**13. 17/2141/FUL – Part single, part two storey front, side and rear extensions at 81 HIGHFIELD WAY, RICKMANSWORTH for Mr and Mrs S Israni**

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| Parish: Chorleywood | Ward: Rickmansworth Town |
| Expiry Statutory Period: 6 December 2017 Officer: Suzanne O’Brien  |
| Recommendation: That Planning Permission be granted |
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| Reason for consideration by the Committee: Called-in by Chorleywood Parish Council |

**1. Relevant Planning History**

1.1 8/360/78 - Porch, cloakroom, study – Permitted - 07.07.1978

1.2 8/710/80 - Extension to garage, kitchen, bedroom – Permitted - 11.11.1980

1.3 02/01169/FUL - Two storey side extension and single storey rear extension – Refused - 01.11.2002 Refused for the following reason:

 The proposed two storey side extension by virtue of its excessive rearward projection would cause a loss of light and amenity to the occupants of the neighbouring property at number 79. As such the proposed development wold be contrary to Policy GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

1.4 03/00064/FUL - Two storey rear extension and single storey rear extension – Permitted - 09.04.2003.

1.5 16/0382/FUL - Demolition of existing dwelling and erection of replacement dwelling – Refused - 25.04.2016 Refused for the following reason:

 The proposed replacement dwelling by reason of its prominent siting, excessive depth, bulk, massing, crown roof form and contrived design would result in a visually prominent and overbearing form of development which would erode the stepped building line and would be detrimental to the character and appearance of Highfield Way. In addition, the contrived design and excessive depth, bulk and massing would result in a visually prominent, overbearing and intrusive form of development detrimental to the residential amenities of the occupiers of no.79 Highfield Way. This would be contrary to 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).

**2. Detailed Description of Application Site**

2.1 The application site consists of a two storey detached dwelling located at no.81 Highfield Way, Rickmansworth, Herts. The street scene generally consists of two storey detached dwellings of varied size and architectural design. No.81 has a two storey hipped roof projection to the front. Adjacent to the boundary with no.79 is an existing single storey attached garage with mono pitched roof form to the front elevation.

2.2 This particular section of Highfield Way is also characterised by its stepped building line; the application dwelling is set back relative to No.79 but forward relative to No.83. In addition, the dwellings on this side of the road are set at an elevated level from the highway. To the front of the dwelling is an existing driveway laid to hardstanding with provision for in excess of three off street car parking spaces.

2.3 To the side/rear, there is a single storey flat roofed extension which is located adjacent to the boundary with No.79. No.79 is set forward of the front building line of the application dwelling and has a single storey rear extension which is set in from the boundary with No.81. Due to the stepped building line, the rear wall of No.83 is set back relative to No.81. This dwelling has a single storey side extension with mono pitched roof form set close to the boundary.

**3. Detailed Description of Proposed Development**

3.1 Full planning permission is sought for the construction of part single, part two storey front, side and rear extensions.

3.2 The extension along the south east elevation would consist of a two storey front extension and first floor side extension. The proposed extension at first floor level would have a total depth of 5.6m to extend 1.3m forward of the front elevation. The proposed first floor extension would be set forward of the original rear elevation by 2.4m. To the front the proposed extension would have a width of 4.3m at ground level and 3.5m at first floor level to extend 3.1m beyond the south east elevation of the dwelling. The proposed front and side extension would have a pitched roof form creating a second pitched roof projection to the front elevation. The roof would have a maximum height of 7m. The ground floor level would have a mono pitched roof with a height of 3.4m.

3.3 The two storey rear extension would have a maximum depth of 5.9m at ground floor level and 4m at first floor level and a width of 13.2m to cover the full width of the existing property. The proposed first floor level would be stepped with the deepest section being constructed in line with the existing first floor level of the south east elevation and being set in 3.3m from the north west elevation. The deepest part of the extension would have a pitched roof with a height of 7.4m. The shallower section along the north west elevation would introduce a separate pitched roof with a height of 6.7m. The ground floor element would have a flat roof with a height of 3m.

3.4 The development would include the addition of a front porch which would have a depth of 1.1m, width of 1.9m and height of 3.6m with a pitched roof and gable end.

3.5 Amended plans have been received including the following amendments:

* Reducing the depth of the first floor side extension by 3.6m;
* Removing the first floor terrace to the rear.

