

## **Planning Committee MINUTES**

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth on Thursday 12 August 2021 from 7.30pm to 10.10pm

**Present:** Councillor Steve Drury (Chair) ,  
Councillor Raj Khiroya (Vice-Chair),  
Councillor Sara Bedford  
Councillor Ruth Clark  
Councillor Alex Hayward  
Councillor Margaret Hofman (for Cllr Lloyd)  
Councillor Stephen King  
Councillor Debbie Morris  
Councillor David Raw  
Councillor Alison Scarth

**Also in Attendance:**

Also in attendance: Councillor Matthew Bedford and Chorleywood Parish Councillors Jon Bishop and Zenab Haji-Ismail

**Officers in Attendance:**

Claire Westwood, Scott Volker, Adam Ralton and Sarah Haythorpe

**PC35/21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Chris Lloyd with Councillor Margaret Hofman as the named substituted Members.

An apology for absence was also received from Councillor Keith Martin.

**PC36/21 MINUTES**

The Minutes of the Planning Committee meeting held on 15 July 2021 were confirmed as a correct record by the Committee and were signed by the Chair.

**PC37/21 NOTICE OF OTHER BUSINESS**

There were no items of other business.

**PC38/21 DECLARATIONS OF INTEREST**

Councillor Steve Drury 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 of information provided on the night. 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 view."

Councillor Stephen King stated that as a Member of the Watford Rural Parish Council Planning Committee the Councillor would with regard to item 7 (21/1194/FUL - Conversion of existing dwellinghouse to two self-contained dwelling units at 48 ALTHAM GARDENS, SOUTH OXHEY, WD19 6HJ have an open mind about the application, was not bound by the views of the Parish Planning Committee and can deal with the application fairly and on its merits at Committee

Councillor Raj Khiroya advised that although a Chorleywood Parish Councillor was not a member of the Parish Planning Committee.

**PC39/21**

**21/0901/FUL - SINGLE STOREY REAR EXTENSION AND ROOF EXTENSIONS TO CREATE FIRST FLOOR LEVEL ACCOMMODATION INCLUDING REAR GABLE AND DORMER WINDOWS AT 75 QUICKLEY LANE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5AE**

The Planning Officer reported they had no update.

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

Parish Councillor Jon Bishop stated the Chorleywood Neighbourhood Plan was approved in May by the Council following the referendum with 89% of residents approving it, but it seemed it was not being taken seriously. Within the plan was Policy 4.1 which three applications on the agenda tonight breached. This application does not consider the policy at all. The policy required that bungalows in certain areas, Quickley Lane being one, are retained. In Chorleywood there are very few bungalows but we have a growing elderly and disabled population. The Neighbourhood Plan brought in this policy to maintain bungalows. The proposed design would provide a small bedroom downstairs but really it would be a multi-level dwelling with three bedrooms upstairs. No bungalows had been approved for many years but 20 bungalows had been lost over the last 5 years and potentially another 3 tonight. With regard to the streetscene this application would not be in keeping. The photographs of comparable houses were not located in Quickley Lane so how were they comparable. All the houses in this location were small bungalows with no extensions at the front. If the application was approved it would be the only property with a large front aspect of two storeys.

The Planning Officer reiterated that the site was not within a Conservation Area. The loss of a view was not a material planning consideration along with the impact in terms of structural damage or integrity to neighbouring properties. Structural foundations would be checked as part of Building Regulations. The Officer acknowledged that Policy 4.1 of the Neighbourhood Plan was not referred to in the report but there was no evidence to suggest that this application would significantly diminish the provision of bungalows within Chorleywood. The property could be extended under permitted development

including the dormer to the rear to provide accommodation within the roof space and would therefore alter the appearance of the dwelling. There are level changes at the front which were not making the dwelling as readily accessible as another property/bungalow on a level playing field from the highway. In response to other comments regarding Rendlesham Way and Furze View whilst they are not in Quickley Lane they are a stone's throw away from the property and were visible from the rear garden.

Councillor Raj Khiroya sought clarification from the Planning Officer on the Chorleywood Neighbourhood Plan. Officers had confirmed that Chorleywood Neighbourhood Plan Policy 4.1 and had not been mentioned and wondered if any weight had been put on that and if so was that a material consideration.

The Planning Officer said whilst it was not referred to in the report it was being taken into consideration at the meeting and regard made to it. Following discussions with fellow officers it did have significant weight but did not alter the recommendation.

Councillor Raj Khiroya sought further clarification on the Chorleywood Neighbourhood Plan which had been adopted and accepted by this Council. Members were told over and over again that it was a material planning consideration but we are not putting any weight on this. Were officers saying it was not relevant?

The Planning Officer clarified that officers were not saying it was not relevant there was weight attached to it, but it was one of a number of policies. It was not purely a tick box exercise as officers needed to have identified the harm. The application would not comply with Policy 4.1 and officers recognise that but for the reasons outlined do not consider it constitutes reasons for refusal. Officers were not saying it was not a material consideration. It was a material consideration but they did not consider there was identified harm to justify refusal because it did not comply with the Policy.

Councillor David Raw was concerned about the loss of the bungalows. Elderly people needed to be considered. As Councillor Khiroya had said regard had to be made to Policy 4.1 and the ability to be able to refuse permission on that. The fact that Councillors had all voted for the Neighbourhood Plan should be considered.

The Planning Officer advised that officers were not saying you can't refuse on that basis what they were saying was it was a material consideration but do not consider that the harm justified refusal. If Members were to come to a different conclusion Members would need to clearly identify the harm as a result of failing to comply with that policy. It was not simply a case of it does not comply with Policy 4.1. Members needed to identify what was the harm. Each application was always considered separately as each site circumstances and situations are different. The Parish Council did mention there are other applications on the agenda where the policy would be referenced. Officers are not suggesting that Members should make the same decision on each application but need to have regard to any decision that was made on this application moving forward.

