

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, WD3 1RL on Thursday 12 August 2021 at 7.30pm

Members of the Planning Committee:-

Councillors:

Steve Drury (Chair)  
Alex Hayward  
Chris Lloyd  
Sara Bedford  
Stephen King  
Keith Martin

Raj Khiroya (Vice-Chair)  
Debbie Morris  
David Raw  
Alison Scarth  
Ruth Clark

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*Joanne Wagstaffe, Chief Executive  
3 August 2021*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public will be entitled to register and identify which application(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak must notify the Committee team by e-mail ([CommitteeTeam@threerivers.gov.uk](mailto:CommitteeTeam@threerivers.gov.uk)) 48 hours before the meeting. The first 2 people to register on any application (one for and one against) will be sent details for attending the meeting. Registering 48 hours before the meeting will allow the Committee Team time to prepare the speaker sheet in advance of the meeting.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

The Council are limited on the number of people who can attend the meetings in person. To request one of the limited places as an observer, please contact the Committee Team by email at [CommitteeTeam@threerivers.gov.uk](mailto:CommitteeTeam@threerivers.gov.uk) 48 hours in advance of the meeting taking place. Places will be allocated on a first come first served basis.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The Planning Committee meeting will not be broadcast/livestreamed but a recording of the meeting will be available after the meeting.

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

To confirm as a correct record the Minutes of the Planning Committee meeting held on 15 July 2021.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**4. NOTICE OF OTHER BUSINESS**

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

- 5. 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** (Pages 5 - 14)
- 6. 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** (Pages 15 - 50)
- 7. 21/1194/FUL - Conversion of existing dwellinghouse to two self-contained dwelling units at 48 ALTHAM GARDENS, SOUTH OXHEY, WD19 6HJ** (Pages 51 - 76)
- 8. 21/1256/FUL - Erection of rear dormer with additional rooflights to front roofslope at 170 HIGHFIELD WAY, RICKMANSWORTH, WD3 7PJ** (Pages 77 - 84)
- 9. 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** (Pages 85 - 98)
- 10. 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** (Pages 99 - 104)
- 11. 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** (Pages 105 - 112)

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|-----|---|-------------------------|
| 12. | <b>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</b>   | (Pages<br>113 -<br>122) |
| 13. | <b>21/1472/RSP - Retrospective: Continued use of ground floor for training and counselling accommodation for charitable and not-for-profit organisations at HILLSIDE COMMUNITY HUB, 4 SCHOOL MEAD, ABBOTS LANGLEY WD4 OLB</b>   | (Pages<br>123 -<br>132) |
| 14. | <b>21/1508/FUL - First floor extension to create two storey dwelling including increase in ridge height, single storey rear extension, front porch, insulated render cladding, alterations to fenestration and associated landscape works including excavation, extension to drive and installation of retaining walls to front and rear at 112 WHITELANDS AVENUE, CHORLEYWOOD, WD3 5RG</b> | (Pages<br>133 -<br>142) |
| 15. | <b>EXCLUSION OF PRESS AND PUBLIC</b>  |                         |

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 – 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

**16. OTHER BUSINESS - if approved under item 3 above**

**Background papers**

**Background Papers (used when compiling the above reports but they do not form part of the agenda)**

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)

- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

**General Enquiries: Please contact the Committee Team at**  
[committeeteam@threerivers.gov.uk](mailto:committeeteam@threerivers.gov.uk)

## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

**5. 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**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 23.06.2021  
(Extension of Time: 16.08.2021)

Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse for the reasons set out at 4.1.1 below.

#### **1 Relevant Planning History**

- 1.1 17/0310/FUL - Demolition of existing dwelling and construction of replacement two storey dwelling, including alterations to land levels, installation of new vehicular access and construction of cycle and bin storage to front – Refused May 2017 for the following reasons:

*R1 The proposed replacement dwelling by reason of its excessive width, depth and flat roof design would result in a dwelling that would be significantly out of character with the general built form of this part of Quickley Lane would not maintain the spaciousness of the area and would become an unduly prominent feature within the street scene to the detriment of the character and appearance of the area 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).*

An appeal was lodged and subsequently dismissed in May 2017 referenced APP/P1940/W/17/3188040.

#### **2 Description of Application Site**

- 2.1 The application site comprises a detached bungalow with predominantly red brick exterior and a traditional hipped roof form. The application site is located on the south-eastern side of a service road off Quickley Lane, close to the junction with Rendlesham Way. This service road runs parallel to the main thoroughfare at a ground level 3 metres higher. A wooded bank separates the two highways and screens the dwellings from the western side of Quickley Lane from the bungalows fronting the service road.
- 2.2 The site rises up from the highway with the dwelling at a level approximately 3 metres higher than the service road and the rear boundary of the site is approximately 3 metres higher again. Both this part of Quickley Lane and Rendlesham Way consist of detached bungalows of similar scale and design to the application dwelling, although No.75 Quickley Lane has recently benefitted from a loft conversion including hip to gable extensions and a rear dormer. No. 73 Quickley Rise has not undergone any visible extensions or alterations and this neighbour has a detached garage built in close proximity to the common boundary with the application site. The rear of the site abuts the private amenity space of No.3 Rendlesham Way.
- 2.3 The site has a vehicular access from Quickley Lane which leads to an attached garage along the north-eastern flank of the bungalow which cumulatively provide two off-street parking spaces within the site. The plot frontages to the properties within this part of Quickley Lane are relatively open although some small hedgerows are evident.

### **3 Description of Proposed Development**

- 3.1 Full planning permission is sought for a single storey rear extension and roof extensions to create first floor level accommodation including rear gable and dormer windows.
- 3.2 The roof extension would effectively extend the roof form of the existing dwelling to the side above the existing attached garage located along its north-east aspect. This would extend the width of the ridge by 4.7 metres to total of 6.7 metres. There would also be a slight increase in ridge height of 0.1m to 5.3m. The loft space of the extended dwelling would be converted into habitable accommodation. The roof extension would be set in 1.2m from outside flank wall of the garage below and would slope down to an eaves height of 4.1 metres along the flank and 3.1 metres at the front.
- 3.3 The proposed single storey rear extension would have a first floor above which would be akin to a dormer window projecting rear of the existing roof resulting in a crown roof. The extension would have a maximum depth of 3.2m beyond the rear building line of the existing dwelling and a maximum width at ground floor level of 13.6m. The first floor dormer type element would create a crown roof form which would have a depth of 6.1 metres. The rear elevation of the extension would contain 2 Juliette balconies at first floor level.
- 3.4 The dormer window proposed for the front facing roof slope would have a pitched roof with a height of 1.8m and a maximum width of 2.6m. It would be set down from the ridge of the main roof by 0.15m and set up from the eaves by 0.7m and it would be set in from both sides of the roof. The pitch of the roof would match the angle of the main roof form of the dwelling.
- 3.5 A rooflight is proposed within the crown roof which would be created as a result of the proposed extensions. Two rooflights are proposed for the front facing roof slope of the existing dwelling and two rooflights are proposed for both side facing roof slopes.
- 3.6 It is proposed to alter an existing front roof projection from a hip to a front facing gable. The proposed gable would have a ridge height 4.8m – 0.5m higher than the existing hipped element. It would be set down from the height of the main roof by 0.5m, and an eaves height of approx. 2.8m. The new gable would have a window at first floor level in the front elevation.
- 3.7 A new front porch is proposed which would be positioned off-centre within the front elevation. The proposed porch would have a width of 3.5m and a flat roof form measuring a height of 2.5m.
- 3.8 Amended plans were received resulting in the following changes:
- Reduced width of roof extension above garage
  - Front dormer reduced in size
  - Alterations to fenestration detailing within the front elevation
  - Alterations to the design of the rear dormer/roof extension
  - The increase in ridge has been reduced down from 0.6m to 0.1m
  - The front gable has been set down from the main ridge
  - A street scene drawing was also provided

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Chorleywood Parish Council: [Objection – CALL IN]**

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

- The proposed development is over dominant
- Concern with overlooking the neighbouring property
- Street Scene - No street scene has been provided with the application. From viewing the street it is clear that the proposed new dwelling is not in keeping with that street scene. (Design Criteria Appendix 2 Development Management Policies)
- Parking - It is considered that the parking scheme shown in the plans will not be achievable. The front of the plot is steeply inclined and therefore it is considered likely that the parking space in front of the dwelling to the house on the right will not be deliverable. (Parking Standards Appendix 5 Development Management Policies)
- Loss of Housing Suitable for Older and Disabled People. The property is sited in one of the named areas characterised by bungalows. The changes to the property will result in this bungalow, which is suitable for older or disabled residents, being converted into a sizeable two storey property which unlikely to be suitable for this group. In recent years, no new bungalows and very few suitable flats have been built in the area with that number being far exceeded by the number of single level dwellings being converted to multi-level dwellings. As such, loss of this bungalow through conversion to a multi-level dwelling will reduce the stock of properties suitable for older and disabled residents. (Policy 4 Housing to meet the needs of local people Chorleywood Neighbourhood Plan).

**[Officer Comment:** The Parish were made aware of the submission of amended plans in case they have further comments. Due to committee deadline the application had to published on the agenda, however, should further comments from the Parish be received they will be reported verbally]

4.1.2 National Grid: No response received.

#### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 10

4.2.2 No of responses received: 4 (3 objections, 0 letters of support, 1 neutral comment)

4.2.3 Site Notice: not applicable                      Press notice: not applicable

4.2.4 Summary of Responses:

- Adverse impact on trees
- Adversely affects conservation area **[Officer Comment:** The site is not located within a conservation area.]
- Overdevelopment
- Overshadowing
- Too close to the boundary
- Disproportionate change in floorspace/mass relative to neighbouring properties
- Aesthetically not in keeping with general character of the area.
- Loss of light
- Impact on structural integrity of neighbouring properties
- Request that a condition of planning approval, the vegetation height at the rear boundary be maintained to at least its current height of approximately 3m

#### **5 Reason for Delay**

5.1 Committee Cycle

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020): Policy 2 is relevant.

### **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 (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors and materials. With regards to increases in ridge height the Design Criteria at Appendix 2 states that will be assessed on their own merits. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. In addition, development at first floor and above should be set in from flank boundaries by a minimum of 1.2 metres so as to prevent a terracing effect.
- 7.1.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.
- 7.1.4 In the vicinity of the application site, Quickley Lane is characterised by detached bungalows which are relatively uniform in character and design although some have undergone visible extensions and alterations, such as 77 Quickley Lane, and all the bungalows in this location are set on a higher land level than the highway. The frontages are relatively open and the narrow ridge widths and hipped roofs of the bungalows afford open views to the rear. Turning to Rendlesham Way there are examples of extensive extensions and alterations to similar style bungalows such as 5, 7 and 8 Rendlesham Way. There are also other examples at 32 and 34 Furze View which are located to the rear of the application site.
- 7.1.5 The proposed development would alter the appearance of the existing bungalow. The proposed roof extension would extend over the existing garage and would increase the bulk and massing at roof level due to the increase in width of the ridge and the creation of a crown roof form which has a depth of 6.1 metres. Whilst it is acknowledged that the Design Criteria at Appendix 2 generally discourages against such roof forms the current proposal is considered acceptable for the following reasons.
- 7.1.6 The proposal originally extended above the garage and up to the north-east elevation however amended plans were received to set this element in from the flank wall by 1.2m thus maintaining appropriate spacing to accord with the Design Criteria at Appendix 2. With respect to the opposite flank the proposed development would also result in a raise in the eaves height along the south west aspect of the main dwelling by 0.3m. This flank elevation is built in close proximity to the adjacent boundary. Given the scale of the proposed alteration, just 0.3m in additional height, and this flank would generally be single storey with the roof form sloping away from the common boundary it is considered that this additional height to the eaves on this side would not result in any terracing effect or result in detrimental impact on the character and appearance of the street scene.
- 7.1.7 The extension to the rear of the existing dwelling effectively consists of a single storey extension with first floor dormer window above. The extension would have a maximum depth from the rear building line of the original dwelling of 3.2m which is considered an acceptable depth in accordance with the Design Criteria at Appendix 2 which states that rear extensions to detached dwellings may have a depth of 4 metres. The originally submitted plans showed a larger rear dormer which covered the full rear roofslope. This has been amended during the assessment of the application to set it in from each flank by 1.1m. In addition, along the rear elevation the roof has been hipped to further reduce some

of the bulk and massing. Furthermore, this element is located to the rear and thus there would be limited visibility of this extension from Quickley Lane and therefore its impact on the wider street scene would be minimal.

- 7.1.8 With regards to the proposed dormer amended plans were received to reduce the overall size of this feature. The dormer within the front roofslope would be set down from the main ridge, in from both sides and back from the plane of the existing wall and would appear subordinate in in scale to the host dwelling in accordance with the Design Criteria as set out within Appendix 2. As dormers are common features within the street scene, it is not considered that the dormer proposed would result in demonstrable harm to the street scene.
- 7.1.9 Whilst the proposed rooflights would be visible from the street scene. They are not considered to be excessive in size and their quantity and would not appear excessively prominent within the street scene or to have any significant adverse impact on the character of the dwelling.
- 7.1.10 The Design Criteria in Appendix 2 of the Development Management Policies LDD (adopted July 2013) states that applications for front extensions will be assessed on their individual merits but should not appear excessively prominent in the street scene. The proposed front facing hip-to-gable extension would not project any further forward than the existing front most building line and would be set down from the height of the main roof form. Given these circumstances it is not considered to appear excessively prominent in the street scene.
- 7.1.11 The proposed porch is considered to be modest in size and would be read as a subordinate feature within the principal elevation. Given the scale and siting of the proposed porch no objection is raised in regard to this element of the proposal. Other porches are also visible within the street scene.
- 7.1.12 It is accepted that the proposed development results in additional bulk and mass at roof level in comparison to the original bungalow however it is not considered that the proposed development would result in the dwelling becoming unduly prominent within the street scene so as to justify refusal of planning permission in this regard. It is also noted that there are varied roof extensions visible in the vicinity such as 5, 7 and 8 Rendlesham Way and 32 and 34 Furze View which are similar to that proposed under this current application. As such it is not considered that the proposed development would appear out of character. The proposed extensions would therefore be considered to be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan.

## 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 development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey development to the rear or dwellings should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.
- 7.2.2 With regard to 77 Quickley Lane, this neighbour has undergone a hip-to-gable roof extension and the inclusion of a large rear dormer window. This neighbour also has single storey built form which runs parallel with the common boundary with the application site for a depth of approximately 11m. The ground floor windows within the rear elevation of this neighbour are set in from the common boundary by approximately 5m and the rear dormer window within the rear roofslope is set in approximately a further 1.5-2m. When drawing a

45 degree splay line from a point on the common boundary level with the main rear elevation of this neighbour the proposed dwelling would intrude by approximately 3m. Whilst there is an intrusion given the existing built form of this neighbour along the common boundary; the separation distance between the boundary and the ground floor windows and the suns orientation, it is not considered that the proposed dwelling would result in any loss of light towards the windows within the rear elevation of this neighbour or result in the dwelling becoming significantly overbearing.

