# **13. 18/0333/FUL - Two storey rear extension and first floor side and front extension at 66 HILL RISE, RICKMANSWORTH, HERTFORDSHIRE, WD3 7NX, for Mr L Thirkette**

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| Parish: Chorleywood Parish Council | Ward: Rickmansworth Town |
| Expiry of Statutory Period: 11 April 2018 | Case Officer: Katy Brackenboro |

# Recommendation: That Planning Permission be granted.

# Reason for consideration by the Committee: Called-in by 3 members of the Committee.

# **1. Relevant Planning History**

## 1.1 04/0630/FUL Single storey side extension and side garage. Permitted 02.06.2004. Not implemented.

## 1.2 17/2035/FUL-First floor side, front and rear extension. Permitted. 20.11.2017. Not implemented.

# **2. Description of Application Site**

## 2.1 The application site is a rectangular plot located along Hill Rise, Rickmansworth. The site contains a two storey detached dwelling with its principal elevation fronting Hill Rise. The dwellings along Hill Rise are generally two storey detached dwellings of a traditional ‘Metro-land’ style.

## 2.2 The application dwelling has a cat slide roof form with a front dormer inserted into the front elevation at first floor level. The application dwelling has an existing single storey side extension and integral garage to the south-western flank. The dwelling is set back from Hill Rise by approximately 6m. The frontage consists of soft landscaping and hardstanding with provision for at least three vehicles.

## 2.3 The rear amenity space is mostly laid to lawn. There is a small wooden shed to the far rear of the plot. The rear amenity space is enclosed by mature trees and vegetation. The common boundaries are marked by trees, vegetation and fences.

## 2.4 The neighbouring dwelling to the north-west is No. 68 Hill Rise. This neighbouring dwelling is slightly set back from the application dwelling. The common boundary is marked by close boarded fencing approximately 1.4m high and hedging.

## 2.5 The neighbouring dwelling to the south-east, No. 64 Hill Rise is set at a lower land level to the application dwelling and set forward of the application site. It is a detached two-storey dwelling with an integral garage. The common boundary is lined by close-boarded fencing approximately 1.5m high, trees and vegetation.

# **3. Description of Proposed Development**

## 3.1 Planning permission is sought for a two storey rear extension and first floor side and front extension.

## 3.2 The first floor front extension would project from the front building line by a maximum of 1.2m to form a true first floor. It would have a maximum width of 2.6m at its widest point.

## 3.3 The first floor side extension would project beyond the eastern flank by 2.1m and would be set in from the flank boundary by 1.2m. It would have a hipped roof with a maximum height of 7.3m reducing to 6.9m close to the neighbour at No.68 Hill Rise. The roof would have a height to the eaves of 5.2m.

## 3.4 No flank glazing is proposed. Proposed fenestration inserted into the principle elevation of the proposed side extension would serve the proposed first floor bedroom and bathroom.

## 3.5 The first floor side extension would result in the addition of one bathroom and bedroom.

## 3.6 The two storey rear extension would project beyond the rear elevation of the existing dwelling by 2.8m and have a width of 5.2m. It would be set off the boundary with No. 64 Hill Rise by approximately 2.8m and off the boundary with No. 68 Hill Rise by approximately 6.7m. Fenestration would be inserted into the rear elevation at ground floor level and a Juliet balcony inserted at first floor level. There would be no external platform at first floor level. The proposed roof would be mono-pitched with a maximum height of 7.3m with an eaves height of 5.2m. The existing chimney would be removed.

## 3.7 A rear dormer with a mono-pitched roof is proposed within the rear elevation closest to No. 68 Hill Rise with a maximum roof height of 6.6m and a height to the eaves of 5.2m. The rear dormer would have a width of 3m, height of 2.2m and depth of 2.3m. It would be set from the flank by 1.3m.

## 3.8 Submitted plans indicate the proposed extensions would be built in materials to match the host dwelling.

## 3.9 This application differs from the previous application 17/2035/FUL. The first floor front extension would project from the front building line by a maximum of 1.2m to form a true first floor and have a maximum width of 2.6m at its widest point. The two storey rear extension would project beyond the rear elevation of the existing dwelling by 2.8m and have a width of 5.2m. It would be set off the boundary with both neighbouring dwellings. A Juliet balcony would be inserted into the rear elevation at first floor. The proposed rear dormer within the rear elevation would have a mono-pitched roof and would be sited closest to No. 68 Hill Rise. It would have a maximum roof height of 6.6m and a height to the eaves of 5.2m. The rear dormer would have a width of 3m, height of 2.2m and depth of 2.3m. It would be set from the flank by 1.3m.

## 3.10 Amended plans were received during the course of the application to accurately reflect the existing and proposed plans and elevations.

# **4. Consultation**

## **4.1 Statutory Consultation**

### 4.1.1 Chorleywood Parish Council: The Committee had no objection to this application.

### 4.1.2 National Grid: No response received.

## **4.2 Public/Neighbour Consultation**

### 4.2.1 Number consulted: 5 No responses received: 2

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

### 4.2.3 Summary of Responses:

* + - Overdevelopment
		- Overshadowing causing a terracing effect
		- Too close to the boundary
		- Block sunlight
		- Destroy Metro-land cat slide
		- Proposed Juliet balcony cause a loss of privacy

# **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 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, 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.