Councillor David Raw said the speaker who spoke against the application mentioned an 83% increase on the property do officers agree with that estimation.

The Planning Officer advised they had not undertaken a full space calculation on the percentage increase. In the assessment of the application the officer

had looked at the size and scale of the development just as a whole rather than doing a specific calculation on a percentage increase.

The Planning Officers further stated that generally the use of the term percentage increases was for Green Belt applications because the supplementary planning document talks about percentage increases. In relation to assessing impact generally in terms of character, appearance, mass and bulk it was a judgement you have to make as it was not about being acceptable up to a particular percentage and not acceptable after that percentage. If Members think that the scale of the development was unacceptable they needed to explain why. It was not a numeric calculation.

Councillor Alex Hayward picked up on the point made about looking at properties which had been identified as similar to this one. Could some context be provided on where they were located? Officers had mentioned Rendlesham Way, where was that in context to this property.

The Planning Officer showed the location plan and advised if you were to come out of the property and turn left and walk up Rendlesham Way No.5 and No.7 were the two properties referred to just a short distance around the corner. The properties referred to in Furze View were located a bit further up to the left of Rendlesham Way.

Councillor Sara Bedford said Members were not able to make planning a tick box exercise. If Members did grade everything they would not need to be here tonight. The Committee were here to balance up everything in weighing up their decision on the application. Apart from that every decision made and every plan we have had to conform within the National Planning Policy Framework (NPPF) which dominates over the Councils policy. This Council, as the Local Planning Authority, had the power to determine the application which means that its Local Plan was above the Neighbourhood Plan in terms of the weight that was given. In some ways Neighbourhood Plans were not worth the paper they were written on because we are stuck in this hierarchy of what we are allowed to do. We are not able to just take the Neighbourhood Plan, the Local Plan or the NPPF we have to take all into account. Whilst we may have one less bungalow it meant one more family home. There was huge demand in the area for family homes. People want larger houses with more rooms and they don't want single storey living to bring their family up in. Most of us are not bringing up our families in single storey dwellings. We can't just look at the Neighbourhood Plan and say extending bungalows is out any more than we can look at the Local Plan and say that's in then.

Councillor Raj Khiroya said if the Chorleywood Neighbourhood Plan had no value why had it taken 8 years to prepare the plan. We had confirmation earlier on that it was a material consideration and we are now saying it was not relevant here.

Councillor Sara Bedford moved, seconded by Councillor Ruth Clark, that Planning Permission be Granted subject to the conditions and informatives set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 5 For, 3 Against and 2 Abstentions.

**RESOLVED:**

The Planning Permission be GRANTED subject to the conditions and informatives set out in the officer report.

The meeting was adjourned for a few minutes to allow observers for the next application to join the meeting.

**21/1186/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 TWO STOREY SEMI-DETACHED DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING AT HAZLEMERE, 42 QUICKLEY LANE, CHORLEYWOOD, WD3 5AF**

The Planning Officer reported that there was no update to the report but showed the photographs and plans to the Committee.

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

Parish Councillor Jon Bishop wished to clarify something heard on the previous application. The term significantly demonstrative was relevant as Chorleywood had so few bungalows and were losing potentially three more tonight. It was stated that people do not want to live in bungalows but the Community states residents do want in live in them and don't want 4/5 bedroom houses. We also heard that the Neighbourhood Plan cannot contravene the NPPF which was true as they are not allowed to and would not have got through its examination if it had contravened that. The Neighbourhood Plan when approved came under Section 38 of the Planning and Compulsory Purchase Act 2004 and becomes part of the Development Plan and must be considered at the same level. To hear that we don't have to take them seriously was concerning. It was stated this the only bungalow but it was the start of a long run row of bungalows up Quickley Lane. We had heard it was not suitable for wheelchairs but not all older people have a wheelchair. We've heard it had steps up to it but it was only one step and as long as you are not in wheelchair it would not be difficult to overcome. From 2013 to 2017 20 bungalows had been lost. This application would breach Policy 4.1 of the Neighbourhood Plan.

Councillor David Raw noticed there had been eight objections. Residents had voted for the plan this and put their ideas and thoughts down on paper and had elected the Councillors. The Councillor supported the residents and if the residents had come together and made a plan and included Policy 4.1 they felt we should be supporting the policy. We've already lost one bungalow tonight and wished to make sure this property stayed as a bungalow.

Councillor Debbie Morris referenced the Conservation Area status and the Conservation Officer comment. As a Councillor in an area which had two Conservation Areas they were told to consider what the Conservation Officer advised. In this instance the Conservation Officer had no objection but that in itself did not dissuade the Councillor. What had troubled the Councillor slightly was one of the speakers had spoken about the bungalow being 100 years old but that was not referenced in the report. They wondered if the building had any value due to its age and architecture and its contribution to the Conservation Area.

Councillor Sara Bedford made reference to another Member making up their mind before coming to the meeting and pre-determining the application.

Councillor Margaret Hofman asked how many true bungalows were there, clarifying bungalows as those which had not been extended as most of the bungalows they had seen had been and had upstairs bedrooms. Was an extended bungalow still called a bungalow?

The Planning Officer was not able to comment on whether an extended bungalow was still a bungalow. National permitted development rights allowed properties to be extended without planning permission and are very common on all properties not just bungalows. Officers don't have records of how many

bungalows had been extended. If an aerial view was shown of the area it would show some bungalows had been extended and some not as would be the same with the houses. Officers did not have any records. Each application was considered on its own merits. Members needed to consider if the proposal in front of them was acceptable having regard to all the material considerations, statutory development plan and also in this case the net gain of a dwelling and the fact that Three Rivers does not have a 5 year housing supply. The NPPF required us to take a serious look at the harm that could occur from a development and ascertain whether that benefit outweighed the harm. There was section in the officer report which established that the application was acceptable on its own merits but the officer had needed to understand whether the harm and adverse impact of granting planning permission would outweigh the benefits. There was a lot of factors officers give consideration to which included looking at the character of the area as a whole and not just what other bungalows had and had not done in the past.