- 7.2.3 With regard to 73 Quickley Lane, this neighbour is splayed away from the boundary and as such is set in from by 4.5m at the front increasing to 5.5m at the rear. There is also a detached garage located between the main dwelling of this neighbour and the common boundary. When drawing a 45 degree splay line from the boundary level with the rear elevation of this neighbour, there would be an intrusion of approximately 2 metres. Whilst there is an intrusion given the spacing between the extended dwelling and this neighbour there would be no intrusion of a splay line taken from the corner and it is not considered that the proposed development would result in significant harm to the residential amenity of this neighbour.
- 7.2.4 Rooflights are proposed within the flank roofslopes which would serve a mix of habitable and non-habitable rooms. Given their positioning and would be angles up to reflect the roofslope they would not facilitate the opportunity for overlooking. Notwithstanding this a condition is suggested to ensure the rooflights are positioned a minimum of 1.7m above internal floor level to prevent any overlooking.
- 7.2.5 The glazing proposed at both ground and first floor levels would primarily overlook the private amenity space of the application site. The application site does back onto the private amenity space of 3 Rendlesham Way however, whilst it is noted that there would only be a distance of approximately 12.5m from the rear elevation of the extended dwelling to the rear boundary; given that the land levels rise up towards the rear of the site and 3 Rendlesham Way is set on a higher land level it is not considered that any significant overlooking would occur towards the residential amenity of this neighbour.
- 7.2.6 The Juliette balconies proposed for the rear elevation of the dormer window would not provide any platform beyond the rear facing wall of the dormer and they would be set in from both sides of the dwelling. Given these circumstances, they would not be considered to result in any significant overlooking towards either adjacent neighbour.
- 7.2.7 The glazing proposed within the principal elevation would overlook the frontage of the application and there are no neighbouring properties located directly opposite the site and as such no overlooking would occur from these windows.
- 7.2.8 The existing dwelling has a pebble-dashed render exterior and tiled roof. The submitted application form states that the extended dwelling would have Weber render and composite cladding exterior with roof tiles to match existing apart from a grey aluminium flat roof above the porch. Whilst there would be a change in appearance to the character of the original dwelling, it is not considered to result in demonstrable harm to the street scene or wider area.
- 7.2.9 In summary, given the site circumstances and subject to conditions, it is not considered that the proposed development would result in any significant harm to neighbouring properties and is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

### 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 amenity and garden space. Section 3 (Amenity

Space) of Appendix 2 of the Development Management Policies document provide indicative levels of amenity/garden space provision and set out that a four bedroom dwelling should provide 105sqm of amenity space. The application site would retain a rear garden amenity space of approximately 180sqm which would exceed the indicative standards and is considered acceptable for future occupiers of the dwelling.

#### 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 this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. However, given the nature of the proposed development involving the demolition of the existing bungalow and informative will be added advising the applicant on what to do should bats be present on site.

#### 7.5 Trees and Landscaping

7.5.1 The proposed development would not result in the loss of any trees within the application site.

#### 7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out at Appendix 5 of said document.

7.6.2 The extended dwelling would contain four bedrooms which the Parking Standards state should provide three off-street parking spaces. The proposed dwelling would have an integral garage however the width of the garage entrance is 2 metres and thus is not considered wide enough to accommodate a parked car. Highways Officer were verbally consulted and recommended that in order to be an effective storage space for cars new garages should measure at least 6 metres long by 3 metres wide, thus the proposal would result in the loss of one existing space. The existing driveway would provide two spaces. The proposal would result in a shortfall of one space. Whilst there is a shortfall, it is not considered that the shortfall is unacceptable. This part of Quickley Lane is served by a service road which could facilitate on-street parking and is not the main thoroughfare. Thus it is not considered that the shortfall of parking would have a demonstrable impact on highway safety.

### **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: 01 REV-G, 02, 03 REV-F, 04, 05 REV-H and 06 REV-C.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan.

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C4 The rooflights hereby permitted within the north-east and south-west flank roofslopes shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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.
- 13 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 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](http://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).

## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

**6. 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.**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 13.07.2021 (EOT 20.08.2021)

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in unless Officers were minded to refuse by Chorleywood Parish Council.

#### **1 Relevant Planning History**

- 1.1 21/0002/FUL – Demolition of existing bungalow and construction of two detached dwellings including subdivision of site, alterations to access and associated landscaping – Withdrawn 24.02.2021.

#### **2 Description of Application Site**

- 2.1 The application site is rectangular in shape and includes a detached bungalow located on the north western side of Quickley Lane, Chorleywood. Quickley Lane borders the eastern boundary of the Chorleywood Station Estate Conservation Area, characterised by good examples of Victorian and Edwardian properties with attractive architectural details, and open spaces and gaps, with a rural feel of a small lane bounded by a steep bank.
- 2.2 The host dwelling is a detached bungalow, situated towards the centre of its plot. The dwelling has a white rendered exterior with mixed red brickwork detailing, and a tiled pitched roof form with two chimneys and a front projecting gable feature with bay window. To the rear, there are three separate gable features, with a patio area abutting the rear elevation of the dwelling, leading to an area of lawn and soft landscaping. Hedgerows enclose the application site to both flank boundaries and the front and rear. There is an existing gated vehicular access and hardstanding to the frontage with space for two vehicles.
- 2.3 The neighbour to the south west, number 44 Quickley Lane, is a two storey semi-detached dwelling, sited close to the shared boundary with the application site. This neighbour is located on a slightly higher land level than the host dwelling, and is set forward of the host dwelling.
- 2.4 The neighbour to the north east, number 40 Quickley Lane, is a detached bungalow with an existing two storey rear extension. This neighbour is significantly set in from the shared boundary with the application site, located on approximately the same land level and building line.

#### **3 Description of Proposed Development**

- 3.1 Full planning permission is sought for the demolition of the existing bungalow, and the construction of a pair of two storey semi-detached dwellings with associated access and landscaping. Each dwelling would contain four bedrooms at first floor level.

- 3.2 Both proposed dwellings would be orientated such that they would face Quickley Lane, and both dwellings would have a largely square shaped footprint, with stepped front and rear elevations. Each dwelling would have a maximum depth at ground floor level of 15.5m, including a 3m deep single storey rear projection. Each dwelling would have a width of 8.3m. At first floor level, each dwelling would have a maximum depth of 13.1m. Both dwellings would have a pitched roof form, with a two storey front gable feature set down from the maximum ridge. The dwelling to the north east would be sited at a lower land level, with a maximum height of 8.5m and the dwelling to the south west would have a maximum height of 8.8m. The dwellings would be finished in render at first floor level, and brickwork at ground floor level with a slate tiled roof.
- 3.3 Each dwelling would be served by a new vehicular access, with hardstanding to the front of each dwelling with space for three vehicles. In terms of plot sizes, the plot serving the dwelling to the south west (House 1) would have a maximum width of 11.8m and a depth of 36.4m, including a rear garden with a minimum depth of 15.1m (measured from the two storey rear elevation). This dwelling would be set in 3.2m from the south western boundary. The dwelling to the north east (House 2) would be set in 3.5m from the north eastern boundary. House 2 would have a plot width of 11.6m and a minimum garden depth of 15m.
- 3.4 A bin store is proposed to serve each dwelling, to the south western flank of House 1 and to the north eastern flank of House 2.
- 3.5 Amended plans were sought and received during the course of this application to amend the materials and fenestration detail of the dwellings.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [Objection]**

*The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

- The proposed development is out of keeping with the character and appearance of the Chorleywood Estate Conservation Area and the proposal fails to preserve or enhance the character of the area;*
- The proposed scale, bulk and massing is considered to have an overbearing impact on the streetscene, particularly when viewed in the context of its immediate neighbouring properties is considered to be inappropriate;*
- The Applicant has failed to provide sufficient information within the biodiversity checklist; and*
- There are significant concerns that the proposed access is inappropriate and the proposal would result in harm to the free flow of traffic and harm the safety of other road users.*
- Loss of Housing Suitable for Older and Disabled People. The property is sited in one of the named areas characterised by bungalows. The changes to the property will result in this bungalow, which is suitable for older or disabled residents, being converted into two sizeable two storey properties which are to be suitable for this group. In recent years, no new bungalows and very few suitable flats have been built in the area with that number being far exceeded by the number of single level dwellings being converted to multi-level dwellings. As such, loss of this bungalow through conversion to a multi-level dwelling will reduce the stock of properties suitable for older and disabled residents. (Policy 4 ' Housing to meet the needs of local people ' Chorleywood Neighbourhood Plan).*



The Parish Council have been notified of the amended plans and revised comments received from the Conservation Officer and have made the following additional comments:

*The Committee still wish to Call In this application as per our previous comments.*

*On the grounds of breach of NDP Policy 4.1 and the proposed scale, bulk and massing being considered to have an overbearing impact on the streetscene, particularly when viewed in the context of its immediate neighbouring properties.*

*The comments from the Conservation Officer were noted and the suggestion that the existing bungalow is unsuitable for wheelchair access. However, this is still the loss of a bungalow and replacing it with two houses. Why can't it be two bungalows or chalet bungalows. This is against the Neighbourhood Plan.*

#### 4.1.2 Conservation Officer: [No Objection]

*The property is located within the Chorleywood Station Estate Conservation Area. Quickley Lane forms sub area six of the Conservation Area, the character of the lane is defined by the mature hedges lining the road as well as the good examples of Victorian and Edwardian properties with attractive architectural details.*

*A previous application for two detached dwellings was submitted under 21/0002/FUL which was subsequently withdrawn. Previous heritage advice stated the proposal would cause harm to the significance of the Conservation Area due to the inappropriate and unsympathetic scale, form and appearance of the detached dwellings.*

*This application proposes a pair of semi-detached dwellings, which are modest in their scale. It was previously recommended to create a shallow L-shape plan form with a main ridge parallel to the street and a front projecting gable. This recommendation has been adhered to and the proposal now reflects this form. The proposed new dwellings work with the topography of the land, following the stepped down ridge heights of the properties along Quickley Lane. They also make appropriate reference to local and traditional materials that prevail throughout the streetscene. The proposal would, in my opinion, preserve the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*Therefore, I would raise no objection to the proposal. Were permission granted, I request the following conditions are imposed:*

- *A schedule of the types and colours of all external materials shall be submitted to and approved in writing by the Local Planning Authority.*
- *All new brickwork shall be constructed in Flemish bond.*
- *The roof shall be clad in natural slate.*
- *Prior to first use on site, additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority.*
- *All rainwater goods shall be of cast black metal*
- *The rooflights shall be of low profile, the specification to be approved by the Local Planning Authority before works start*
- *No electricity, gas or water meter boxes shall be fixed to the front elevation of the building*
- *Details of all hard and soft landscaping and boundary treatments*

#### 4.1.3 Hertfordshire County Council – Highway Authority: [No Objection]

#### **Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

- 1) Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 3-1-1 to a maximum of 5.4 metres each (4 dropped kerbs and 2 risers) in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

*Reason: To ensure satisfactory access is made into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

- 2) Prior to the first use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 3-1-1 only. Any other access(es) or egresses shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

*Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).*

### **Highway Informatives**

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

*AN 3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before the construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.*

*AN 4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.*

### **Comments**

*The proposal is for the demolition of the existing bungalow and the construction of 2 two storey semi-detached dwellings with associated access and landscaping at Hazlemere, 42 Quickley Lane, Chorleywood. Quickley Lane is a 30mph unclassified local access route that is highway maintainable at public expense. HCC Highways previously commented on a similar scheme which was subsequently withdrawn (ref: 21/0002/FUL).*

### **Vehicle Access**

*The existing dwelling has a dropped kerb onto the highway network. The proposal is to close the existing crossover and create two new accesses onto Quickley Lane. It appears in the drawings that these accesses will be bellmouths. HCC Highways must insist that the new accesses are dropped kerbs and built to no greater than 5.4 metres each. The closure of the existing access and creation of a new access will need to be done through a section 278 agreement owing to the extensive work required to the highway network – see informative 1 above.*

*Parking is a matter for the Local Planning Authority (LPA). However, HCC Highways would comment that there is 6 off street parking spaces, three for each dwelling.*

### **Drainage**

*The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not dispose onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.*

### **Refuse / Waste Collection**

*Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC Waste Management.*

### **Emergency Vehicle Access**

*The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses'.*

## **Conclusion**

*HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.*

4.1.4 Herts and Middlesex Wildlife Trust: No response received.

4.1.5 Herts Ecology: [No Objection]

*The site comprises an unoccupied bungalow, hardstanding, front and rear gardens with lawn, garden planting and boundary trees.*

### Bats

*There are records of bats in the area, consequently I am pleased to see a bat report has been submitted in support of this application – Preliminary Roost Assessment, 2020 prepared by a professional ecologist from Amphibian, Reptile and Mammal Conservation Ltd. A daytime inspection of the property was carried out in 21 December 2020 and no bats or evidence of bats was found. The bungalow was assessed to have negligible potential to support roosting bats and no further surveys are considered necessary. I have no reason to disagree with this finding; however as bats are known to be in the wider area, I advise a precautionary approach **Informative** is added to any consent granted:*

*“In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”*

### Trees

*I understand some of the trees on the site (including Cypress species, a holly and a Goat willow) are proposed for removal. These should be replaced with native species, fruit/nut species and/or those known to be of benefit to wildlife – i.e trees with blossom, berries/fruits, and nectar to attract invertebrates and pollinators.*

### Nesting birds

*The trees and shrubs on site could have the potential to support nesting birds and due diligence will be needed for any significant pruning or felling. I advise the following precautionary approach **Informative** is added to any permission granted:*

*“Any significant tree/shrub work or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.”*

### Hedgehogs

*Due to the urban location, the large mature gardens in the area could support hedgehogs. Hedgehogs are essentially protected from killing or trapping. They are also a UK Priority species and are therefore considered one of the target species to avoid further population decline. I advise the following Informative is added to any permission granted:*

*“Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape – this is particularly important if holes fill with water. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.”*

### Biodiversity enhancements and net gain

*The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. It would be appropriate for this development to enhance the site for bats, birds and hedgehogs. This could include the provision of roosting opportunities through the integration of bat bricks/units within the design of the buildings, or installation of bat boxes on suitable retained trees. The creation / enhancement of foraging areas by planting species which attract night flying insects will also be beneficial to bats. For birds, the inclusion of bird boxes on trees for common garden bird species, or nest box terraces on buildings for swifts and house sparrows would be welcomed, as would the planting of native tree/hedgerows species (as mentioned above). Hedgehog homes and 'highways' in close-boarded fencing should be considered.*

*To demonstrate net gain can be achieved from the development, I advise a Landscape and Ecological Management Plan (LEMP) is produced by Condition. I can suggest the following wording or similar:*

*"Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be prepared, detailing how biodiversity will be incorporated within the development scheme to achieve net gain. The plan shall include details of native-species and/or fruit/nut tree planting and replacement trees, as well as the location of any habitat boxes/structures to be installed for the benefit of local wildlife. The plan shall be submitted to the LPA for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the LPA.*

*Reason: To demonstrate the expectations of the NPPF in achieving overall net gain for biodiversity have been met in accordance with national and local policies."*

4.1.6 National Grid: No response received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 26

4.2.2 No of responses received: 8 objections, 0 letters of support

4.2.3 Site Notice: Expired: 17.06.2021                      Press notice: Expired: 19.06.2021.

4.2.4 Summary of Responses:

- Heritage Statement still claims that the property was "most likely built circa 1950s". Variation of this error is repeated in the PRA which states that the property was "probably constructed during the 1940-1950s period".
- Heritage Statement claims that "the bungalow is of poor construction and in a poor state of repair" which is contradicted in the PRA which states "the structure of the property and its good condition throughout"
- Garden had been well-maintained during occupation and for a period afterwards. Garden was subjected to crude and extensive clearance in the first week of December 2020 which was just before surveys took place, and would give a misleading impression to any surveyors.
- The PRA recommended that no dusk emergence surveys are required, with the external survey having found no evidence of bat occupancy within the property. The cutting back of shrubs and ivy would have removed such evidence before the survey took place.
- The application does not meet the conditions stated at Policy DM3 of the Development Management Policies document with regards to demolition in Conservation Areas.
- The Design and Access Statement fails to acknowledge the Chorleywood Neighbourhood Plan.