## 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

# **7. Planning Analysis**

## 7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows, doors, and materials.

7.1.3 The proposed first floor front extension would project a maximum of 1.2 to form a true first floor, replacing the existing catlside roof and dormer to the front. Whilst the catslide roof would be lost, the extension would remain set back from the original two-storey bay window projection such that this original feature would remain prominent. There would be no increase in ridge height and the roof would be hipped away from No. 68 Hill Rise. It is not considered that the front extension would appear excessively prominent within the street scene or result in demonstrable harm to the character or appearance of the host dwelling.

7.1.4 Appendix 2 of the DMP LDD states that two storey development should be off-set from the flank boundary by a minimum of 1.2m at first floor level and above. The north-eastern flank would be off-set from the boundary with the neighbouring dwelling at No. 68 Hill Rise by 1.2m. This would retain a degree of spacing and would comply with the requirements as set out within Appendix 2. The proposed side extension would be visible within the street scene, however, it is not considered that it would appear excessively prominent or result in demonstrable harm.

7.1.5 Due to its siting there would be limited opportunity for views of the two storey rear extension from the street scene. Its depth would not be excessive and the ridge height would reflect that existing. A large rear garden would be retained and it is not considered that the proposed two storey rear extension would result in demonstrable harm to the character or appearance of the host dwelling or street scene.

7.1.6 The submitted plans indicate that the materials proposed would match those existing, including the style and proportions of windows. Whilst it is acknowledged that some original features would be lost, the street scene is varied and it is not considered that the proposed two storey rear, first floor side and front extension would be out of character or unduly prominent in the street scene. Furthermore the proposals would not adversely affect the character or appearance of the host dwelling and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

## 7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.

7.2.2 The guidance provided within Appendix 2 states that side extensions will be assessed individually in terms of their proximity to the flank boundary. The guidance also states that two storey developments at the rear of properties should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

7.2.3 The proposed first floor side extension would extend from the northern flank of the dwelling, with the development closest to the neighbour to the north west, 68 Hill Rise. It would be sited a minimum of 1.2m from the boundary, increasing to 1.5m and would not intrude a 45 degree line taken from a point on the joint boundary level with the rear of No. 68 Hill Rise. Given this and when considering the spacing between the proposed first floor extension and boundary with this neighbour who is detached, it is not considered that the extensions would cause any loss of light to the windows of the neighbour at No.68 Hill Rise.

7.2.4 Whilst concerns raised regarding the front elevation of the proposed side extension are noted, given the separation distances and limited projection of the front extension it is not considered that the front elevation of the proposed side extension would cause a loss of the light to the neighbouring front elevation.

7.2.5 The proposed two storey rear extension would be set approximately 6.7m from the boundary with No. 68 Hill Rise and approximately 2.8m from the boundary with No. 64 Hill Rise. The two storey rear extension would not intrude a 45 degree splay line take from the point on the boundary level with the rear elevation of either No.64 or No.68 Hill Rise. It is noted that concerns were raised due to overdevelopment of the site and massing of the two storey rear extension. However, it is considered given the spacing of the application dwelling in relation to No. 64 and No. 68 Hill Rise that there would be no demonstrable harm in terms of either overshadowing or loss of light.

7.2.6 No glazing is proposed within the flank elevations. The glazing proposed within the rear elevation of the dwelling, including within the dormer would overlook the rear of the site and would not facilitate unacceptable levels of overlooking of neighbouring sites. Whilst concerns raised regarding the Juliet balcony are noted, there would be no external platform and as such it is not considered that it would result in unacceptable levels of overlooking of any neighbouring dwellings.

7.2.7 The glazing proposed within the front elevation would also not have an adverse impact on the privacy of any neighbouring properties given the separation by the highway to properties opposite. No flank openings are proposed.

7.2.8 As a result, the proposal would be acceptable, with regards to Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## 7.3 Amenity Space Provision for future occupants

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the DMP LDD indicates that a four bedroom dwelling should be served by 105sq.m of amenity space.

7.3.2 The application site would retain approximately 300sqm of amenity space and as such would comply with Appendix 2 of the DMP LDD in this respect.

## 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 and the site is not in located adjacent to a designated wildlife site. 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 development would involve works to the existing roof, an informative would be attached to any permission advising of the measures to be taken to prevent harm to bats should they be discovered.

## 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 No protected trees would be removed or harmed as part of this application.

## 7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 The proposed development would result in one additional bedroom to create a four bedroom property. Appendix 5 of the DMP LDD outlines that four bedroom dwellings should retain three assigned spaces.

7.6.3 The application site would retain hardstanding to the front which could accommodate three cars. Therefore, the dwelling would have sufficient parking provision in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies document.

# **8. Recommendation**

## 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

 Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

 C2 The development hereby permitted shall be carried out in accordance with the following approved plans: LT/66/00, LK/66/100 Rev A, LK/66/101 Rev B, LT/66/102 Rev AB LK/66 103 Rev B, TRDC001 (Detailed Block Plan) and TRDC002 (Block Plan).

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

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

 Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 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) - 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. 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 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.

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 development maintains/improves the economic, social and environmental conditions of the District.

l4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

 If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

 The UK Bat Helpline: 0845 1300 228

 Natural England: 0300 060 3900

 Herts & Middlesex Bat Group: www.hmbg.org.uk

 or an appropriately qualified and experienced ecologist.

 (As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).