Councillor Raj Khiroya thought a policy was a policy and on this particular application the Neighbourhood Plan was recognised and it does have an impact. It stated very clearly that Policy 4.1 of the Chorleywood Neighbourhood Plan required dwellings for older and disabled persons and Quickley Lane had been identified to meet this criteria. As a Ward Councillor for this area they were with the people who put them in this position. If the Committee are not going to take into account the Neighbourhood Plan the Councillor would not be able to support the application.

Councillor David Raw said they had come to the meeting with an open mind and without pre determining how they would vote.

Councillor Alex Hayward asked about the significance of the house being older than stated and would that have any influence on this decision if it was 100 years old.

The Planning Officer said the age of the building would not necessarily have any impact. It was not a listed building or a locally listed building and officers would have to establish whether it was a heritage asset which had not been designated in any way, how important that asset was and how key the bungalow was in the Conservation Area. After weighing up all the considerations and planning merits they came back to the planning balance and to the significance of the dwelling and whether it was more important to keep it than provide an additional housing unit. Officers undertook a tilted balance exercise as the Council are not providing enough houses. It came down to whether it was more important to keep a potential heritage asset or get an extra housing unit.

Councillor Alex Hayward thanked the officer for the explanation and said considering what exists either side of the property it was a difficult decision to make and wondered whether it was something that should be looked at.

Councillor Debbie Morris moved that Planning Permission be Granted subject to the conditions and informatives set out in the officer report, seconded by Councillor Sara Bedford.

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

RESOLVED:

That Planning Permission be GRANTED subject to the conditions and informatives set out in the officer report.

The meeting was adjourned for a few minutes to allow observers for the next application to join the meeting.

**PC41/21**

**21/1194/FUL - CONVERSION OF EXISTING DWELLINGHOUSE TO TWO SELF-CONTAINED DWELLING UNITS AT 48 ALTHAM GARDENS, SOUTH OXHEY, WD19 6HJ**

The Planning Officer reported that one further objection letter had been received from a resident who had wished to speak against the application tonight but was unable to attend the meeting. The speaker wished to object on parking grounds.

Councillor Debbie Morris referred to the shortfall in parking and asked exactly what this was and what the arrangements would be for parking. In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application.

The Planning Officer advised that on the parking there would be two parking spaces provided at the front of the property, one for each flat, which would mean a shortfall of 1.75 spaces. The parking standard was 2.5 spaces. There were no parking restrictions around the property and on street parking was available but was not assigned to the property and had not been assessed by officers. Highways had not raised an objection on highway safety. An informative had been included, at the request of the Highways Authority, with regard to the storage of materials and to not obstruct the highways which would include any skips. Officers felt this was sufficient but could be made a condition if Members felt this was required.

Councillor Sara Bedford felt uneasy with the application which would expand the already difficult parking in the area with nowhere to park with competition for parking huge. Adding more cars was not going to help. It was not the Council's job to approve a planning application so that it would be easier to let for the owner. The Councillor would not want a living room on the same level as a bedroom as this would be very disturbing and would impact on people being able to sleep. If this application was to be approved it would have a negative impact on the living standards of the people living there.

The Planning Officer advised that the parking had been assessed as set out in the report and it was considered to be acceptable but Members may come to a different conclusion. Members were referred to an appeal decision on 16 Altham Gardens which had seen a shortfall of 1.25 spaces which the Appeal Inspector had upheld.

Councillor Raj Khiroya noted that Herts County Council had raised no objections as detailed in the report and wondered if there was any update.

The Planning Officer advised that there was no update and clarified no objection had been made by Highways. The Council (TRDC) were the parking authority and set the parking standards. Members may have a different view to that of officers and may wish to make an alternative decision. It was all about tilt and balance and whether the additional unit proposed would have an adverse impact on the people living there.

Councillor Sara Bedford reiterated their concern about the impact on the residential amenity.

Councillor Stephen King was also concerned about the shortfall in parking, adjacent living rooms to bedrooms, loss of a family home and felt these were strong reasons for refusing the application.

The Planning Officer reminded Members that if they were to look to refuse the application an additional reason for refusal would need to be included on the absence of a Section 106 agreement to secure the affordable housing contribution.

Councillor Sara Bedford moved, seconded by Councillor Debbie Morris, that Planning Permission be Refused, contrary to officer recommendation, on the grounds relating to (1) a shortfall of parking and (2) in the absence of a S106 agreement to secure the affordable housing contribution. The exact wording to be circulated to Members for agreement.

Councillor Debbie Morris asked the proposer if they would be happy to add the impact of that shortfall on the residential amenity of neighbouring and future occupiers. The proposer was happy to add this to refusal.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 6 For, 1 Against and 3 Abstentions.

RESOLVED:

THAT PLANNING PERMISSION BE REFUSED (contrary to officer recommendation on grounds relating to (1) a shortfall of parking and the impact of that shortfall on the residential amenity of neighbouring and future occupiers and (2) in the absence of a S106 agreement to secure the affordable housing contribution. The exact wording to be circulated to Members for agreement.

Reasons for Refusal

R1 Insufficient parking would be provided to serve the proposed development. This shortfall of parking provision would result in a significantly increased pressure for parking on-street in an already congested area to the detriment of the residential amenity of neighbouring and future occupiers. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

R2 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

**PC42/21**

**21/1256/FUL - ERECTION OF REAR DORMER WITH ADDITIONAL ROOFLIGHTS TO FRONT ROOFSLOPE AT 170 HIGHFIELD WAY, RICKMANSWORTH, WD3 7PJ**

The Planning Officer reported there was no update.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application and another member of the public spoke against the application.