- Policy 4 of the Chorleywood Neighbourhood Plan requires that the stock of dwellings for older and disabled persons is maintained, and Quickley Lane has been identified to meet this criteria. This property is one of a dwindling number of bungalows in the village and is more usual in having level access that elderly and disabled people require.
- Design and Access statement includes a quote from Sewell & Gardener which states that no elderly buyers expressed interest in viewing or purchasing the property. The applicant's own sales comparators show a buoyant demand for bungalows.
- Within the Chorleywood Station Estate Conservation Area Appraisal Quickley Lane is noted to have many fine open spaces and gaps between houses. This proposal will have a significant negative impact on the Conservation Area and will materially damage that character by removing such features.
- There is a road junction directly opposite the proposed accesses, which is a popular walking route for children accessing Chorleywood Primary School on Stag Lane.
- Development would have a significant negative impact on neighbours quality of life.
- Adverse impact on character of Conservation Area.
- Adverse impact on biodiversity.
- Gross overdevelopment
- Wildlife would have access and habitats severely reduced
- When another neighbour overdeveloped their property, this reduced the number of amphibians in neighbour's pond.
- No Environment Assessment has been requested.
- Chorleywood Parish Council have raised concerns stating that the applicant has failed to provide sufficient information within the biodiversity checklist.
- Developer's current application doesn't seem to differ significantly to the withdrawn application with regards to height and size of the proposed properties.
- Proposed large development would block the view from Berks Hill and substantially infill the plot.
- Development would encroach on neighbouring property and would result in a loss of privacy, especially from the first floor windows that would face the neighbour.
- Development would be overbearing, dominating and oppressive and invade neighbours right to privacy and enjoyment.
- Design, size and height facilitates further planning applications to create a third storey with additional bedrooms.
- Threatens human rights of a peaceful enjoyment of possessions.
- Concerns regarding flooding due to the amount of natural drainage for rainwater being reduced.
- Concerns regarding external lighting and light pollution.
- Application states that construction could take 12-18 months to complete which is a very considerable period of disruption for neighbouring residents.
- No reference to hours of work or days of operation.
- The council should implement and enforce strict conditions on working hours and days of operation.
- Concerns regarding construction vehicles endangering pedestrians.
- Unwelcome precedent.
- Concerns relating to parking on blind corner.
- Concerns regarding overlooking.

Officer comment: *'All material planning considerations are outlined within the relevant analysis section below.'*

## **5 Reason for Delay**

### 5.1 Committee Cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

### 6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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 PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3 DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 is relevant.

The Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020): Policies 1, 2, 3, 4 and 5 are relevant.

## 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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.

The Chorleywood Station Estate Conservation Area Appraisal (adopted November 2005).

## 7 Planning Analysis

### 7.1 Principle of Development

- 7.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations LDD. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.1.2 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy*
  - ii. The sustainability of the development and its contribution to meeting local housing needs*
  - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites*
  - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.*
- 7.1.3 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that future development will be focused predominantly on sites within the urban area and on previously developed land. Key Centres are targeted to supply approximately 60% of the District's housing requirements over the Plan period.
- 7.1.4 The application site lies within a Conservation Area. The existing dwelling is not a Listed or Locally Important Building. Policy DM3 of the Development Management Policies document outlines that, within Conservation Areas, permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:
- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or*
  - ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*
  - iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to an enhancement of the Conservation Area.*
- 7.1.5 Whilst the existing dwelling is located within the Chorleywood Station Estate Conservation Area, it is considered that the architectural merits of the dwelling would be such that it makes a neutral contribution at best to the special character or appearance of the area. Therefore, it is not considered that the demolition of the existing dwelling would result in any harm to the character or appearance of the Conservation Area.
- 7.1.6 Given the location of the site within the Key Centre of Chorleywood and within a residential area, there is no in principle objection to residential development of the application site in the context of Policy CP2, subject to consideration against all other material considerations as discussed below.

### 7.2 Housing Mix

- 7.2.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent SHMA (South West Hertfordshire Strategic Housing Market



Assessment 2016) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% 1-bedroom units, 28% 2-bedroom units, 37% 3-bedroom units and 16% 4+ bedroom units.

7.2.2 The supporting text to Policy 4 of the Chorleywood Neighbourhood Plan outlines that, to protect the retention of bungalows, the policy will both maintain the character of these areas and ensure that the stock of dwellings for older and disabled persons is maintained. Quickley Lane is identified as one of the roads to meet this criteria. Policy 4 states that 'in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. In the case of the current application, whilst the existing bungalow would be replaced by a pair of two-storey dwellings, it should be noted that the existing bungalow sits in a row of only two bungalows, with the majority of the houses in this particular part of Quickley Lane being two storey. Furthermore, the existing bungalow does not have a level threshold entrance and does not benefit from wheelchair-accessible circulation space. In contrast, the proposed dwellings would be built to meet current building regulations, would have greater circulation space and be more efficient structures.

7.2.3 The proposal includes the provision of 2 x 4 bedroom houses. As such the development would not strictly accord with the unit mix recommended in the SHMA. Nevertheless the scheme would provide 2 x 4 bed units and owing to the limited overall scale of the development it is not considered that the failure to fully accord with the SHMA would prejudice the overall delivery across the district.

### 7.3 Affordable Housing and Infrastructure Contributions

7.3.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.3.2 The proposed development would result in the net gain of one unit and as such, the proposed development would be liable for a commuted sum payment towards affordable housing. The site lies within 'Highest Value Three Rivers' market area where the figure is £1,250 per square metre. The Council have calculated the average net gain in habitable floorspace to be 134.4sqm. The affordable housing payment required is therefore £1,250 x 134.4sqm = £168,000.

7.3.3 The applicant's viability assessment states that this development cannot viably afford to make any affordable housing contributions. The independent review carried out for the LPA, which includes a benchmark land value of £736,000 shows a deficit of £15,702. As such it is has been demonstrated that the scheme would not be viable if any affordable housing contribution was sought.

7.3.4 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq.m of residential development is £180.00.

### 7.4 Impact on the character and appearance of the street scene and conservation area

7.4.1 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'.

- 7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. *Tandem development;*
  - ii. *Servicing by an awkward access drive which cannot easily be used by service vehicles;*
  - iii. *The generation of excessive levels of traffic;*
  - iv. *Loss of residential amenity;*
  - v. *Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)*
- 7.4.3 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Policy DM3 of the Development Management Policies document outlines that within Conservation Areas, development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area.
- 7.4.4 Policy 2 of the Chorleywood Neighbourhood Plan sets out that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood, based on a proportionate site and contextual analysis which includes details of the sustainability of the site and its location for the development.
- 7.4.5 The application site is situated within a residential area, with both of the new dwellings facing Quickley Lane. Quickley Lane is characterised by two storey developments and bungalows which are predominately located within spacious plots. Quickley Lane has a vegetated and verdant appearance, with mature trees located within residential sites and gardens, many of which contribute to the visual amenities of the streetscene.
- 7.4.6 The new dwellings would replace the existing dwelling on site. It is noted that similar developments to replace one dwelling with two have occurred in the locality, for example the dwelling to the rear of the application site, 37 Berks Hill, was demolished and two dwellings were constructed. The proposed semi-detached dwellings would be of a similar size and scale to those to the south west of the application site and the architectural design, proportion and appearance of the dwellings would respect the character and appearance of the streetscene and wider area, such that the dwellings would not appear cramped within their plots and sufficient spacing would be maintained in keeping with the character of the area.
- 7.4.7 In terms of design, the proposed dwellings would have the same architectural features externally. The neighbouring properties to the south west are a pair of two storey semi-detached properties of identical appearance to each other. Given the existing variation within the streetscene of Quickley Lane and the existence of identical pairs of semi-detached dwellings, it is considered that the design, appearance, size and proportions of the proposed dwellings would reflect the character and appearance of the streetscene and would preserve the character and appearance of the conservation area.

- 7.4.8 Appendix 2 of the Development Management Policies document states that in order to prevent a terracing effect, and maintain an appropriate spacing between properties in character with the locality, two storey developments may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. This distance must be increased in low density areas or where the development would have an adverse effect on an adjoining property.
- 7.4.9 The proposed dwellings would be set in a minimum of 3.2m from the flank boundaries of each plot, thus the development would comply with the guidance spacing. The spacing around the dwellings would be reduced to the flank boundaries when compared with the existing site circumstances, however, the spacing surrounding the dwellings currently proposed reflects the spacious character of the area such that the dwellings would not appear cramped within their plots and not result in a terracing effect.
- 7.4.10 The proposed development would include a new accesses and additional hardstanding to the front of the proposed dwellings, accessed via Quickley Lane. Given the scale of the proposed hardstanding and the retention of the hedging and additional planting proposed, it is not considered that the proposed access or hardstanding would result in harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.4.11 In summary, given the amendments made since the previously withdrawn application reference 21/0002/FUL, including the reduction in width and height of the proposed dwellings, the increase in spacing to the flank boundaries and the alterations to the architectural design and appearance of the dwellings, it is not considered that the proposal would have an adverse effect on the character and appearance of the Conservation Area and thus the proposal would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Station Estate Conservation Area Appraisal, Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) and the NPPF.

## 7.5 Impact on Amenity of Neighbours

- 7.5.1 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 LDD also set out that 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.
- 7.5.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude 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 be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.5.3 The proposed dwellings would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevations of either immediate neighbouring property. In addition, the dwellings would be set in a minimum of 3.2m from the shared boundaries with these neighbouring properties, and given the spacing between the habitable accommodation of the immediate neighbouring properties, the spacing around the proposed dwellings, and that the dwellings would not intrude a 45 degree line, it is not considered that the proposed development would appear overbearing or result in loss of light to either immediate neighbouring property.

- 7.5.4 In terms of overlooking, given the spacing between the proposed dwellings and neighbouring properties opposite the application site, that they are separated from the application site by the highway, and that the outlook of the fenestration would be onto the public application site frontage, it is not considered that the proposed front fenestration would result in any overlooking. The ground floor rear fenestration would have an outlook onto the amenity space serving each dwelling, and would not result in unacceptable overlooking. Some views of neighbouring gardens may be available from the first floor fenestration to the rear, however given the spacing between the proposed dwellings and neighbouring properties, the views would be limited, and would not result in significant harm so as to justify the refusal of planning permission in this regard. The neighbouring properties to the rear are separated from the first floor level of the proposed dwellings by 38m, and therefore it is not considered that unacceptable overlooking would occur to these neighbouring properties. At ground floor level, one window is proposed in the south western flank elevation and north eastern flank elevation of the dwellings, however given that this window would be set in a minimum of 3.2m from the flank boundary, and a condition would be attached to any granted consent to require details of boundary treatments, it is not considered that the ground floor flank fenestration would result in unacceptable overlooking. Two windows are proposed within the flank elevations at first floor level. All of these windows would serve bathrooms, and a condition would be attached to any granted consent to require these windows to be obscurely glazed and top level opening in the interests of preventing unacceptable overlooking from occurring.
- 7.5.5 In summary, subject to conditions, given the spacing maintained between the proposed dwellings and flank boundaries and the relationship between the proposed dwellings and neighbouring properties, it is not considered that the proposal would result in demonstrable harm to neighbouring properties so as to justify the refusal of planning permission in this regard. The proposal would therefore comply with Policies CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.
- 7.6 Quality of Accommodation for Future Occupants
- 7.6.1 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. Section 3 of Appendix 2 of the Development Management Policies LDD sets out indicative levels of amenity space dependent on the number of bedrooms. The plans submitted indicate that the proposed dwellings would have five bedrooms each which would require 126sqm of amenity space each.
- 7.6.2 Both dwellings would be served by over 160sqm of amenity space, and as such, would exceed the requirements set out within Appendix 2 of the Development Management Policies document in this regard.
- 7.6.3 All habitable rooms would be served by multiple windows, and as such, it is considered that the internal configuration of the dwellings would give rise to a high quality family accommodation with good access to natural light.
- 7.7 Wildlife and Biodiversity
- 7.7.1 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.
- 7.7.2 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.

- 7.7.3 The application has been submitted with a Biodiversity Checklist and a Preliminary Roost Assessment (PRA) prepared by Clive Herbert, dated 2020. The PRA categorised the existing dwelling as having a 'negligible potential' to support a bat roost due to its structure and good condition of roof coverings. It is noted that neighbour objections have been received in relation to the impact of the proposed development on biodiversity and protected species. Herts Ecology have been consulted on the proposed development and have raised no objection to the proposal, subject to the inclusion of the recommended informatives and condition.

## 7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies document sets out that document 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.