**4. Consultation**

4.1 National Grid

4.1.1 Summary: No comments received.

4.2 Chorleywood Parish Council

4.2.1 Summary: Object.

4.2.2 The Committee had Objections with this application on the following grounds and wish to CALL IN unless Officers are minded to refuse this application.

* Overbearing and intrusive to neighbouring property on no 79 Highfield Way
* The bulk of the proposed development would be prominent and overbearing form of development which would erode the stepped building line
* The Committee question the 45 degree angle on this property.

Contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

**5. Neighbour Consultation**

5.1. Site/Press Notice:

* Site notice – not applicable.
* Press notice – Not applicable.

5.2 Neighbours consulted: 7

5.3 Number of responses: 2 (from the same address)

5.4 Summary of responses:

* Overshadowing;
* The plans do not adhere to the 45 degree rule;
* Balcony at first floor level would impact on privacy;
* Second floor extension will block out light and sun into neighbouring lounge.

**6. Reason for Delay**

6.1 Not applicable.

**7. Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 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). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM6 and DM13 and Appendices 2 and 5.

7.4 Other

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

**8. Analysis**

8.1 Character / Street Scene / Conservation Area

8.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

8.1.2 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 and doors, and materials.. To prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, two storey side extensions may be positioned on the flank boundary provided that the first floor elevation is set in by a minimum of 1.2 metre, which must be increased in low density areas.

8.1.3 The proposed development would result in the addition of a two storey front extension. The proposed front extension would be constructed in line with the existing two storey front projection along the north west elevation of the dwelling and would have a similar roof form. The proposed development would therefore not bring the built form any further forward than the existing building line. Furthermore, No.79 extends forward of the front elevation of the application dwelling thus the proposed development would not disrupt the established building line of this part of the street scene or result in an unduly prominent feature. The proposed porch would not result in an incongruous or harmful addition.

8.1.4 The plans indicate that the first floor level of the proposed development would be set in 1.2m from the flank boundary. This separation would prevent a terracing effect within the street scene and would respect the spacing within the street scene to prevent a cramped feature.

8.1.5 The two storey extension to the rear would not be readily apparent as viewed from public vantage points and the overall depth of the development would not appear disproportionate or result in a contrived or obtrusive feature within the street scene.

8.1.6 The proposed development would therefore not result in an unduly prominent or harmful feature within the street scene and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

8.2 Residential Amenity

8.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

8.2.2 No.79 is set forward of the front elevation of the application dwelling. No.79 has a single storey rear extension which is set forward of the rear line of the application dwelling and set in from the common boundary it also contains windows in the flank elevation facing the application site. The proposed two storey front extension would not extend beyond the front elevation of No.79. The proposed first floor side extension would have a depth of 5.6m to extend a total of 3m beyond the original rear elevation of No.79. The proposed side extension would intrude the 45 degree splay line taken from the original rear elevation of No.79 at a point on the joint boundary by approximately 2m. Although the proposed extension would intrude the 45 degree splay line it is not considered that the proposed depth or height of the side extension would result in any unacceptable loss of light or harm to the visual amenities of this neighbouring property. The harm would be further mitigated by the fact that the proposed first floor level would be set in 1.2m from the flank boundary and No.79 is also set in from the common boundary. The proposed extension would also have a pitched roof that would be hipped to the side and rear which would further reduce its bulk. Furthermore, the proposed side extension would not intrude the 45 degree splay line taken from the rear most point of No.79. The planning history for No.79 identifies that the extension at No.79 has fenestration in the side elevation facing the application site. These windows currently face built form and it is noted that the neighbouring extension also contains windows in the rear elevation which would be unaffected by the proposed extension.

8.2.3 The proposed two storey rear extension would extend beyond the rear elevation of the original dwelling by 4m. Due to the staggered nature of the building line between the application dwelling and No.79 the existing dwelling intrudes the 45 degree splay line taken from the rear elevation of No.79 at a point on the joint boundary by 1m. The proposed two storey rear extension would therefore fully intrude the 45 degree splay line taken from the original rear elevation of No.45. However, in relation to the 45 degree splay line rule the Design Criteria states ‘This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows’. A distance of approximately 5.5m would separate the flank elevation of the proposed development and flank elevation of No.79. This is a substantial distance to prevent the proposed extension from resulting in any unacceptable loss of light or creating an oppressive feature in relation to the neighbouring dwelling. The proposed extension would also be set in from the flank boundary by approximately 4m which would prevent it from resulting in a dominant feature on the neighbouring garden. The proposed extension would have a pitched roof which would be hipped to the side and rear thus reducing its apparent bulk and massing as viewed from the neighbouring property. Furthermore, the proposed extension would not intrude the 45 degree splay line when measured from the rearmost point of the neighbouring building. Although the proposed extension maybe visible from the fenestration inserted within the flank elevation of the neighbouring extension, due to the separation, the proposed development would not result in an imposing feature and would not result in any loss of light to the fenestration to the rear of the neighbouring extension. The proposed development would therefore not result in any unacceptable loss of light or harm to the visual amenities of No.79.