Councillor David Raw asked Officers to confirm details about the Enforcement Notice and wondered whether the Committee should be waiting for that before making a decision.

The Planning Officer advised that the Enforcement Notice was served in January 2020. The applicant had the right to appeal which was subsequently dismissed at the appeal. The compliance date was revised to 11 May 2021. The starting point was that the Enforcement Notice needs to be complied with and that would entail the removal of the dormer. The applicant had applied for planning permission to put something back once they had complied with the Enforcement Notice. At the point when the dormer was removed they would be required to return the roof back to a traditional pitch roof or if permission was granted they could then implement the dormer as provided in the plans. The Enforcement Notice needs to be complied with and the Local Planning Authority (LPA) are aware it had not been. Separate legal proceedings had commenced in relation to non-compliance. The applicant had submitted this application and needed to be considered on its own merits. The report justified why the dormer proposed would be acceptable. Condition C1 suggests an alternative timeframe as opposed to a normal standard condition for a time limit because the LPA do not want to be in position where the roof was left open. The neighbour would expect one of two options for the roof either that it be returned to its original form or the dormer be implemented should permission be granted.

Councillor Alex Hayward wanted to check the legal details as looking at the Enforcement Notice and looking at Point 19 it stated that once the roof extension had been removed, the roof would be made good and all the resulting debris removed from the land with the Enforcement Notice fully complied with. Could the applicant then under permitted development have the right to put in for further development? The Councillor had concern over "once it had been removed" and that had not happened so why do we have to look at this application separately if they had not complied with the Enforcement Notice.

The Planning Officer advised that the Inspector was making specific reference to the permitted development rights so if the owner returned it back to a pitch roof they could install a dormer under permitted development rights but in doing so they would have to completely return the roof to its prior condition. The intention of the owner was to seek planning permission for the dormer which was probably not going to comply with permitted development therefore needed planning permission. There was nothing against applying for planning permission but obviously the LPA had stressed in the report the Enforcement Notice had to be complied with first so the dormer was to be removed and at that point either the roof is re-tiled and returned to a traditional pitch roof or should planning permission be granted the dormer approved be implemented. Councillor Alex Hayward asked for clarification on the photographs and plans and what the site looked like now, what it would look like to comply with the Enforcement Notice and how it would look should permission be granted for the dormer. This was shown to Members and they were advised it was just the top (third level) that was relevant.

The Planning Officer stated that the Enforcement Notice was because the LPA considered the dormer / roof extension to appear more as a third storey extension and not a dormer. The purpose of this application was to seek permission for the smaller dormer.

Councillor Alex Hayward could now identify where the roof line was on one of the photos and the original eaves line.

The Planning Officer advised that the tiles were removed to facilitate the roof extension. On the right hand side you have a smaller dormer which was still attached/linked to the gable projection. The element on the left hand side was being removed. The new dormer would be set down 0.15 metres from the ridge, set in 700 mills from the flank and set back 0.25 metres from the rear wall with the eaves to be reinstated as well. There would still be a third storey but it would be set back, set in and set down so you would have the tile clearance to the rear and to the side which would be different to having the brick face of the flank wall and the flank wall of the roof extension which currently existed. There was a distinct difference between what was proposed and what currently existed. The Inspector comments had made special regard to the fact that this roof extension was visible from Highfield Way because it was flush whereas here it would be set in, set down and set back (particularly set in on the flank) with visibility reduced.

The Planning Officers reiterated the points made by highlighting on the plans and photographs a section of the dormer to be removed and pointed to where the proposed dormer would be and how it would come off the ridge but would not go all the way to the end of roof. The dormer being sought would reinstate the original roof line with a sloping roof like the neighbour which would reduce the visibility from the street when compared to the existing. The new structure would be set in from the side and the flank profile would be returned to its original triangle as opposed the edge there now.

Councillor Alex Hayward said the facing flank edge would still be just as prominent but slightly smaller and set in.

The Planning Officer said if the application was approved the roof would return to the original pitch roof form, the triangle reinstated with the dormer set in 0.75 metres from the flank wall. It would therefore be less visible.

Councillor Sara Bedford wanted an explanation on the elevations provided by the officers and details on the dormer which would be set down and set in. The Councillor thought the wall would still be visible and you would still see the original pitch of the roof from the elevation but it would appear to be a more traditional dormer rather than what was there at the moment which looked like a third floor. By being set in and set down it would look like a dormer we are used to seeing.

Councillor David Raw said if the pitch roof was put back we are looking at a new dormer and asked if that was over development as it was already a large house. Although the applicant was looking at putting back the pitch roof and a smaller dormer, it was still overdevelopment.

Councillor Alex Hayward said it was difficult to review the plans after a cycle of enforcement. There was a tendency to say that's much better than what was there but in reality would we as the LPA agree to a third storey along this road.

The Planning Officer stated that there were loft conversions in the vicinity of the application site but did not have details of the exact number of properties. The dormer would be compliant with the design guidelines at Appendix 2 which stated that dormers needed to be subordinate and set down, set in and set back from the ridge, flank wall and rear wall.

Councillor David Raw asked if the application were to be refused would the applicant need to put back the pitch roof under the Enforcement Notice.

The Planning Officer confirmed this was correct but if Members decided to refuse the application the notice was still in effect and would need to be

complied with. The applicant could appeal the planning decision and as the Inspector had made referenced in the appeal decision for the Enforcement. The applicant could remove the dormer in its entirety and rebuild the roof and install a dormer under permitted development which was a material consideration.