- 7.8.2 The proposed development would result in the loss of six trees and shrubs within the application site, outlined below;

H1 – Cypress hedge (low grade)

T1 – Cypress (grade C)

T2 – Holly (grade C)

T4 – Monterey cypress (grade C)

G1 – Monterey cypress (low grade, one of the trees in G1 is dead)

T7 – Goat willow mix (low grade)

- 7.8.3 Additional details with regards to landscaping would be a condition to any granted consent. However, the submitted Arboricultural Statement outlines that two Himalayan silver birches and one bird cherry tree will be planted,, the silver birches to the frontage and the cherry tree to the rear. The Arboricultural Statement includes a tree protection plan (Appendix 3) and method of construction. Given the low amenity value of the trees and shrubs to be removed, and that replacement planting is proposed, it is not considered that the proposal would result in any harm in terms of trees and landscape however a condition would be attached to any grant of planning permission to require the proposed development to be carried out in accordance with the submitted details, and additional details would be required of the hard and soft landscaping to ensure the proposal would maintain the landscape character of the area and make any necessary enhancements for biodiversity.

## 7.9 Highways, Access and Parking

- 7.9.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The Parking Standards are as follows:

*4 or more bedroom dwellings – 3 spaces per dwelling (3 assigned spaces within curtilage)*

- 7.9.2 Each dwelling would be served by separate accesses, with hardstanding to the front of each plot with space for three vehicles. The proposed dwellings would therefore accord with Appendix 5 of the Development Management Policies document in this regard.

- 7.9.3 It is noted that concerns have been raised in relation to the proximity of the proposed development to the junction opposite the application site. The Highways Officer has been consulted on the proposed new accesses and development, and has raised no objections to the proposal, subject to the inclusion of the recommended informatives and conditions.

7.9.4 Therefore, it is not considered that the proposal would result in demonstrable harm to highway safety, and the proposal is considered to be acceptable in this regard, in accordance with Policy CP10 of the Core Strategy and Appendix 5 of the Development Management Policies document.

## 7.10 Sustainability

7.10.1 Paragraph 152 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.10.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.4 The application is accompanied by an energy statement prepared by SAPs UK, dated 6 May 2021. The statement outlines that the proposal would result in a saving of 8.6%, over 2013 Building Regulations Part L. A condition would be attached to any planning permission to require the proposed development to be carried out in accordance with this statement. The development would exceed the requirements of Policy DM4.

## 7.11 Refuse and Recycling

7.11.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity*
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers*
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines*

7.11.2 Bin stores are proposed to the flank elevations of the host dwelling. The proposed bin stores would be in an appropriate location and of a suitable size and scale to serve the dwellings. Therefore, the proposal is considered to be acceptable in this regard.

## 7.12 Tilted Balance

7.12.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2021) is engaged. Paragraph 11 and footnote 8 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing

Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

7.12.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. In terms of social benefits, the proposal would provide an additional dwelling and there would be no adverse impacts to neighbouring or future occupiers. Whilst limited, the economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using local amenities. In terms of the environmental benefits, the principle of residential development is acceptable in this location.

7.12.3 In this instance, no adverse impacts have been identified by Officers and the proposed development is considered acceptable.

## **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: TRDC 001 (Location Plan), 1-0-0, 1-3-0, 2-1-4, 2-1-5, 3-0-0, 3-0-1, 3-1-0, 3-1-1, 3-1-2 Rev B, 3-2-0 and 3-3-0.

Reason: For the avoidance of doubt, in the proper interests of planning, in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM10, DM11 and DM13 of the Development Management Policies LDD (adopted July 2013), Policies 1, 2, 3, 4 and 5 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020), the Chorleywood Station Estate Conservation Area Appraisal (adopted November 2005) and the NPPF (2021).

C3 The development hereby permitted shall only be implemented in accordance with the Phase II Arboricultural Impact Assessment Ref 101562 dated 14/12/2020, including the method statement at appendix 3.

The protective measures as outlined within the submitted Arboricultural Method Statement and Tree Protection Plan (Appendix 3), including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials, including the brickwork and bond, natural slate roof tiles, rainwater goods, rooflights and render shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials 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 Prior to their installation on site, details of all proposed windows, doors, eaves, verges and cills to be used, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning authority and no materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping, which shall include the planting size, species and location of all new soft landscaping, any new bat/bird boxes, along with details of how these are selected for the benefit of local wildlife.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme, including the recommended planting set out within the submitted Arboricultural Report, shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The



boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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).

- C8 The development shall not be occupied until the scheme for the separate storage and collection of domestic waste has been erected on site in accordance with the submitted drawings. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C9 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C10 Before the first occupation of the building/extension hereby permitted the windows at first floor level in the flank elevations of both dwellings 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).

- C11 Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 3-1-1 to a maximum of 5.4 metres each (4 dropped kerbs and 2 risers) in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure that adequate off-street parking is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and

CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to the first use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 3-1-1 only. Any other access(es) or egresses shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C13 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 first floor 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).

## 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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.
- 13 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](http://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).

- 14 Any significant tree/shrub work or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
- 15 Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape – this is particularly important if holes fill with water. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.
- 16 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is

available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

- 17 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before the construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 19 It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 110 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 111 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

**APPENDIX A: Evidence Relating to the  
Application of the Affordable Housing  
Threshold in Core Strategy Policy CP4:  
Affordable Housing**

## Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

### Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31<sup>st</sup> July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1<sup>st</sup> September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (the Framework) was published with immediate effect for development management purposes. Paragraph 63 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
  - a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
  - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*
- 1.5 The supporting text to Policy CP4 summarises the justification for it:

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<sup>1</sup> The revised National Planning Policy Framework was updated in February 2019 and retains the policies as stated in Paragraph 1.3 of this document.

- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over **£2.1 million**. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further **£2.5million to £3.8million**<sup>2</sup> of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2020 226 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 21 have been permitted to lapse which is only 9% of all such schemes.

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<sup>2</sup> The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

### **Importance of Small Sites to Three Rivers**

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2020, 177 planning applications for residential development involving a net gain of dwellings were determined<sup>3</sup> by the Council. Of these, 158 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## **2 Development Plan Policies and the WMS**

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:
- Consider the starting point under the development plan policies
  - Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
  - Consider up to date evidence on housing needs
  - Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.
- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

***“the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception”***

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<sup>3</sup> Includes refused and approved applications. Excludes prior approval developments.



2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being “no more than a conventional description of the law’s treatment of the Secretary of State’s policy in the decision making process”:

***“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy”***

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government’s intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *“whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.”* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

#### **General House Price Affordability in Three Rivers**

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National

Statistics (ONS) in the third quarter of 2016<sup>4</sup>, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 1 below).

1.	Number	2.	Local Authority Name	3.	Lowest Quartile House Prices (2016)
4.	1	5.	Elmbridge	6.	£375,000.00
7.	2	8.	South Bucks	9.	£370,000.00
10.	3	11.	St Albans	12.	£355,000.00
13.	4	14.	Windsor and Maidenhead	15.	£345,000.00
16.	5	17.	Chiltern	18.	£335,000.00
19.	6	20.	Herstmere	21.	£330,000.00
22.	7	23.	<b>Three Rivers</b>	24.	<b>£325,000.00</b>

**Table 1.**

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2019 was £347,000<sup>5</sup>. The lowest quartile house price of £347,000 continues to place Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 2 below). Whilst Three Rivers' position as the seventh most expensive local authority area remains consistent, the lowest quartile house price has risen by £22,000 from 2016 to 2019.

25.	Number	26.	Local Authority Name	27.	Lowest Quartile House Prices (2019)
28.	1	29.	South Bucks	30.	£410,000
31.	2	32.	Elmbridge	33.	£400,500
34.	3	35.	St Albans	36.	£385,000
37.	4	38.	Chiltern	39.	£370,000
40.	5	41.	Epsom and Ewell	42.	£357,000
43.	6	44.	Windsor and Maidenhead	45.	£355,667
46.	7	47.	<b>Three Rivers</b>	48.	<b>£347,000</b>

**Table 2.**

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,811.00 in 2019, 13.3 times worsening to 14 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>6</sup>). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement at 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2019 to have a deposit of £260,161.00, or (without such a deposit) to earn £99,143.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

<sup>4</sup> ONS (2020) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>5</sup> Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>6</sup> Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 6b*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

When one considers the median affordability ratio<sup>7</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio was 13.77, the fifth worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and six local authorities.

49. Number	50. Local Authority Name	51. Median quartile house price affordability ratio <sup>8</sup> (2016)
52. 1	53. South Bucks	54. 14.49
55. 2	56. Hertsmere	57. 14.23
58. 3	59. Mole Valley	60. 14.18
61. 4	62. Elmbridge / Chiltern	63. 13.87
<b>64. 5</b>	<b>65. Three Rivers</b>	<b>66. 13.77</b>

**Table 3.**

The median quartile house price affordability ratio has worsened since 2016. In 2019, Three Rivers had the third worst affordability ratio in England and Wales (excluding London), with its median quartile house affordability ratio measured at 14.53<sup>8</sup>, as set out in table 4 below. In 2017 and 2018, the median quartile house affordability ratios were 14.31 and 13.75 respectively. Whilst the ratio slightly improved from 2016 to 2018 with a decrease to 13.75, the 14.53 ratio measured in 2019 demonstrates a worsening position over the longer term 2016-2019 period.

67. Number	68. Local Authority Name	69. Median quartile house price affordability ratio <sup>1</sup> (2019)
70. 1	71. Isles of Scilly	72. 17.71
73. 2	74. Mole Valley	75. 14.87
<b>76. 3</b>	<b>77. Three Rivers</b>	<b>78. 14.53</b>

**Table 4.**

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2019 that had risen to 13.99, showing a worsening ratio over the period from 2016 to 2019.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

### **Affordable Housing Requirements in Three Rivers**

2.6 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.<sup>9</sup>

2.7 The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling

<sup>7</sup> Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

<sup>8</sup> Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 5c*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>9</sup> Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.

- 2.8 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum.<sup>10</sup> The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

### **Affordable Housing Provision in Three Rivers**

- 2.9 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.10 Since the start of the plan period from 1 April 2001 to 31st March 2020 (the latest date where the most recent completion figures are available), 4,689 gross dwellings were completed. From this, 1,037 were secured as affordable housing, a total of 22.1%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 1,073 or 23% in order to fulfil the 45% affordable housing requirement up to 31 March 2020. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.11 In the latest monitoring period of 2019/20 (financial year), 17 sites<sup>11</sup> delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of five major developments (29%) and 12 minor developments (71%). Only five schemes contributed to affordable housing provision:

- Four out of the 17 provided viability justification, in line with CP4 policy, for the absence of affordable housing provision.
- Eight of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- Of the five sites which contributed to affordable housing delivery in 2019/20 four were major developments and one was a minor development (17/2628/FUL – Thrive Homes (Registered Provider) scheme). This reflects the pattern of on-site delivery from large schemes, with commuted sums from minor developments (see para. 2.12).

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<sup>10</sup> Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

<sup>11</sup> Sites with completions in 2019/20

## **Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings**

- 2.12 In 2017/2018 (financial year), there were 67 planning applications determined<sup>12</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past three years.
- 2.13 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2020 (financial years) some 341 net dwellings were completed which equates to 38 net dwellings per annum and to 20.8% over the 2011-2020 period. 20.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

## **Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites**

- 2.14 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at December 2019) secured a further **£2.5million - £3.8million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

## **Adopted development plan policy does not impose burdens where they would render schemes unviable**

- 2.15 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The

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<sup>12</sup> Includes refused and approved applications. Excludes prior approval developments.

application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2020 there were 226 planning permissions granted for minor (net gain) residential developments in the District. Of those only 21 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

### **Relevant Appeal Decisions**

- 2.16 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.17 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.18 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.19 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.20 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

*“...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on*

to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.”<sup>13</sup>

2.21 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority’s application of the policy.

2.22 The Council’s stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (16 decisions as at the date of this document) that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21<sup>st</sup> June 2019:**

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”*

- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley**

**Decision date: 27<sup>th</sup> June 2019:**

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”*

- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley**

**Decision date 5<sup>th</sup> August 2019:**

*“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”*

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley**

**Decision Date: 1<sup>st</sup> November 2019:**

*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.*

*A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing*

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<sup>13</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22<sup>nd</sup> October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,**

**Decision date 11<sup>th</sup> October 2019:**

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7<sup>th</sup> most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.**

**Decision Date 22<sup>nd</sup> May 2019:**

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- **APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green**

**Decision Date 5<sup>th</sup> May 2019:**



Whilst the appeal was allowed the Inspector considered that when *“having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”*

- **APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green**

**Decision Date 16<sup>th</sup> August 2019:**

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”*

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley  
Decision Date 9<sup>th</sup> March 2020**

*“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”*

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

**Decision Date 7<sup>th</sup> May 2020**

*“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”*

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde  
Decision Date: 21<sup>st</sup> October 2020**

*“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”*

**Conclusion**

2.23 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019 and 2020 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh

the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2019 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

**Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)**

**Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017**

**Sources Used:**

1. Core Strategy (October 2011)

<http://www.threerivers.gov.uk/egcl-page/core-strategy>

2. Annual Monitoring Report 2019/2020 (December 2020)

<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>

3. Affordable Housing Supplementary Planning Document (June 2011)

<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>

4. South West Hertfordshire Strategic Housing Market Assessment (January 2016)

<http://www.threerivers.gov.uk/egcl-page/shma-and-economic-study-for-future-review-of-local-plan>

5. Office of National Statistics Housing Data 2002-19

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

**December 2020**

## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I – DELEGATED

#### 7. **21/1194/FUL - Conversion of existing dwellinghouse to two self-contained dwelling units at 48 ALTHAM GARDENS, SOUTH OXHEY, WD19 6HJ**

Parish: Watford Rural Parish Council  
Expiry of Statutory Period: 11.08.2021  
Extension of time: 12.09.2021

Ward: South Oxhey  
Case Officer: David Heighton

**Recommendation: That the decision be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement.**

Reason for consideration by the Committee: This application was called in by three Members of the Planning Committee on the grounds that the upstairs flat is a three bedroom flat and is deficient on parking, and due to concerns with the entrances to the gardens.

#### 1 **Relevant Planning History**

- 1.1 98/0821 - (Outline) Erection of new Residential Development together with new Public Open Space.
- 1.2 02/00719/AOD - (Approval of Details) Erection of 118 dwellings, day nursery and provision of public open space and associated access road.
- 1.3 12/0839/FUL - Single storey rear conservatory, conversion of garage to habitable space. Implemented.
- 1.4 16/0326/PDE - Prior Approval: Single storey rear extension (depth 6 metres, maximum height 2.93 metres and eaves height 2.7 metres). Withdrawn.
- 1.5 16/1012/FUL - Single storey rear extension and front porch. Permitted and part implemented.

