lodge and the bungalows in Bullsland Gardens. Grove Lodge is a very private house set back from the road and behind this property. The report stated that the boundary to Grove

Lodge is 13 metres away but they thought it was half of that. The balcony as far as Grove Lodge is concerned should only overlook the driveway but it won't it will look straight into the front bedrooms of Grove Lodge. This will have an incredible imposition on their privacy. It was previously a Juliet balcony but was now like a living space. At the last Committee meeting we heard about how people feel about people being able to look in and the impact on privacy. There are some trees on the boundary but their condition is awful and they had been heavily pollarded and there is no confirmation that they will be kept. The bungalows in Bullsland Gardens are smaller properties with senior people living in them and the balcony would look straight into the properties. If the balcony is to be retained can the Committee consider refusing this application? If you do accept it there needs to be a condition on the trees and hedges on the boundary to be as they were prior to the development and be retained or re-established for the neighbour's privacy.

Councillor Sarah Nelmes said it would appear from the plans that the balcony would look directly into the properties and wondered if it was possible to condition its use?

The Planning Officer said if Members wanted to restrict its use then it could be. The Planning Officer added that there are cases where developments include flat roofs which sometimes can be conditioned to state that they are for access and maintenance only but the difficulty with this application is that you have doors opening out onto the balcony. Details were shown to the Committee on where the balcony was positioned in relation to the neighbours.

The Chair said the distance to the Bullsland Gardens bungalows was quite a long way but the distance to the neighbour was less. The Planning Officer advised it was roughly 75 metres distance from the balcony to the Bullsland Gardens bungalows but was not sure of the distances to Grove Lodge. A 1.8 metre privacy screen could be proposed to restrict views to the side. The distance was well in excess of what officers would consider with back to back distances. The photographs showed the relationship with Grove Lodge and the bungalows. Officers had made comments that there were some windows in the flank elevations following a review of the planning history for the property going back to 2018. The windows seemed to be serving non habitable rooms with details provided on their justification in Paragraph 7.3.6 of the report. They consider that the separation distance, the relationship between Grove Lodge and it being set further back and that the windows are for non habitable rooms that the balcony on this occasion was acceptable.

The Chair stated that normally the issue with a balcony is that, unlike a window or a Juliet balcony where you are looking straight out, you would be able to look side and asked for clarification. The Planning Officer advised that there would be nothing to restrict views from the balcony and looking to the right towards Grove Lodge. Officers considered that the oblique angle to be acceptable but if Members particular concern is on this Members could consider conditioning a 1.8 metre privacy screen just for the depth of the balcony on the side of the neighbour which would retain being able to look ahead but restrict the views to the side.

Councillor Raj Khiroya appreciated the application was part retrospective but asked if the balcony was now built or was proposed to be built. The Planning

Officer confirmed it had been built and can be used. There are still ongoing works at the property which were not finished.

Councillor Philip Hearn said the policy around balconies was that you should not allow balconies if they have any view at all of neighbouring properties. In this instance where you have a balcony that appears to look directly into a neighbouring property it is a different scenario than some of the other ones we have looked at where they had a view towards the end of a garden. They wondered if a privacy screen would alleviate all the concerns.

The Chair said if there was not a balcony and simply a rear facing window they thought there would not be any issue but the concern was having the balcony which enabled being able to look the side and not just forwards.

The Planning Officer advised that from the comments received that was the concern. If the balcony is of concern to Members then a 1.8 metre privacy screen to the flank would essentially restrict the view so you would only be able to look directly out as you would with a Juliet balcony or a window.

Councillor Chris Lloyd asked if there were original plans which did not have the balcony or was it totally retrospective.

The Planning Officer advised that it originally granted permission as a Juliet balcony but during the construction phase they decided to put in a full balcony.

Councillor Chris Lloyd thought the Committee could consider refusing due to the impact on the neighbours from the balcony.

The Planning Officer said you could not refuse it because it was not what was originally given permission for. On the points Councillor Hearn had made and the way the policy is worded if the applicant was to go to appeal an Inspector would want details to identify the harm so Members would need to identify this.

Councillor Chris Lloyd said listening to other Members of the Committee and the Parish Council it appears that there is harm from the balcony and there had been screens put up on other balconies but did not think here it would solve the problem and proposed a site visit, seconded by Councillor Raj Khiroya.

Councillor Phil Williams asked for clarification on what was on the boundary. The Planning Officer advised there were some trees for screening but this would change during the year.

The Chair said the Parish Council had asked about having a condition on trees along the boundary but that would be difficult to enforce. The Planning Officer said it would be difficult to enforce and it might become damaged and officers don't tend to rely on vegetation.

Councillor David Raw said if the Committee were minded to accept the application but on the condition that the balcony as it is be removed and the Juliet balcony put back would that be feasible. The Planning Officer said if the Committee were minded to refuse the reasons for refusal would specifically need to refer to the aspect of the scheme that you are refusing it on. It would not be possible to say you are approving it on the basis they put back the Juliet balcony. A site visit could be made or Members could approve with a condition with a 1.8 metre screen. Officers could potentially have discussions with the

applicant/agent to ask if Members were to find the first option not acceptable would they be prepared to have a privacy screen but the actual deferral should only be for a site visit.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 0 Against and 3 Abstentions.

RESOLVED:

That the application be DEFERRED for a site visit.

**CHAIR**