Councillor Sara Bedford asked officers to demonstrate what the difference was between what had been applied for and what could be gained under permitted development were the roof line to be restored to its original position

The Planning Officer advised that it would be a box which would not be attached to the rear gable but we would have to have a certificate of lawfulness application to fully assess it.

Councillor Stephen King asked about the roof and if the internal structure would be reinstated at the same time.

The Planning Officer said as long as the roof was re-instated the internals could be checked but whether they would be able to access it would be a different matter.

Councillor Debbie Morris asked if what was proposed would be visible from the street, if so how much and would it be visible from other public vantage points.

The Planning Officer said there maybe some visibility of the dormer when viewed from oblique angles approaching from the west of the site but would be lessened by the fact that it would be a smaller dormer and set in from the flank.

Councillor David Raw said there were no houses at the back so it could only be viewed from the sides or if you were in the garden. This was confirmed by the officer.

The Planning Officer stated that they were unable to say you would not see the dormer from the street. You would see it but it would not be prominent and the officer's view was that as it would be set down, set in and set back and would not be prominent within the street it would result in less harm. Officers were not able to say you could not see it but they did not think it would be prominent.

Councillor Debbie Morris moved that Planning Permission be Granted subject to the conditions and informatives as set out in the officers report, seconded by Councillor Alison Scarth.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 2 Against and 1 Abstention.

RESOLVED:

The Planning Permission be GRANTED subject to the conditions and informatives as set out in the officer report.

**PC43/21**

**21/1300/FUL- ERECTION OF THREE OUTBUILDINGS TO THE REAR GARDEN, NEW FRONT GATE AND BOUNDARY TREATMENT AT THE WALNUT ORCHARD, CHENIES ROAD, CHORLEYWOOD, WD3 5LY**

The Planning Officer reported that since the agenda was published one further letter of objection had been received which objected to the placement of the largest outbuilding on the grounds that the future owner could split the land and have that building as separate accommodation which could affect the amenity

of neighbours. The largest building would not be visible from the host dwelling and would not burden that property but would impact the neighbours. The building should be scrutinised as a separate dwelling and the use of the building was unclear with potential late night activity. The windows in the larger building would overlook the neighbours. Some of those points were already covered in the report but just for completeness the officer wished to report the one further objection.

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

Parish Councillor Zenab Haji-Ismail stated the Parish did not usually call in or get involved with outbuilding applications but due to the issues raised by residents and having reviewed the report they needed to speak. The site was located within the Green Belt, Area of Outstanding Natural Beauty and Conservation Area. The objections related to the siting of the large outbuilding against the boundaries of Delamere and Lime Tree, its size, scale and impact on the openness of the Green Belt. At Paragraph 6.1.4 of the report it stated that the proposal was not excessive in terms of its footprint and height but they strongly disagreed. The proposed outbuildings would cumulatively measure about 70 sqm which was a 2 bedroom/four person dwelling house. It would have a height of 3.72 metres which would be double the size of a normal fence. It would be visually prominent in the surrounding area. With the site being in the Green Belt, what should have been considered was whether the scheme was inappropriate for development for the purposes of the NPPF, whether it would impact on the openness of the Green Belt and whether there are very special circumstances? The application does not benefit from any of the exceptions set out in Paragraph 145 of the NPPF so by definition it was an inappropriate development in the Green Belt. No very special circumstances had been presented to allow this development which was not addressed in the report. The assessment undertaken was whether the outbuilding was appropriate within the context of the Green Belt and that was not the test set out in the NPPF. The essential characteristics of the Green Belt are openness and appearance. The outbuilding and its size, to be constructed of broken slate, would clearly effect the openness of the Green Belt both spaciouly and visually and would not be of a high quality. The application should be refused otherwise the decision could be challenged if approved.

The Planning Officer stated that in terms of the assessment the report had regard to the NPPF and had assessed the proposal against the statutory development plan and Policy DM2, which required ancillary buildings to be of a scale and design subordinate to the dwelling height and bulk that would not adversely affect the openness. The siting would need to be in an appropriate location which would not be prominent on the landscape. The NPPF was a consideration and was mentioned in the report and allowed extensions to dwellings provided those extensions are disproportionate to the original dwelling. Officers generally feel that Planning Inspectors would consider outbuildings within that exception to inappropriateness. Officers had assessed the application against the statutory development plan and often was assessed under that exception. They found it to comply and considered it not inappropriate development and do not consider it needed the very special circumstances test.

Councillor Debbie Morris said when there are extensions in the Green Belt we look at a 40% guideline as a maximum are officers saying that because this was an outbuilding we did not have to look at the increase from the existing footprint and volume.

The Planning Officer advised that the Development Plan policy refers to the supplementary planning guidance. The planning policy refers to some guidance and that states that extensions to houses should not generally exceed 40%. Because this was an outbuilding officers do not consider that the 40% guidance is appropriate because the SPG (guidance) talks solely about extensions.

Councillor Debbie Morris asked if that was the Officer view or was that established in law. The Councillor was trying to obtain if that was a subjective view of officers having looked at the guidance. Had there been an appeal decision or was there something more solid or an alternative view.

The Planning Officer stated there was always interpretation that comes in and certainly with respect to how close buildings are to houses from when you can potentially draw a line between it being so close it looks like it could be an extension or whether it was not. There is interpretation in that respect but generally what was quoted was not verbatim but was from the Council's development management policies.

Councillor Debbie Morris asked about the size of the proposed scheme in terms of the footprint. In 2012 a number of outbuildings and development had been permitted on the site which had since been removed. Can officers advise what the footprint was of the 2012 permitted outbuildings and how that compared with the current application?

The Planning Officer advised that in 2012 the Council approved a number of outbuildings with a cumulative footprint of those being in the region of 56 sqm. The footprint for these three outbuildings was 92 sqm. The office (the largest outbuilding) would be 70 sqm.