8.2.4 This application has been submitted following the refusal of planning permission 16/0382/FUL for the ‘Demolition of existing dwelling and erection of replacement dwelling’. This application was refused due to impact on street scene and neighbouring property. In relation to impact on No.79 the delegated report stated:

 ‘*Whilst there would be no significant loss of light, it is considered that the development by reason of its contrived design including stepped rear elevation with three rear projections of a maximum depth of approximately 9.5m beyond the rear of no.79 and the provision of gable ends and a crown roof form, would result in a significant increase in bulk and massing. This would cause a visually intrusive, overbearing and prominent form of development from the perspective of no.79’.*

8.2.5 The current application is different to that of the refused scheme in that it proposes an extension to the existing dwelling and the proposed roof of the extension would be hipped to the side and rear. The design and scale of the proposed development is not considered to result in a dominant or oppressive feature on the neighbouring property or result in any unacceptable loss of light or harm to their visual amenities.

8.2.6 The proposed development would include a ground floor rear extension. The proposed extension would project 4m beyond the rear most point of the existing dwelling to extend approximately 11.5m beyond the original rear elevation of No.79. The proposed ground floor extension would however only extend approximately 7m beyond the rear most point of No.79 and given the existing dwelling already extends beyond the rear wall of the neighbouring dwelling at single storey level, it is not considered that the increased depth would result in significant harm in itself to justify refusal. The proposed extension would have a flat roof which would not be excessive in height and would not result in any unacceptable loss of light or harm to the visual amenities of No.79.

8.2.7 No.83 extends beyond the rear elevation of the application dwelling at both ground and first floor level. The deepest section of the proposed two storey extension would be set in approximately 4.5m from the flank boundary with No.83 and the two storey element sited adjacent to No.83 would not project beyond the rear line of this neighbouring property. Taking into consideration the building line of No.83 the proposed two storey rear extension would not intrude the 45 degree splay line taken from the rear elevation of the neighbouring property at a point on the joint boundary. The depth of the proposed ground floor extension would exceed the 4m guideline however taking into consideration the depth of the neighbouring property the proposed ground floor extension would not result in any loss of light or harm to the visual amenities of No.83. The proposed extension along the south east elevation of the dwelling would not be readily visible from No.83.

8.2.8 The first floor windows to be inserted within the side elevations would be conditioned to be obscure glazed and top level opening only. The windows to be inserted within the front and rear elevations and the ground floor flank elevation would not result in any unacceptable overlooking of the neighbouring properties. Furthermore, the plans have been amended removing the first floor terrace to the rear. The proposed development would therefore not result in any unacceptable overlooking of the surrounding neighbouring properties.

8.2.9 The development would therefore not result in significant harm to the residential amenities of neighbouring properties and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

8.3 Amenity Space

8.3.1 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.

8.3.2 The rear garden at approximately 630sq.m would be sufficient to accommodate the proposed development and serve a four bedroom property and the overall level of development within the site would preserve the character of the area.

8.4 Trees

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

8.4.2 No protected trees would be affected by the proposed development.

8.5 Parking

8.5.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. A dwelling with four or more bedrooms should be served by three parking spaces.

8.5.2 The existing drive can accommodate in excess of three cars which would be sufficient to serve the proposed development.

8.6 Wildlife & Biodiversity

8.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the DMP LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.6.3 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 and should bats be discovered.

**9. Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject 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: TRDC001 (Location Plan), TRDC002 Rev A (Block Plan), 3665/1, 3665/2N.

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 and 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).

C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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 Before the first occupation of the extensions hereby permitted the first floor windows in the 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 windows 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).

9.2 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 £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. 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 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).

I4 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.