#### 2 **Description of Application Site**

- 2.1 The application site contains a three storey end of terrace dwelling occupying a corner plot on the southern side of the northern arm of Altham Gardens, South Oxhey. The streetscene contains a mix of two storey and three storey dwellings of similar style.
- 2.2 To the front elevation the dwelling and the remainder of the row feature first floor level Juliet balconies. There is a paved driveway with provision for one off street car parking space to the frontage. It is noted that the dwelling previously had an integral garage however, this has been previously converted to habitable accommodation. There is also an existing storm porch to the front elevation of the dwelling.
- 2.3 The application dwelling has implemented the single storey rear extension approved under planning application 16/1012/FUL.
- 2.4 To the rear is an enclosed garden of a modest size. A close boarded fence of approximately 1.8m high adjoins the boundary with the highway. It is noted that both side boundaries at the application site are splayed. The dwelling is finished in a multi-red brick.

#### 3 **Description of Proposed Development**

- 3.1 This application seeks full planning permission for the conversion of existing dwellinghouse to two self-contained flats.

- 3.2 The dwelling as existing has 3 bedrooms with 1 bedroom within the ground floor and 2 bedrooms within the second floor. It is proposed to separate the ground floor from the remainder of the dwelling such that the building would have 2 self-contained flats.
- 3.3 The submitted plans indicate that the flat at ground floor level would be a 1 bedroom flat. It is proposed to convert and incorporate the part implemented single storey rear extension into a kitchen/dining area. There will also be a utility, storage and shower/WC. The ground floor will be accessed through the front door and lobby area.
- 3.4 The submitted plans indicate that the upper flat would be split over first and second floor levels and would be a two bedroom flat. There will be a bedroom and kitchen/dining area at first floor level. There would be a living room, another bedroom with an en-suite bathroom, a shower/WC and a storage area at second floor level.
- 3.5 Both flats would be accessed through the same front access door, with a communal entrance leading to an internal entrance door to the ground floor flat and stairs leading to the upper flat. The rear garden would be split into two sections, one for each flat, each with bin storage and a side access gate.
- 3.6 The submitted plans indicate that the existing hardstanding would be extended to provide 2 parking spaces (1 additional space). It is assumed this would be 1 allocated space per unit. There would be no loss of soft landscaping.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 Watford Rural Parish Council: [No comments received, any comments received will be verbally updated]
- 4.1.2 National Grid: [No comments received, any comments received will be verbally updated]
- 4.1.3 Highways Officer: [No Objection]

#### Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

#### Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the

public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The proposal is for the conversion of existing dwellinghouse to two self-contained dwelling units at 48 Altham Gardens, South Oxhey. Altham Gardens are a dead-end 30 mph unclassified local access route that is highway maintainable at public expense.

#### Vehicle Access

Altham Gardens is a shared use service with the kerbs being directly in line with the road network. 48 has two allocated off-street parking spaces which it will divide between the two new dwellings. No alterations to the highway network has been proposed. Parking is a matter for the local planning authority (LPA) and therefore all parking arrangements must be deemed acceptable by them. Secure cycle parking has been offered at the rear of the property for both dwellings.

#### Refuse / Waste collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC waste management.

#### Emergency Vehicle access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses'.

#### Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 18 No of responses received: 3

4.2.2 Site Notice: not applicable

Press Notice: not applicable

#### 4.2.3 Summary of Responses: 3 – (Objections)

- Building materials obstructing vehicles
- Lack of parking

### 5 Reason for Delay

5.1 Committee cycle.

### 6 Relevant Planning Policy, Guidance and Legislation

#### 6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In July 2021 the revised National Planning Policy Framework was published. This is read alongside 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 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.1.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5.

#### 6.3 Other

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.

Affordable Housing Supplementary Planning Document - Approved June 2011.

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

Technical Housing Standards - nationally described space standard document published in March 2015 (for guidance only).

## **7 Planning Analysis**

### **7.1 Principle of Development**

7.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is located within South Oxhey, which is within a designated settlement boundary identified as a Key Centre in the Core Strategy. This strategy is supported by Policy PSP2 of the Core Strategy which states that future development will predominantly be focused on sites within the urban area. The Spatial Strategy of the Core Strategy advises that Key Centres will provide approximately 60% of the District's housing requirements over the Plan period to include 45% of affordable housing. There is scope for continued infilling with urban area, primarily on previously developed land, subject to the protection of existing residential and historic character and amenities.

7.1.4 The conversion of the existing property into two self-contained flats would be located on previously developed land. Given the location of the site within the Key Centre of South Oxhey, there is no in principle objection to the subdivision of the site subject to compliance with the Policies set out in the Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013) and subject to assessment against all other material considerations as discussed below.

### **7.2 Affordable Housing**

7.2.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.2.2 The LPA is satisfied that the evidence at Appendix A enables more weight to be attached to the need to comply with Policy CP4 of the Core Strategy. The most up to date evidence confirms that small site contributions make a material contribution to affordable housing within the District. As such, applications will continue to be assessed in accordance with the requirements of the Development Plan and will seek monetary contributions on developments resulting in a net gain of one to nine dwellings unless viability demonstrates otherwise.

- 7.2.3 The proposed development would result in a requirement for a commuted sum of £14,673.75 towards affordable housing based on a habitable floor-space of 83.85sqm /2 = 41.925sqm multiplied by £350 per sqm, which is the required amount in the Oxhey and Watford Fringe Three Rivers' market area.
- 7.2.4 The applicant has agreed to pay the required affordable housing contribution and a S106 Agreement is being drafted to secure this. Subject to the completion of the Section 106 Agreement, the proposed development would comply with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 7.3 Impact on Character and Street Scene
- 7.3.1 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'.
- 7.3.2 Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential areas. The NPPF at paragraph 127 emphasises the importance of good design and at paragraph 130, part (f) it states create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users [my emphasis]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.3 Policy DM1 of the Development Management Policies document outlines that proposals for the conversion of single dwellings into two or more units will generally be acceptable where;
- i) the building is suitable for conversion by reason of its size, shape and number of rooms. Normally, only dwellings with three or more bedrooms will be considered suitable for conversion.
  - ii) The dwellings created are completely self-contained, with separate front doors either giving direct access to the dwelling, or a secure communal lobby or stairwell which itself has a secure entrance
  - iii) Adequate car parking, services and amenity space can be provided for each new unit in compliance with the Council's standards
  - iv) The character of the area and the residential amenity of immediate neighbours are protected
  - v) If conversion of semi-detached dwellings is proposed, generally this takes place in pairs in order that privacy and the amenities of the occupants of the adjoining dwelling are maintained.
- 7.3.4 The Council will take into account the individual and cumulative effect of applications for development on the character of an area, and will resist piecemeal development in favour of comprehensive proposals that properly address the criteria above.



- 7.3.5 The application site is located within a residential area within South Oxhey. The application building currently consists of a single residential house which has 3 bedrooms. As there are 3 bedrooms within the existing dwelling, it is considered that the dwelling is suitable for conversion in accordance with Policy DM1 of the Development Management Policies Document.
- 7.3.6 Having regard for the internal area of each flat, it is acknowledged that within Table 1 of the Technical Housing Standards – nationally described space standard document published in March 2015 - one bedroom flat for 1 persons should have a minimum area of 39sqm and for two persons should have a minimum area of 50sqm; and a two bedroom flat for three to four persons, an area of between 70sqm and 79sqm. According to the submitted floor plans, the internal floor area for the ground floor flat would be approximately 50sqm. Thus, it would be adequate for 1 or 2 persons. The upper unit (first and second floor) internal floor area would be of approximately 74sqm. Therefore, would be adequate for up to 3 persons. Therefore, the conversion of the single dwelling into two flats given its existing residential nature and retention of internal floor space would be compliant with the guidance within the Technical Housing Standards and considered acceptable in this regard.
- 7.3.7 The proposed flats would be contained within the existing built form including the single storey rear extension, approved under reference 16/1012/FUL. As such, the sub-division of the existing dwelling to two self-contained residential units would not result in a material change to the external appearance of the existing dwelling.
- 7.3.8 The surrounding area is characterised by residential dwellings and there are some visible flatted residential units located to the west side of Altham Gardens. It is also noted that there would be no alterations to the existing fenestration to accommodate the conversion. Thus, the existing external characteristics of the building would be retained. It is therefore considered that the proposed conversion of the dwelling to introduce two self-contained flats would not be out of character within the wider area nor would it appear distinctly different or alter the character of the existing dwelling.
- 7.3.9 There have been concerns raised as to the number of potential bedrooms in the upper flat. The submitted plans indicate the use of the upper flat at first and second floor level would be as a two bedroom flat. This would be subject to a condition, being built and permanently retained in accordance with the approved plans, which would be enforceable.
- 7.3.10 In terms of stacking, it is considered that the living room to the upper-floor flat is more suitably located at second floor level than at first floor level above the bedroom of the ground floor flat. The submitted floor plans also indicate that the flats would be accessed via the existing entrance with the addition of two internal entrance doors, one at ground floor level and at the top of the staircase for the upper flat. Car parking and amenity are considered in the relevant sections below.
- 7.3.11 In summary, it is not considered that the proposed development would result in any significant adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and to Policy DM1 and Appendix 2 of the Development Management Policies.

#### 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to 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 LDD set out that development should not result in loss of light to the windows of neighbouring properties not allow overlooking, and should not be excessively prominent in relation to adjacent properties.

- 7.4.2 The proposed conversion from one dwelling to two self-contained flats would not result in significant intensification of the use or in additional harm to neighbouring occupiers in comparison to the existing situation so as to adversely affect their residential amenity. The floor plans show that the proposed kitchen at first floor level would be set away from the adjoining neighbour No. 46.
- 7.4.3 It is not considered that there would be an unacceptable relationship so as to result in unacceptable living conditions for future occupiers of the each unit.
- 7.4.4 It is additionally noted that no further built form is proposed at part of this application nor the addition or alteration of any fenestration. Thus, the existing built form and outlook would be retained as existing.
- 7.4.5 As such, the proposed conversion would not result in an adverse impact upon any neighbours and would be acceptable having regard to Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.5 Amenity Space Provision for future occupants
- 7.5.1 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 and section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document. These standards include:
- Flats: One bed – 21 sqm
- Additional bedrooms – 10 sqm each (space can be allocated specifically to each flat or communally)
- 7.5.2 The proposed development is for the creation of one one-bedroom flat, which should provide 21sqm amenity space and a two bedroom flat which should have 31sqm, therefore resulting in an overall requirement for 52sqm of private amenity space in accordance with the above Standards.
- 7.5.3 The proposal includes 49sqm of amenity space. The existing rear amenity space is proposed to be sub-divided with 1.8m high timber fencing with the ground floor one-bedroom flat allocated 22sqm and the upper floor two-bedroom flat being allocated 27sqm, the latter which would be accessed via an additional side gate.
- 7.5.4 Given the rear amenity space is 49sqm, there would be a shortfall of only 3sqm. Given this minimal shortfall and the close proximity to open public amenity land, Chilwell Gardens Play Area – approximately 0.1 miles (2 minutes walking distance) and Ashridge Play Area and Prestwick Meadows - approximately 0.3 miles (6 minutes walking distance), it is not considered that the proposed private amenity space provision would justify refusal of the current application.
- 7.6 Highways, Access and Parking
- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. Provision must also be made for cycle parking facilities for a new dwelling.
- 7.6.2 Appendix 5 of the Development Management Policies LDD sets out the following parking standards:
- 1 bedroom dwellings – 1.75 spaces per dwelling (1 assigned space)

2 bedroom dwellings – 2 spaces per dwelling (1 assigned space)

The proposed development would therefore generate a total parking requirement of 3.75 spaces for the converted residential use. One allocated space would need to be provided to serve each unit.

- 7.6.3 The submitted plans indicate 2 vehicles could be accommodated on-site with 1 space for the ground floor flat and 1 space for the upper floor flat. As such there would be a shortfall of 1.75 car parking spaces, although the required number of assigned spaces would be provided.
- 7.6.4 It is noted within the design and access statement that the front porch granted under 16/1012/FUL will not be implemented and this is omitted from the proposed plans. As such parking for 2 vehicles can be provided on the site frontage.
- 7.6.5 It is also noted that there is concern raised by neighbours with regards to parking. However, it is also noted that there are no parking restrictions on the street or objections from the Highway Authority in relation to highway safety. Therefore, given that the required number of assigned spaces are provided, on balance it is considered that the proposed development is acceptable in parking terms and that the shortfall of 1.75 spaces would not result in demonstrable harm to justify refusal of planning permission.
- 7.6.6 The provision of cycle storage has been included within the rear amenity space for each flat.

## 7.7 Trees

- 7.7.1 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'.
- 7.7.2 No trees would be affected by the proposed development.

## 7.8 Refuse and Recycling

- 7.8.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i. The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii. Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - iii. There would be no obstruction of pedestrian, cyclists or driver site lines.
- 7.8.2 A refuse enclosure has been indicated on the plans within each of the rear amenity areas. The proposed bin storage areas would each have a minimum width of 1.2m with a depth of 1m and would have a flat roof form measuring 1.2m in height in timber to match the appearance of the timber fencing.
- 7.8.3 The storage areas would be considered of sufficient size to accommodate two bins in each. The refuse/recycling provision proposed is considered acceptable in accordance with Policy CP1 of the Core Strategy and Policy DM10 of the Development Management Policies LDD. It is noted that the bins would need to be moved by the occupiers to the front of the property on collection day.

## 7.9 Wildlife and Biodiversity

7.9.1 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.

7.9.2 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.

7.9.3 The application has been submitted with a Biodiversity Checklist, which states that no protected species or biodiversity interests will be affected as a result of the application.

## 7.10 Planning Balance

7.10.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2021) is engaged. Paragraph 11 and footnote 8 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

7.10.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. In terms of social benefits, the proposal would provide an additional dwelling and would provide a policy compliant commuted sum towards the provision of affordable housing elsewhere within the District and there would be no adverse impacts to neighbouring or future occupiers. Whilst limited, the economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using local amenities. In terms of the environmental benefits, the principle of residential development is acceptable in this location.

7.10.3 In summary it is considered that whilst paragraph 11 of the NPPF is engaged the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore planning permission should be granted.

## 8 **Recommendation**

8.1 **That the decision be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and subject to the following conditions:**

8.2 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 implemented and permanently maintained in accordance with the following approved plans: 21118.PA101, SNP.PA 2021.PA102 Rev P01, SNP.PA 2021.PA103 Rev P01 (received 26.07.2021), SNP.PA 2021.PA104 Rev P01, SNP.PA 2021.PA105 Rev P01 (received 22.07.2021), SNP.PA 2021.PA106 Rev P01 (received 22.07.2021).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to the first occupation of the development hereby permitted the proposed on-site car parking shall be laid out in accordance with the approved plans and retained thereafter available for that specific use.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the development hereby permitted, the subdivision of the rear garden and installation of boundary treatments shall be implemented and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 The bin store enclosure shall be built in accordance with drawing number SNP.PA 2021.PA105 Rev P01 (dated 22.07.2021) prior to the first occupation of the development hereby approved and shall be kept permanently available for the occupiers of the two flats and permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling provision is maintained for the residents of the flats in accordance with Policy DM10 of the Development Management Policies document (adopted July 2013).