Councillor Raj Khiroya came to the meeting with an open mind but having heard both the speakers the Councillor had sympathy for the neighbours. This application was about the Green Belt and how much weight we put on it. On the one hand we are saying we should have looked at it and protect it and on the other hand we are saying we are not going to spread an urbanising effect and it will not adversely affect the openness of the Green Belt. The Councillor felt this was a material planning consideration and would not be happy supporting the application.

Councillor David Raw said considering the outbuilding would be on the boundary with the neighbour and would be 4 metres high questioned if that was acceptable. It could be more than 4 metres. How high would a single storey building be allowed to be considering it would be on the boundary? It could be an eyesore for the neighbours.

The Planning Officer stated that for the reasons set out in the report, officers felt the outbuilding would be acceptable in the location proposed. The plans show the outbuilding to be 3.7 metres high, an eaves height of 2.2 metres so from ground floor level up to where the guttering is would be 2.2 metres with the roof pitch up to a maximum height of 3.7 metres. Officers consider it to be acceptable in the proposed position and would be set away from the boundary therefore providing a gap.

Councillor Steve Drury advised that looking at the drawing the outbuilding would be 2 metres from the boundary and set away. The difference in 3.7 metres and 4 metres was around a foot.

Councillor Sara Bedford asked if officers could confirm the distances between this outbuilding and the rear of Delamere and Lime Tree. It would be slightly further from Lime Tree due to the slope of the boundary.

The Planning Officer advised the distances to the rear of the two properties were approximately 23 metres to Delamere and to Lime Trees approximately 32 metres.

Councillor Alex Hayward asked if there were any TPOs on the site. The Councillor noted the condition that the outbuilding could not be used as a separate dwelling for residential purposes but asked how long that condition lasted and wanted to understand the fears of the neighbours that it could be used for other purposes if that condition was not there. Where would access be gained?

The Planning Officer confirmed there were no TPOs on the site. There was a proposed condition attached that required the building to be used only as incidental to the enjoyment of and ancillary to the main residential dwelling and not as independent dwelling at any time. You would only be able to use the building for activities associated with the house. That condition would last forever and if the terms of the condition were breached then any allegation would need to be made to the planning enforcement department and they would investigate that through our standard enforcement procedures. In terms of how you would access the outbuilding, you could only access it through the site. At the back of the site it was surrounded by residential properties and tennis courts therefore access was only possible from the front.

Councillor Raj Khiroya wished to propose that the application be refused on the grounds of Green Belt. It would be overdevelopment and agreed with the points made by the Parish Council and that weight should be put on those points.

The Planning Officer said that Members needed to understand whether they would be recommending refusal based on impact of all three buildings or just the larger building and needed to understand what part of the Green Belt policy it conflicts with. For example, Paragraph 6.1.3 of the report sets out what the development plan requirement is for ancillary buildings so Members needed to have some discussion on how they feel it would not comply with that policy to understand what the harm might be.

Councillor Raj Khiroya was referring to all the buildings as the harm is there to the Green Belt and it is all the buildings.

The Planning Officer reiterated that Members needed to be clear if it was one building that caused the harm, all three together or each one individually. At any appeal officers would need to defend each component of a refusal so would need to know whether they would be defending based on "a" building or all three. What the officer thought Councillor Khiroya was saying was that where the policy stated that the development needs to be of a scale and design feasible to the host dwelling and at a height and bulk which was such that it would not adversely affect the openness. The Councillor had advised that they considered that the building or buildings would be of a scale and design which would not be subordinate to the dwelling and of a height and bulk that would adversely affect the openness of the Green Belt therefore rendering the development inappropriate in the Green Belt and not being aware of any special circumstances which outweigh the harm caused by that inappropriateness.

Councillor Raj Khiroya confirmed this was correct on the reason for refusal. It is the size and bulk which is a real consideration.

The proposal to refuse the application was seconded by Councillor Stephen King.

The Planning Officer wished to confirm with the Committee whether the refusal was on the cumulative impact of all three buildings, the larger building or each of the buildings so officers can be clear on the reason(s) for refusal. Most of the discussion had been on the larger building and not much discussion on gazebo and shed and wondered if it was fair to assume the concern was around the impact of the larger outbuilding in the Green Belt.

Councillor Raj Khiroya appreciated the discussion had been on the larger building but on balance maybe the smaller dwellings can be considered but as far as the Councillor was concerned they thought it was all three. The Councillor thought it was over development of the site and the bulk. They were stating it was all three.

On being put to the Committee the motion to refuse the application was declared LOST by the Chair the voting being 2 For, 5 Against and 3 Abstentions.

Councillor Sara Bedford, seconded by Councillor Steve Drury, moved the officer recommendation as set out in the report that planning permission be granted subject to the conditions and informatives as set out in the report.

On being put to the Committee the motion that Planning Permission be Granted with conditions was declared CARRIED by the Chair the voting being 5 For, 2 Against and 3 Abstentions.

RESOLVED:

That Planning Permission Granted subject to the conditions and informatives as set out in the Officer report.

**PC44/21**

**21/1311/FUL - ERECTION OF TEMPORARY BUILDING FOR A PERIOD OF TWENTY-FOUR MONTHS (2 YEARS) AT TENNIS COURTS, MAPLE CROSS RECREATION GROUND, DENHAM WAY, MAPLE CROSS, HERTFORDSHIRE**

The Planning Officer had no update. The application was for temporary permission while there was refurbishment works for two years. It was required that the land be returned to its original condition as stated in Condition C1.

Councillor Debbie Morris said it stated at Paragraph 4.1.7 that the application site was free of any development so why was this temporary building going there as opposed to somewhere nearer the redeveloped pavilion.

The Planning officer said the area was essentially grass at the moment but in terms of why, officers do not know. The application had been considered as submitted and this was what had been accessed. Officers assumed it could be due to the proximity to the tennis court. Officers did not have to consider that just whether it was acceptable in this location.

Councillor David Raw asked if there was a higher view of the whole area. This was provided to the Committee and were shown where the temporary building would be located.

The Planning Officer said they wished the temporary building to be separated from where the refurbishment would be taking place but had not details on why that particular location was chosen.

Councillor Alex Hayward moved, seconded by Councillor Sara Bedford, that Planning Permission be granted subject to the conditions and informatives set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

That Planning Permission be GRANTED subject to the conditions and informatives set out in the officer report.

**PC45/21**

**21/1346/FUL - LANDSCAPING WORK TO FRONT GARDEN INCLUDING REDUCTION IN LAND LEVELS AND RETAINING WALL TO ACCOMMODATE NEW PARKING SPACE AND NEW STEPPED AND RAMPED ACCESS AT 112 WHITELANDS AVENUE, CHORLEYWOOD, WD3 5RG**

The Planning Officer reported that they had no update but understood that the Parish Council had indicated that they don't wish to speak on this item but will speak on the other application to be considered on this site later on the agenda.

Councillor Alex Hayward moved, seconded by Councillor Stephen King, that Planning Permission be Granted subject to the conditions and informatives set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 9 For, 0 Against and 1 Abstention

RESOLVED:

That Planning Permission be GRANTED subject to the conditions and informatives set out in the officer report.

**PC46/21**

**21/1395/RSP - PART RETROSPECTIVE: EXTENSION TO EXISTING RAISED PATIO AND ADDITIONAL LANDSCAPING WORKS TO REAR GARDEN AT 173 ABBOTS ROAD, ABBOTS LANGLEY, WD5 0BN**

The Planning Officer reported there was no officer update.

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

Councillor Debbie Morris referred to Condition C3 which referenced the maintenance of the planting so it did not fall below the height of 2.5 metres. If the application was permitted could the Committee have a height above which it did not grow so there was no shadowing to the garden next door? It could cause a nuisance.

The Planning Officer advised that with regard to high hedges this would fall within the High Hedges Act which enabled the Council to intervene if the height of the hedge was having an impact or adverse effect on the enjoyment of the



property from the neighbour's point of view. This was managed under the Environmental Health department so was not a planning matter.

Councillor Debbie Morris sought clarification that although Members can set a minimum height they were not able to set a maximum height. Was there a maximum height in the High Hedges Act or a height when the High Hedges Act came into play?

The Planning Officer stated that if it was a fence or wall as a physical structure you could set a maximum height as it is within the Committees control. We are not able to have a condition to state a hedge could grow up to particular height as officers did not think it would meet the six tests of the NPPF and could not be enforceable so would advise Members against that.

Councillor David Raw asked if there were any specific laws on the Lelandi trees. They grow very fast and even if you are using them as a hedge they tend to keep growing.

The Planning Officer said this was not a planning matter and outside their control. Having said that there was High Hedges legislation but this was not administered by planning and officers would not want to get into specifics of when you could or could not make a complaint on the height under the High Hedges Legislation. It was not a development type permission.

Councillor Sara Bedford was concerned that the Committee were not able to limit the height of the hedge by condition. On the planning portal it stated that the nature of hedges can be controlled through the use of planning conditions and could not see why the Committee could not include this in the conditions. Although it can be looked as part of High Hedges legislation why can't it be conditioned? We can condition hours of operation and hours of work with both of these looked at by the Environmental Health department. The Planning portal is the guru on this.

The Planning Officer stated that yes you can use conditions about landscaping and do frequently but officers don't think that it should be used to restrict a hedge height. If it was to be included as a condition an officer could be visiting the site every week to measure the hedge and they did not think it met the test and could not be enforceable.

Councillor Sara Bedford said we do not put conditions on and state we will be visiting the site every week to check we react to someone advising us to say that there had been a breach of condition then we go out and check. We rely on members of the public to advise us when a condition was breached.

Councillor Steve Drury advised that when the Committee had made a site visit during the week they had discussed the conifer trees, particularly their height and spread and the possible use of a condition to limit the height. The Councillor did not see why the Committee could not put a condition in as residents could be ringing in to say they are 20ft tall and need to be maintained.

The Planning Officer said officers had offered an opinion but heard what Members were saying. If Members wanted to move an amendment to the condition they could but officers would need to understand what the maximum height is. The wording of the condition could be delegated to Officers so that they can discuss this separately with the Planning Solicitor outside of the meeting.

Councillor Sara Bedford stated that if the neighbour came to the Council under the High Hedges Act, unlike an Enforcement application, it cost £448 each time

it was made. So that could mean every other year a neighbour paid £448. We don't charge for enforcement and the Councillor did not think it was reasonable the neighbour had to pay out every year/every other year to get the trees reduced.

Councillor Steve Drury referred to the summary of the responses in the report and the High Hedges Act which enabled the Council to intervene if the height was having an adverse impact on the neighbour's enjoyment of their home. This Act was under the remit of Environmental Health so if they were given a heads up they could visit the site on our behalf and get the trees cut.

Councillor Sara Bedford reiterated that this would only happen if the neighbour paid £448 first.

The Planning Officer stated that the High Hedges legislation was separate but if Members are suggesting that the recommendation be moved with an amendment to Condition C3 they just needed to understand what the maximum height was that Members are suggesting and officers can look at the specific wording separately outside of the meeting in consultation with the Planning Solicitor and circulate to Members after the meeting.

Councillor Debbie Morris said if we are going to provide a maximum height they suggested 5 metres.

Councillor David Raw asked if the Committee could stipulate a height above the fence itself as it was a visual matter rather than from the ground up.