- 8.1 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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.
- 13 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

# APPENDIX A: Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31<sup>st</sup> July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (The Needs Analysis), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1<sup>st</sup> September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (the Framework) was published with immediate effect for development management purposes. Paragraph 63 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
  - a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
  - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*
- 1.5 The supporting text to Policy CP4 summarises the justification for it:

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<sup>1</sup> The revised National Planning Policy Framework was updated in February 2019 and retains the policies as stated in Paragraph 1.3 of this document.



- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, all future housing in the district to 2021 would need to be affordable.

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1 million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further £2.5million to £3.8million<sup>2</sup> of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2020 226 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 21 have been permitted to lapse which is only 9% of all such schemes.

1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

#### Importance of Small Sites to Three Rivers

1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from

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<sup>2</sup> The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

1 April 2017 to 31 March 2020, 177 planning applications for residential development involving a net gain of dwellings were determined<sup>3</sup> by the Council. Of these, 158 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to overall identified needs and adopted development plan objectives. This is dealt with in more detail below.

- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## 2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

*"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"*

- 2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

*"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy"*

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a

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<sup>3</sup> Includes refused and approved applications. Excludes prior approval developments.

matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that “*whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.*” The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- General House Price Affordability in Three Rivers
- Affordable Housing Supply Requirements in Three Rivers
- Affordable Housing Provision in Three Rivers
- Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings
- The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites
- Relevant Appeal Decisions
- The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.

#### General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016<sup>4</sup>, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the seventh most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	South Bucks	£370,000.00
3	St Albans	£355,000.00
4	Windsor and Maidenhead	£345,000.00
5	Chiltern	£335,000.00
6	Herstmere	£330,000.00
7	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2019 was £347,000<sup>5</sup>. The lowest quartile house price of £347,000 continues to place Three Rivers as the seventh

<sup>4</sup> ONS (2020) Dataset: House price to residence-based earnings ratio Table 6a

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>5</sup> Office for National Statistics (2020) Dataset: House price to residence-based earnings ratio Table 6a

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 2 below). Whilst Three Rivers' position as the seventh most expensive local authority area remains consistent, the lowest quartile house price has risen by £22,000 from 2016 to 2019.

Number	Local Authority Name	Lowest Quartile House Prices (2019)
1	South Bucks	£410,000
2	Elmbridge	£400,500
3	St Albans	£385,000
4	Chiltern	£370,000
5	Epsom and Ewell	£357,000
6	Windsor and Maidenhead	£355,667
7	Three Rivers	£347,000

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,811.00 in 2019, 13.3 times worsening to 14 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>6</sup>). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement at 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2019 to have a deposit of £260,161.00, or (without such a deposit) to earn £99,143.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio<sup>7</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio was 13.77, the fifth worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and six local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio <sup>8</sup> (2016)
1	South Bucks	14.49
2	Hertsmere	14.23
3	Mole Valley	14.18
4	Elmbridge / Chiltern	13.87
5	Three Rivers	13.77

Table 3.

The median quartile house price affordability ratio has worsened since 2016. In 2019, Three Rivers had the third worst affordability ratio in England and Wales (excluding London), with its median quartile house affordability ratio measured at 14.53<sup>8</sup>, as set out in table 4 below. In 2017 and 2018, the median quartile house affordability ratios were 14.31 and 13.75 respectively. Whilst the ratio slightly improved from 2016 to 2018 with a decrease to 13.75,

<sup>6</sup> Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 6b*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>7</sup> Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

<sup>8</sup> Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 5c*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

the 14.53 ratio measured in 2019 demonstrates a worsening position over the longer term 2016-2019 period.

Number	Local Authority Name	Median quartile house price affordability ratio <sup>1</sup> (2019)
1	Isles of Scilly	17.71
2	Mole Valley	14.87
3	Three Rivers	14.53

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2019 that had risen to 13.99, showing a worsening ratio over the period from 2016 to 2019.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

#### Affordable Housing Requirements in Three Rivers

2.6 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.<sup>9</sup>

2.7 The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.

2.8 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum.<sup>10</sup> The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

#### Affordable Housing Provision in Three Rivers

2.9 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.

2.10 Since the start of the plan period from 1 April 2001 to 31st March 2020 (the latest date where the most recent completion figures are available), 4,689 gross dwellings were completed. From this, 1,037 were secured as affordable housing, a total of 22.1%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 1,073 or 23% in order to fulfil the 45% affordable housing requirement up to 31 March 2020. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

<sup>9</sup> Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

<sup>10</sup> Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

2.11 In the latest monitoring period of 2019/20 (financial year), 17 sites<sup>11</sup> delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of five major developments (29%) and 12 minor developments (71%). Only five schemes contributed to affordable housing provision:

- Four out of the 17 provided viability justification, in line with CP4 policy, for the absence of affordable housing provision.
- Eight of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- Of the five sites which contributed to affordable housing delivery in 2019/20 four were major developments and one was a minor development (17/2628/FUL – Thrive Homes (Registered Provider) scheme). This reflects the pattern of on-site delivery from large schemes, with commuted sums from minor developments (see para. 2.12).

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

2.12 In 2017/2018 (financial year), there were 67 planning applications determined<sup>12</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past three years.

2.13 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2020 (financial years) some 341 net dwellings were completed which equates to 38 net dwellings per annum and to 20.8% over the 2011-2020 period. 20.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

2.14 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, as set out at paragraph 1.8 above, small scale

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<sup>11</sup> Sites with completions in 2019/20

<sup>12</sup> Includes refused and approved applications. Excludes prior approval developments.

(1-9 unit) schemes have (as at December 2019) secured a further £2.5million - £3.8million (see footnote 2) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

- 2.15 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2020 there were 226 planning permissions granted for minor (net gain) residential developments in the District. Of those only 21 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

#### Relevant Appeal Decisions

- 2.16 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.17 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.18 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.19 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.20 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

*“...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.”<sup>13</sup>*

2.21 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority’s application of the policy.

2.22 The Council’s stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (16 decisions as at the date of this document) that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21<sup>st</sup> June 2019:

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”*

- APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27<sup>th</sup> June 2019:

*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”*

- APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5<sup>th</sup> August 2019:

*“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”*

- APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1<sup>st</sup> November 2019:

*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings. A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me*

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<sup>13</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.



*that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”*

- APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22<sup>nd</sup> October 2019:

*“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”*

- APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11<sup>th</sup> October 2019:

*“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7<sup>th</sup> most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”*

- APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22<sup>nd</sup> May 2019:

*“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”*

- APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green

Decision Date 5<sup>th</sup> May 2019:

Whilst the appeal was allowed the Inspector considered that when *“having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”*

- APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green

Decision Date 16<sup>th</sup> August 2019:

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”*

- APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley  
Decision Date 9<sup>th</sup> March 2020

*“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”*

- APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley

Decision Date 7<sup>th</sup> May 2020

*“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”*

- APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde  
Decision Date: 21<sup>st</sup> October 2020

*“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”*

Conclusion

- 2.23 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019 and 2020 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have

made has been significant. Furthermore comparisons between 2016 and 2019 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)  
<http://www.threerivers.gov.uk/egcl-page/core-strategy>
2. Annual Monitoring Report 2019/2020 (December 2020)  
<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)  
<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>
4. South West Hertfordshire Strategic Housing Market Assessment (January 2016)  
<http://www.threerivers.gov.uk/egcl-page/shma-and-economic-study-for-future-review-of-local-plan>
5. Office of National Statistics Housing Data 2002-19  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

**December 2020**

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## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

#### 8. **21/1256/FUL - Erection of rear dormer with additional rooflights to front roofslope at 170 HIGHFIELD WAY, RICKMANSWORTH, WD3 7PJ**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 21.07.2021  
(Extension of Time Agreed: 16.08.2021)

Ward: Rickmansworth Town  
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse for the reasons set out at 4.1.1 below.

#### **1 Relevant Planning History**

- 1.1 8/715/74 - 2 Bedrooms – Permitted February 1974.
- 1.2 02/01027/FUL - Rear conservatory – Permitted October 2002; implemented.
- 1.3 18/1247/FUL - Two storey front and side extension, front porch, conversion of garage to habitable accommodation, single storey rear extension, alterations to the roof form and alterations to fenestration detail – Permitted August 2018; not implemented in accordance with plans.
- 1.4 19/0216/RSP - Part Retrospective: Construction of a single storey outbuilding which is linked to dwellinghouse and alterations to fenestration – Permitted April 2019; implemented.

#### **Relevant Enforcement History**

- 1.5 18/0179/COMP - Works not in accordance with 18/1247/FUL (Unauthorised Rear Dormer) – Pending Consideration.
- 1.6 As part of the above enforcement investigation an Enforcement Notice was served. The Notice sought to under enforce by only requiring the removal of the unauthorised dormer and thus granted planning permission for all other extensions.

#### **2 Description of Application Site**

- 2.1 The application site contains a two-storey, detached dwelling on the northern side of Highfield Way, Rickmansworth. The property has recently undergone various extensions and alterations which include a two storey front and side extension, front porch, conversion of garage to habitable accommodation, single storey rear extension, outbuilding linked to the dwelling and alterations to the roof form including the insertion of a rear dormer window. All elements benefit from planning permission (following the issue of the enforcement notice) other than the rear dormer window, which is subject of this application. The dwelling has a contemporary appearance with a white painted render exterior and grey roof tiles.
- 2.2 The unauthorised rear dormer as built extends the full width of the roof and is set flush with both flank walls and the rear wall of the dwellinghouse. The dormer is not set down from the main ridge of the dwellinghouse or set back from the rear wall.
- 2.3 To the front of the dwelling is a driveway large enough to accommodate at least three cars. To the rear of the dwelling is a large private amenity area.

2.4 The neighbouring dwellings are largely positioned on the same building line. The street scene along this part of Highfield Way can be characterised by detached dwellings of varied style, set back from the public highway.

### **3 Description of Proposed Development**

3.1 Planning permission is sought for the construction of a rear dormer and the addition to two front rooflights.

3.2 The dormer would be situated to the right (west) of the rear gable projection. The dormer would have a width of 6.2 metres; set in 0.7metres from the outside flank wall. It would have a flat roof form the main ridge by 0.15metres and set back 0.25metres from the plane of the rear wall.

3.3 A single rooflight is proposed within the roofslope to the left (east) of the gable projection. The dormer would be tiled to match the roof form of the host dwelling. Two rooflights are proposed within the front roofslope.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Chorleywood Parish Council: [Objection – CALL-IN]**

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission. Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

The proposal is considered to contravene the enforcement notice on this property and the work being carried out appear not to accord with what is proposed.

4.1.2 Herts and Middlesex Wildlife Trust: No response received.

4.1.3 Herts Ecology: No response received.

4.1.4 National Grid: No response received.

#### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: 1 objections, 0 letters of support

4.2.3 Site Notice: Posted: 02.06.2021 Expired 23.06.2021 Press notice: N/A

4.2.4 Summary of Responses:

- Date for Compliance of Enforcement Notice not complied with
- Loss of privacy
- Addition of further black tiles resulting in oppressive appearance

### **5 Reason for Delay**

5.1 Amendments sought and Committee cycle.

### **6 Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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, DM9, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020): Policy 2 is relevant.

## 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 Overview

7.1.1 Planning permission is sought for a rear dormer window and addition of two front rooflights.

7.1.2 The existing dormer is subject to an enforcement notice which was issued by the LPA in January 2020. The dormer was built at the same time and as part of the 18/1247/FUL permission and thus the whole permission was no longer valid. The Notice under enforced, thus granting planning permission for the extensions but sought the removal of the rear

dormer window which did not form part of the planning permission and was, by virtue of its scale, size and elevated heighted, unacceptable.

7.1.3 The notice required the demolition of the rear dormer / roof extension. An appeal referenced APP/P1940/C/20/3248124 was lodged on ground (a) that planning permission should be granted; ground (f) that the steps for compliance required by the Notice were excessive. The Inspector also commented on a hidden ground (c) that breach of planning control did not in fact require planning permission. The appeal held the Notice in abeyance, before being upheld on 11 November 2020 - the notice subsequently came back into effect on this date. The compliance date is 11th May 2021. The LPA are aware that works to remove the dormer have not commenced. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

7.1.4 This application has been submitted to seek planning permission for a replacement dormer of a reduced size. The LPA will assess the merits of the application against the Development Plan and having regard to the comments of the Planning Inspector in respect of the enforcement appeal which has significant weight and is a material consideration.

## 7.2 Impact on Character and Street Scene

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

7.2.2 The Design Guidelines at Appendix 2 of the Development Management LDD states that dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible.

7.2.3 Policy 2 of the Chorleywood Neighbourhood Plan states that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood, based on a proportionate site and contextual analysis which includes details of the suitability of the site and its location for the development. In addition, all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.

7.2.4 The starting point for any dormer window would be to comply with the Design Guidelines set out at Appendix 2 of the DMP LDD as detailed above.

7.2.5 It is important to have regard to the Inspector's comments in dismissing the appeal (APP/P1940/C/20/3248124) within which the Inspector commented in relation to the unauthorised dormer stating *'the large flat-roof boxy form, occupying an elevated position, is a dominating addition to the rear of the property that is not a subservient feature. Its form is also at odds with the prevailing pitches and triangular roof forms of the property. These factors combine to create an overly large roof extension, with a mass that the appellant himself concedes is not insignificant, that represents an incongruous and disproportionate addition to the remodelled house as a whole. Despite the high specification build quality and the contemporary design, I find the roof extension is harmful to the character and appearance of the remodelled host property.'*



- 7.2.6 The replacement dormer now proposed is set in from the outside flank wall, set down from the ridge and set back from the plane of the rear wall, reducing the overall mass of the built form within the roof in comparison to existing. The proposed dormer therefore appears more subservient within the roofslope and no longer appears as a third storey and would be in accordance with the Design Guidelines at Appendix 2. It is acknowledged that the dormer is still attached to the gable projection and there was a request from officers to amend the scheme to have a standalone dormer however no amendments were received. Despite this, given that the link is located centrally within the rear roofslope and the dormer is now set in from the outside flank wall there would be limited views of the dormer from public vantage points along Highfield Way. Views from Highfield Way would be improved, with the step-in from the flank reducing the visible massing of the flank elevation. In addition, the removal of the dormer to the left of the rear gable projection combined with a replacement dormer to the right side of a reduced size would also allow for part of the rear roofslope to be returned to a more pitched and triangular roof form which was identified by the Inspector as the prevailing roof form of the dwellings in this area. The Inspector also noted that '*...there is a mixture of roof heights and designs, including examples of modest flat and sloping roof dormers. Some dwellings, including the appeal property, have been substantially extended and have undergone significant contemporary remodelling. The variety of individual designs and styles of dwellings positively contributes to the character and appearance of the area.*'
- 7.2.7 Whilst the proposed rooflights within the front roofslope would be visible from the street scene, they are not considered to be excessive in size or number and would therefore not appear excessively prominent within the street scene or have any adverse impact on the character of the dwelling.
- 7.2.8 As such, it is considered that the proposed replacement dormer and rooflights would be acceptable and would not result in demonstrable harm to the character and appearance of the host dwelling or wider street scene in accordance with Policy CP1 of the Core Strategy (2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (2021).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 The glazing contained within the dormer is set in from the flank wall which mitigates against any overlooking towards 172 Highfield Way and the glazing would primarily overlook the private amenity space of the application site. As such, it is not considered that the proposed dormer would give rise to any unacceptable levels of overlooking towards surrounding neighbouring amenity.
- 7.3.3 The rooflight proposed to the left side of the gable projection would be at an elevated height relative to the room it serves and would therefore not facilitate the opportunity for overlooking. The two rooflights to the front would also be at an elevated height but would face onto the frontage of the site and would not result in any unacceptable levels of overlooking to surrounding neighbouring amenity.
- 7.3.4 The rooflights to the front would primarily overlook the frontage of the application site and the public highway beyond. Thus would not cause any unacceptable overlooking to neighbouring amenity.