Councillor Sara Bedford had been thinking of suggesting 4 metres as 5 metres was quite tall. The Committee could not go for the height of the hedge as that's 2 metres and there would be no point in having the trees if you did not have some screening and would get rid of the requirement to have it in the first place. If the Committee defer to the officers to talk to the Planning Solicitor it would be helpful to talk to Arboriculturalist as we don't have any idea what the most beneficial height is. We need to think about the health of the trees as well as the health of our residents.

Councillor David Raw said they would be 20 foot in a matters of years as they grow fast and the actual trunk will keep growing even if you are cutting the top of tree.

The Planning Officer said the difficulty in setting a maximum height was that they would not want the Committee setting a height if that was to automatically fall within the High Hedges Act. A colleague had referenced discussing a figure in consultation with the Planning Solicitor so asked if the Committee may wish to consider deferring the application to allow officers to have discussions to establish if we can legitimately condition the height and how this could be done having regard to the High Hedges legislation and how the two interplay. Officers would also, with any planning decision, have regard to the possibility that any condition can be appealed so officers would have to be happy and confident in giving the advice on whether they think the condition would stand up on appeal and could be defended. There was a lot of facets to this and it may be better to defer to allow those discussions to take place.

Councillor Debbie Morris was happy to move the recommendation that Retrospective Planning Permission be Granted subject to the conditions and informatives as set out in the officer report but the decision to be made by the Director bearing in the mind the concerns about the potential height of the hedge and the adverse impact this may have on the neighbour

Councillor Sara Bedford was not happy to delegate the decision if that could mean that the application could go through with no limit on the height of the hedges. If it was not possible to condition the height of the hedges it should come back to the Committee. It was quite clear that a number of Members do not want to see an unrestricted hedge along that boundary or refer the neighbour to the High Hedges legislation and did not think that was reasonable. The Councillor would be happy to delegate as long as a height limit was put on the hedge.

The Planning Officer put another potential option to Members. Planning conditions are used to make an unacceptable scheme acceptable and there had been concerns raised about the nature of the hedge which had been planted and the height it may be retained at. One potential alternative was to have a different condition which essentially stated that there may be another species of hedge which was more appropriate so officers need to take this away and think about it but along the lines of "notwithstanding the species and nature of the hedge planted there at the moment within a period of time (to be determined) asking the applicant to submit details of a potential more appropriate species." Officers will need to establish who would be responsible for working out what that might be and the height at which it might be retained in perpetuity and there might be an alternative way of doing this. It is for Members to consider whether the wording along those lines would be acceptable to allow officers to go away and agree that wording and bring it back to the Committee for determination

Councillor Sara Bedford said it had crossed their mind that we could ask for a landscaping plan to be submitted as part of the conditions however if the applicant failed to comply what can the Council do as the patio is already constructed.

The Planning Officer said the Council had the power to issue a breach of condition notice if the applicant did not comply with the condition on providing a landscaping plan and there is no right to appeal. There would be a financial penalty as well but the issue is if you don't comply you continue to be prosecuted and continue to be fined.

Councillor David Raw asked if the photograph of the trees and fence be shown to Members again as they could not decide if it looked like a hedge or a tree.

Councillor Alex Hayward wished to second Councillor Debbie Morris motion to delegate to the Director on the high hedge proposal and that retrospective planning permission be granted.

Councillor Debbie Morris said officers need to be mindful of the Committees concerns on the impact of an unrestricted hedge, in terms of its height, and the impact on the neighbour. If the Director is not mindful of that it would need to come back to the Committee. The Director needs to incorporate a condition with deals with Member concerns.

Councillor Steve Drury said alternatively the Committee could defer the application until we get details on the condition.

Councillor Alex Hayward said on the site visit Members saw the hedge and on the neighbours property there was a massive tree which was already exceptionally high.

Councillor Debbie Morris was conscious this was the second time the application had come to Committee and felt it was a little unfair to defer it again

to have people come back to another meeting. If we can get the outcome that reflects the views of the Committee now to avoid bringing it back it would be desirable

Councillor Sara Bedford was happy to support the motion as long as there was a restriction on the height of the hedge. The Councillor had been quite clear that it was not reasonable to have a 7 metre high hedge on the west side of the garden blocking out the evening sun.

Councillor Steve Drury said the recommendation would be that we add another condition on the height we would want to limit the hedge to.

Councillor Debbie Morris said their proposal had indicated a limit of 5 metres but it had been suggested that we should get advice from the appropriate officer as to what would be the right species and the right height. It was just an idea that the Councillor thought seemed sensible. Councillor Bedford had proposed 4 metres.

Councillor Sara Bedford said there suggestion was just an idea but would need to be considered by the experienced officers

Councillor Steve Drury said at the site visit the hedge was not far off 4 metres now.

Councillor Sara Bedford moved an amendment that the Committee delegate to the Director to grant retrospective planning permission as long as there is a condition which limits the height of the hedge which is both healthy to the tree and would fit within the High Hedges legislation. There was no point it being higher than the height that we would take action at legally. We then ask officers to review this and tell us what height it can be.

The proposer was happy with the amendment.

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

RESOLVED:

Resolved to Approve (in accordance with officer recommendation) with the decision delegated to the Director for Community and Environmental Services to amend Condition C3 to include reference to a maximum height for hedging. The exact wording to be circulated to Members for agreement.

**PC47/21**

## **ADJOURNMENT/RECONVENING OF THE PLANNING MEETING**

The Chair advised that due to the lateness of the hour the meeting would be closed (Rule 4(5)) and the remaining two applications would be heard at a reconvened meeting to be agreed with Committee members and for officers to check with the speakers who wish to address the Committee on the applications.

Officers would look to try and organise the meeting on a Thursday before the end of August.

On being put to the Committee the motion was declared CARRIED by the Chair having been agreed by general assent.

RESOLVED:

That the meeting be adjourned/reconvened – the date to be advised after the meeting.