7.3.5 The development is therefore considered to have an acceptable impact on the amenities of neighbours in accordance with Policy CP1 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

#### 7.4 Amenity Space Provision for future occupants

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provide indicative levels of amenity/garden space provision. The loft space would contain two bedrooms resulting in the dwelling containing six bedrooms in total. The indicative standards set out that a six bedroom dwelling should provide 147sqm of amenity space. The application site would retain a rear garden amenity space measuring approximately 800sqm which would exceed the indicative standards and is considered acceptable for future occupiers of the dwelling.

#### 7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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.

7.5.3 The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. Furthermore, the unauthorised dormer was constructed recently and as such it is not considered that there would be a presence of bats in the roofspace which would necessitate the need for further surveys. However, given the nature of the proposed development involving the removal of the dormer an informative will be added advising the applicant on what to do should bats be present on site.

#### 7.6 Trees and Landscaping

7.6.1 The proposed development would not result in the loss of any trees within the application site.

#### 7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. A dwelling containing four or more bedrooms should benefit from three off-street parking spaces within the site.

7.7.2 The dwelling would retain a driveway large enough to accommodate at least three parking spaces in its current form. It is therefore considered acceptable in accordance with the Council's adopted parking standards.

#### 7.8 Conclusion

- 7.8.1 On assessment of the application, it is considered that the dormer would be read as a subordinate feature within the roof of the host dwelling and would therefore accord with the Design Criteria at Appendix 2 of the Development Management Policies LDD. It is noted that the Enforcement Notice served was not complied with and the council are proceeding with prosecution separately as part of the enforcement case referenced 18/0179/COMP.
- 7.8.2 The unauthorised dormer would be required to be removed in its entirety to comply with the requirements of the Notice. Once the dormer is removed it will be down to the owner of the property to either put the roof back or, if they so wish, implement this planning permission. Therefore it is considered appropriate to make this permission valid for only 6 months so as to avoid the roof from being left in a poor state and for the owner to proceed quickly with the works.

## **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 SIX MONTHS 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 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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.
- 13 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 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](http://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).
- 15 The Enforcement Notice was required to be complied with by 11th May 2021 and it is an offence to not comply. The applicant is therefore susceptible to prosecution.

## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

**9. 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**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 26.07.2021

Ward: Chorleywood North and Sarratt  
Case Officer: Aaron Roberts

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: This application was called in to Committee by the Chorleywood Parish Council. Concerns were raised with regards to the outbuilding's size, positioning within the garden and impact on Green Belt.

#### **1 Relevant Planning History**

- 1.1 05/0960/FUL - Demolition of existing dwelling and erection of new replacement dwelling and detached garage - 06.09.2005 - Approved.
- 1.2 07/1247/FUL - Amendment to planning permission 05/0960: Demolition of existing dwelling and erection of replacement dwelling and detached garage to now include basement level and amendment to position of garage. - 23.08.2007 - Approved and implemented.
- 1.3 12/0319/RSP - Part Retrospective: Proposed rear conservatory, decking, patio, summerhouse and sunken patio, arbour, log stores, compost area and front boundary wall, and retrospective bike store, garden shed, log swing and raised vegetable area – Withdrawn.
- 1.4 12/1011/RSP- Part Retrospective: Proposed decking, patio, summerhouse and sunken patio, arbour, log stores, compost area and front boundary wall and retrospective application for bike store, garden shed, log swing and raised land levels in rear garden- Permitted.
- 1.5 20/1942/FUL- Part single, part two storey rear extension, single storey side extension and formation of light well at front to provide light to existing basement – Permitted.
- 1.6 21/0175/FUL- Part single, part two storey rear extension, single storey side extension connecting garage to dwelling and formation of light wells to front and rear to provide light to existing basement – Permitted, under construction.
- 1.7 21/1630/FUL- Conversion of garage into habitable accommodation and alterations to fenestration – Pending consideration.

#### **2 Description of Application Site**

- 2.1 The application site contains a relatively recently constructed detached two storey dwelling finished in red brick. The site is situated on the eastern side of Chenies Road and is set within a street scene comprising dwellings of varying sizes and architectural designs. It is located in the Metropolitan Green Belt and Chilterns Area of Outstanding Natural Beauty and abuts the boundary with the Chorleywood Common Conservation Area which is located to the south east.
- 2.2 To the rear of the application dwelling is a large garden providing approximately 1850 square metres of amenity space. The boundaries consist of a mix of wooden fencing and vegetation varying in height and thickness. To the front of the property there is a driveway

providing parking provision for at least three vehicles. The front boundary treatment consists of a brick wall with timber panelling. A pre-existing vehicular gate has been removed. To the north of the dwelling there is an attached garage.

- 2.3 As part of planning application 12/1011/RSP, numerous external storage buildings were permitted including a patio, summerhouse and sunken patio, arbour, log stores, compost area, front boundary wall, bike store, garden shed and log swing. At the time of the site visit, these structures had been removed.

### **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the erection of three outbuildings to the rear garden, new front gate and boundary treatment.
- 3.2 The largest outbuilding would serve an office and would include a W.C. It would be located two metres from the northern boundary of the site at a point where it is shared with Delamere and Limetrees. The outbuilding would have an overall width of approximately 13.5m (including the verandah) and a depth of 5.2m. It would have a pitched roof with a maximum height of approximately 3.72m and an eaves height of 2.27m. Adjoining this outbuilding would be an area of covered patio, part of which would be covered by the integral verandah structure. To the side of the outbuilding, the patio would have a total width of 3.3m. To the front, the patio would have a width of 8.8m. The patio would have a height of approximately 0.2m. The outbuilding would be finished in brick which would match the main dwelling. The roof tiles would be slate.
- 3.3 To the eastern corner of the site a hexagonal shape gazebo with timber roof is proposed. The gazebo would have an overall width of approximately 4m, depth of 3.47m and maximum height of 3.04m. The dwarf brick wall which would act as the base would have a height of approximately 0.7m.
- 3.4 To the north-eastern corner of the site a timber shed is proposed. This shed would have a width of approximately 3m, a depth of 2.6m and a height of 2.34m.
- 3.5 Various amendments are proposed within the front boundary. These include removing the fence on top of the existing brick front boundary wall and replacing it with metal railings. The metal railings would have a height of approximately 1.6m, 0.2m less than the existing timber fencing. The brick dwarf wall and piers would be retained as existing. A timber pedestrian gate would be located between the existing front boundary wall and vehicular gates. This pedestrian gate would have a height of approximately 1.8m and an overall width of 1.7m. The existing timber entrance gate would be replaced with an automated timber gate. This timber gate would have the same width as the existing gate (4.1m) and a height of 2m.
- 3.6 During the application process, amended plans were submitted, omitting the alterations to the vehicular access and reducing the scale of the outbuilding serving the office. The original maximum height was 4m, the original overall width including covered patio was 14m and the original depth was 5.6m. The width of the patio was also reduced from 3m to 1m. Additionally, the proposed location of the office outbuilding has been relocated to the north and set off the boundary by approximately 2m.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council original comments: [Concerns raised]**

*The Committee had Concerns with this application on the following grounds:-*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended proposal.*

*The Committee had concerns with the siting of the largest of the outbuilding and the impact it would have on trees.*

*Given its proposed size, width, height and depth of outbuilding, it out to be located to a more discreet area in the garden away from the neighbouring property.*

*Request a condition 'not to be used as a separate dwelling' and is ancillary to the property.*

4.1.2 Chorleywood Parish Council amended comments (following amendments to scheme):  
[Objection and Called-in to Committee]

*The Committee had Objections with this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended proposal.*

*The Committee had concerns with the siting of the largest of the outbuilding and the impact it would have on trees.*

*Given its proposed size, width, height and depth of outbuilding, it out to be located to a more discreet area in the garden away from the neighbouring property.*

*Request a condition 'not to be used as a separate dwelling' and is ancillary to the property.*

*Green Belt - This development is inappropriate in the Green Belt as it does not maintain the openness of Green Belt and does not fall within any of the exceptions laid out in section 13 of the NPPF and there exists no very special circumstances that would allow such development."*

4.1.3 National Grid: No comments received.

4.1.4 Landscape officer: [No objection, subject to conditions]

*There are a large number of trees of varying age classes/species both on site and on adjacent sites. The trees are highly visible in the local area. The application is for three outbuildings, a new front gate, boundary treatment and access gates. These works are discussed below.*

*Gazebo and Wood Store identified as buildings 9 and 10 on the proposed site plan. These buildings will have limited foundations and are far enough from adjacent trees that any impact on Root Protection Areas (RPAs) or direct damage is minimal.*

*Erection of building marked as 8. The construction will result in potential disturbance to the RPAs of adjacent trees and has the potential for damage to adjacent crowns and stems. Work appears to be on the edge of the RPAs of neighbouring trees and also a line of hedging that does not appear to be included in proposed tree protection. This hedging should be protected in line with BS5837 2012 as well as adjacent trees. If facilitation pruning is needed it must be agreed with the local planning authority beforehand.*

*Works to the front gates and boundary line is unlikely to require extensive excavation into the RPAs. There is the risk of direct damage to the stem and crown of the trees as the potential need for unsympathetic facilitation pruning. This can be mitigated by protective fencing in line with BS5837 2012, if pruning is needed it must be agreed with the local planning authority. If the application proceeds in line with the recommendations in the Arboricultural Report submitted with the application and BS5837 Trees in Relation to Design, Demolition and Construction 2012 work should be able to proceed with minimal impact to adjacent trees. A non-dischargeable condition should be included requiring tree protection in line with BS5837 2012.*

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10

4.2.2 No of responses received: 3 objections,

4.2.3 Site Notice: Further consultations required; expired 21.06.2021

4.2.4 Press notice: Not applicable

4.2.5 Summary of Responses:

- The main outbuilding is very large and will impact the visual amenity of Oldstocks
- Previous developments to the rear of Walnut Orchard have been declined on the basis that the land should not be developed for domestic use and should be left undeveloped as a wild orchard etc
- Concerns that the building would be used for residential purposes
- Safety concerns relating to access alterations. **Officers Note:** This aspect of the scheme has been omitted.
- The size of the building for office and gym is excessive and overbearing
- The 4m height will impact the visual amenity of Delamere
- There are other more suitable locations
- Large patio area would suggest other uses
- Concerns over potential use of the outbuilding, request a non-residential condition
- The log store and gazebo will have little impact

4.2.6 During the application process, amended plans were submitted, omitting the alterations to the vehicular access and reducing the scale of the outbuilding serving the office. Additionally, the proposed location of outbuilding has been relocated to the north and set off the boundary by approximately 2m. As such, neighbours were re-consulted for 14 days from 12.07.2021 to 26.07.2021.

4.2.7 Summary of Responses: Three further objections

- 3.7m height is over development
- Outbuilding will allow direct view into Limetrees, direct objection to bathroom window
- Lack of consultation. **Officers Note:** Neighbours were given two weeks to comment on the amended plans
- Trees are not evergreen so will allow clear view into Limetrees
- Lack of privacy, smells and noise would detrimentally impact upon the amenity of Limetrees
- Object to future use, for example Airbnb.
- Located within the Green Belt and Area of Outstanding Natural Beauty which should restrict development



- Having obscured glazing would not stop in the future the glazing being replaced from opaque to clear. **Officers Note:** A condition could be added to ensure that the obscure window is maintained.
- The original purpose stated for the outbuilding was a gym. This has now been removed and simply states an office. This does not confirm if it is a commercial office or residential office.
- A gym normally has music and machines which make noise
- If it is a commercial office from home, there may be several people working, those noises would be directly heard from my home. **Officers Note:** A condition would be added that the outbuilding should only be used for ancillary purposes.
- The outbuilding also contains a bathroom therefore does not meet permitted development requirements. Its future use should be restricted. **Officers Note:** This application is for planning permission, therefore permitted development legislation is not relevant.
- The outbuilding should be moved away from my rear boundary line (Limetrees)
- If the applicant sells the property, it does not stop any future occupants using the outbuilding as a dwelling or guest house. **Officers Note:** A condition would be added that the outbuilding should only be used for ancillary purposes. Conditions run with the land rather than the applicant.
- Should planning laws change and allow a second storey to be added under permitted development, my home will be greatly disadvantaged rather than the applicants own home.
- Limetrees is already hemmed in by 4 properties and a tennis club and adding a building of this size so close to my boundary will unduly affect my open space greater than any other property within the vicinity
- In terms of Green Belt, Therefore placing the building in the middle of Limetrees rear boundary does not retain open space
- Delamere object on the same grounds as the previous letter dated 14/06/2021
- Old stocks object on the same grounds as the previous letter dated 03/06/2021

4.3 Reason for Delay: Committee cycle.

## 5 Relevant Planning Policy, Guidance and Legislation

### 5.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

## 5.2 The Three Rivers Local Development 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, CP11 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, DM2, DM3, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Policy 2 is relevant to the current proposal.

## 5.3 Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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.

## **6 Planning Analysis**

### 6.1 Green Belt

6.1.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.1.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

6.1.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) advises that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would;

*i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt;*

*ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development; and*

*iii) avoids features normally associated with the use of a building as a dwelling such as dormer windows.*

6.1.4 The larger outbuilding would be single storey and not of excessive footprint or height and would be viewed as subordinate against the host dwelling and wider site. It would be sited in close proximity (approximately 2m) to the northern boundary with Delamere and Limetrees, which are both screened by relatively dense vegetation, such that the building would not be prominent in the landscape. Given its location relatively close to the boundary, rather than in a more open area of the plot and that it would be located close to existing built form (Delamere's outbuilding), it is not considered that this outbuilding would result in the spread of urbanising development within the site. No dormer windows or similar features normally associated with the use of a building as a dwelling are proposed. Whilst it is acknowledged that glazing is proposed, the level of glazing is considered appropriate for the size of the building. Similarly, whilst a patio area is proposed, which would be partially enclosed via an integral verandah, it is considered that the extent of patio proposed is appropriate for the outbuilding and would not spread urbanising development or adversely affect the openness of the Green Belt.

6.1.5 The other outbuildings including the gazebo and timber shed would be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the buildings would not adversely affect the openness of the Green Belt. Additionally, they would be located in an appropriate location to the edges of the site, not located within the middle of the site, where the impact on openness may be greater. Additionally, these boundaries are bordered by vegetation, such that the buildings would not be prominent in the landscape. In summary, due to their siting, size and design, including, it is considered that the proposed timber shed and gazebo would be of a scale and design subordinate to the host dwelling and would not adversely affect the openness of the Green Belt.

6.1.6 The proposed vehicular gates would directly replace the existing gates. The proposed gates are solid, similar to the existing ones as such there would not be a change in terms of loss of views. Additionally, the proposed pedestrian gate would be situated within an area of existing close boarded fencing, so its solid nature would not result in a change in terms of loss of a view into the site. The proposed metal railings would be approximately 0.2m lower than the existing timber fencing and would allow views into the site as opposed to the solid timber fencing. As such, it is not considered that they would lead to actual harm to the visual amenity and openness of the Green Belt.

6.1.7 As such it is considered that the proposed development would be acceptable within the Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

## 6.2 Impact on Character and Street Scene

6.2.1 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.

6.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the

property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials.

- 6.2.3 Policy 2 of the Chorleywood Neighbourhood Plan is also relevant to this application and states: 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'
- 6.2.4 Whilst the proposed outbuilding to be used as an office/gym is relatively large in scale, given the context of the wider site, including its location within a garden with an area of over 1200sqm, it is not considered that the outbuilding would appear disproportionate in size when considered in relation to the size of the rear garden of the application site. Additionally, the outbuilding would be located in a relatively secluded area of the garden, close to the north-western boundary, close to built form in the form of an outbuilding within the garden of Delamere. Given that outbuildings are evident within the area it is considered that the proposed would not appear incongruous within the residential setting of the site. The outbuilding would be used as an office/ gym which is ancillary in use and also would appear ancillary in scale and design. During the application process, amended plans were submitted reducing the scale of the outbuilding and adjoining patio, which were considered acceptable.
- 6.2.5 Given the context of the wider site, including its location within a garden with an area of over 1200sqm, it is not considered that the proposed gazebo or timber shed would appear disproportionate in size when considered in relation to the size of the rear garden of the application site. Furthermore, cumulatively the three outbuildings would occupy only a small proportion of the site's area and would remain small in scale relative to the main dwelling.
- 6.2.6 Various amendments are proposed within the front boundary. The fence on top of the existing brick front boundary wall is proposed to be replaced with metal railings. The front boundary treatments along this part of Chenies Road are varied. Given this and that the proposed metal railings would be lower than the existing timber fencing, it is not considered that they would result in unduly prominent additions and would be acceptable with regard to its impact on the host dwelling, street scene and wider area. Given the limited scale of the pedestrian gate and that it would be no higher than the existing front wall, it is not considered that this element would have a detrimental impact on the streetscene. The existing timber entrance gate would be replaced with an automated timber gate. This timber gate would have the same width as the pre-existing gate (4.1m) and a height of 2m. Given a minimal height increase of approximately 0.2m, compared to the pre-existing timber gates, it is not considered that these would be unduly prominent or detrimentally impact the character of the wider streetscene.
- 6.2.7 The site is located adjacent to the boundary of the Chorleywood Common Conservation Area. Although there would be fleeting views of the proposed development from the Conservation Area, given the appropriate scale of all the elements of the proposals and the reasons set out above, it is not considered that the proposed development would negatively impact upon the setting of the Chorleywood Common Conservation Area.
- 6.2.8 The proposed development would therefore not result in unduly prominent additions and would be acceptable with regard to its impact on the host dwelling, street scene and wider area including the Chorleywood Common Conservation Area. The development would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1, DM3 and Appendix 2 of the DMP LDD and Policy 2 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).
- 6.3 Chilterns Area of Outstanding Natural Beauty:
- 6.3.1 Policy DM7 of the DMLDD states that 'in considering proposals within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would:

- I. Fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development
  - II. Detracts from the setting of the AONB and has an adverse impact on views into and out of the area
  - III. Detracts from the public enjoyment of the AONB landscape
- 6.3.2 It is not considered that the proposed alterations to the front boundary would adversely impact the Chilterns AONB. This element of the proposal would be built towards the highway and other urbanising features such as the driveway. With regards to the outbuildings, they would be situated in a garden setting in an established row of dwellings and would be of a relatively limited scale compared to the wider plot. Additionally, there are examples of other outbuildings within the vicinity, including at Delamere, which the proposed larger outbuilding would be located in close proximity too. All three outbuildings are located close to a respective boundary and not within an open area of the garden, limiting the impact on the landscape character of the AONB. It is not considered that the proposed outbuildings would fundamentally change or adversely impact the character of the AONB or impact upon views of the AONB given their scale and locations.

#### 6.4 Impact on amenity of neighbours

- 6.4.1 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.
- 6.4.2 The largest outbuilding would be located close to the north-western boundary, shared with Delamere and Limetrees (set in 2m from the boundary). Objection comments have been received in relation to the impact the outbuilding would have on the amenity of the occupiers of neighbouring dwellings. The separation distance from the rear elevation of Delamere is approximately 25m, as such, it is not considered that the proposed outbuilding would be overbearing or result in a loss of light. Additionally, vegetation along the shared northern would act as screening, further reducing the potential impact of the outbuilding. Whilst neighbours have raised concerns about impacts to 'visual amenity', a loss of a view is not a material planning consideration. Following amendments to the scheme, the outbuilding has been re-located, meaning that part of the footprint is directly behind Limetrees' eastern boundary. The outbuilding would be set approximately 32m from the rear elevation of Limetrees. Additionally, dense vegetation is set along the shared boundary which would act as screening. As such, it is not considered that the proposed outbuilding would be overbearing or result in a loss of light. Concerns have been raised by neighbouring residents that the proposed window within the rear elevation serving the W.C would result in overlooking. Whilst it is unlikely that this window would result in overlooking given the separation distances and the boundary treatment in the form of vegetation, a condition would be added ensuring that the window within the rear elevation serving the W.C shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter. This condition would mitigate against overlooking if the coverage of the foliage of the nearby trees significantly reduces in the winter as claimed within the objection comments. A condition would also be added to ensure that the outbuilding shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time. Given the separation distance from the closest elevation of Old Stocks (approximately 50m), it is not considered that the proposed outbuilding would have any impact on the amenities of the occupants of this property..

- 6.4.3 Given the location of the proposed gazebo and timber shed to the rear of the garden, set a significant distance from any neighbouring dwellings and their limited scale, is not considered that these outbuildings would result in any harm to the residential amenities of the surrounding neighbouring properties.
- 6.4.4 Given the nature of the works, and its location away from neighbouring dwellings, it is not considered that the various amendments to the front boundary would result in any harm to the residential amenities of the surrounding neighbouring properties.
- 6.4.5 The proposed developments would therefore not result in any harm to the residential amenities of the surrounding neighbouring properties in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.
- 6.5 Amenity Space Provision
- 6.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 6.5.2 There is sufficient amenity space provision to accommodate the proposed development and serve the dwelling in accordance with the standards as set out within the Design Criteria of the DMP LDD.
- 6.6 Wildlife and Biodiversity
- 6.6.1 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.
- 6.6.2 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 Development Management Policies document. 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. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
- 6.7 Trees and Landscaping
- 6.7.1 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.
- 6.7.2 The application site is not located within a Conservation Area, however, trees to the rear of the site are protected by a Tree Preservation Order. There are also unprotected trees surrounding the site, particularly to the north and west. As part of the application an Arboricultural Impact Assessment, Method Statement & Tree Protection Plan was submitted (TRDC 001). The Landscape Officer was consulted for the current application and raised no objections subject to conditions.
- 6.7.3 The Arboricultural Impact Assessment, Method Statement & Tree Protection Plan (TRDC 001) states the proposal is an *'arboriculturally defensible scheme and there are no (arboricultural) reasons why planning consent should not be granted'*.

- 6.7.4 The larger outbuilding would not be located near the protected trees within the site, which are located along the eastern boundary. The largest outbuilding is set approximately 2m from the boundary with Delamere and Limetrees, in order to minimise the extent to which it is located within the Root Protection Area of adjoining trees. Notwithstanding this, these trees are not protected, so it is not considered that this element of the proposal would detrimentally impact upon any protected trees.
- 6.7.5 Whilst the smaller outbuildings would be constructed in relatively close proximity to the protected vegetation along the eastern boundary, they would be sat on floating concrete rafts which require no services, excavations or changes to land levels. As such, it is not considered that the smaller outbuildings would detrimentally impact upon any protected trees.
- 6.7.6 The alterations to the front boundary would not detrimentally impact any protected trees.
- 6.7.7 In order to ensure the protection of trees on and adjoining the site a condition would be attached to any permission to ensure that tree protection methods are carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement & Tree Protection Plan (dated 24 June 2021). Therefore, it is not considered that the proposed development would impact upon any protected trees.

## 6.8 Highways, Access and Parking

- 6.8.1 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.
- 6.8.2 The proposed outbuildings would not impact the parking provision on site. The alterations to the front boundary including addition of metal railings and pedestrian gate would also not impact parking provision on site. The new vehicular gates would be located in the same position as existing and would have the same width. It is not considered that the increase in height by 0.2m, would impact highway safety. The scheme is therefore acceptable in this regard.

## 7 **Recommendation**

- 7.1 Recommendation: 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: TRDC 001 (Amended Arboricultural Impact Assessment), TW-400 REV A, TW-401 REV C, TW-402 REV B, TW-404 REV A.  
Reason: For the avoidance of doubt and in the proper interests of planning and to maintain the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).
- C3 The outbuildings and alterations to front boundary treatment shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and no external materials shall be used other than those approved  
Reason: To ensure that the external appearance of the outbuilding is acceptable in

accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The development hereby permitted shall be implemented only in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan Ref TH2933 dated 24 June 2021.

The protective measures as detailed on drawing number TH/A3/2933/TPP, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is to ensure that appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The window within the north-western (rear) elevation of the outbuilding (numbered as building 8 on Drawing TW-401 Rev C) hereby permitted shall be fitted with purpose made obscure glazing and be top level opening at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The detached outbuildings hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit or commercial premises would not comply 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).

## 7.1 **Informatives:**

- 11 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard



to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- 12 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

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## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

**10. 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**

Parish: Non-Parished

Ward: Chorleywood South & Maple Cross

Expiry of Statutory Period: 30.07.2021

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application site is on land under the ownership of Three Rivers District Council.

#### **1 Relevant Planning and Enforcement History**

- 1.1 There is no planning history directly relevant to the section of land which forms part of this application.

#### **2 Description of Application Site**

- 2.1 The application site is comprised of a section of land at Maple Cross Recreation Ground, Denham Way, Maple Cross. The main part of the site is positioned to the southern side of the tennis courts and measures approximately 80sqm in total area. The area around the tennis courts forming the application site is grassed however also includes existing mesh flooring which allows disabled access to the courts.

#### **3 Description of Proposed Development**

- 3.1 This application seeks planning permission for the erection of a building to be sited adjacent to the tennis courts for a temporary period of 24 months. The building would serve an ancillary use to the tennis courts, including storage and indoor shelter whilst refurbishment works are carried out to the existing pavilion building which currently serves the above uses. The building would be sited approximately 4.0m from the tennis courts and would have a width of 9.75m and a depth of 6.09m. The building would have a flat roof with an overall height of 2.44m. The building would be made up of two shipping containers.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received]

##### **4.2 Public/Neighbour Consultation**

- 4.2.1 Neighbours consulted: 2

- 4.2.2 Responses received: 0

- 4.2.3 Site Notice posted: 28.06.2021, expiry date: 19.07.2021

- 4.2.4 Press notice not required

#### **5 Reason for Delay**

- 5.1 None

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In July 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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 CP1, CP9, CP10, CP11 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 DM2, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 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 the Metropolitan Green Belt**

7.1.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

- 7.1.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.1.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
- 7.1.4 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land (such as changes of use for outdoor sport or recreation).
- 7.1.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and states that, as set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate.
- 7.1.6 The proposed development is for the construction of an ancillary building to serve the existing tennis courts within the recreation ground. When considering the harm to openness, the PPG sets out that the assessment of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. It states that the courts have identified a number of matters which may need to be taken into account in making this assessment, which include, but are not limited to the spatial and visual aspects of a development and the degree of activity. The duration of the development and its remedially are also of relevance, taking into account any provisions to return land to its original state or to an equivalent or improved state of openness.
- 7.1.7 The application site as existing is free of any development and is therefore visually and spatially open. Notwithstanding, the proposed development is considered to constitute an appropriate facility in connection with an existing use; in this case the building would serve an ancillary use to the existing tennis courts. In addition, the proposed building would be a temporary measure whilst works are carried out to refurbish the existing facilities. It is considered that the building would appear ancillary in its scale as well as its use. The building would be relatively wide however would have a low-profile flat roof height which would serve to reduce its prominence from more wider and long distance views. Furthermore, the siting of the building would last for only two years, after which the building (formed of two containers) would be removed from the site. Planning conditions can be used (both reasonably and necessarily) to ensure that following the removal of the containers, the land is restored to its former condition.
- 7.1.8 In summary, given the above, the proposed development would be appropriate development in the Green Belt and considered acceptable in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies DPD and the NPPF.
- 7.2 Impact on the character and appearance of the area and the street scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy 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.'
- 7.2.2 Policy CP1 of the Core Strategy also sets out that the Council will take into account the need to protect and enhance existing community, leisure and cultural facilities and provide new facilities while Policy CP12 of the Core Strategy states that the Council will expect development proposals to provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings.
- 7.2.3 The proposed development is not considered to amount to harm to the character and appearance to the wider area. The proposed building would have a clearly ancillary appearance to the tennis courts by virtue of its scale and siting and would not appear out of character or harmful to the area in this regard.
- 7.2.4 In summary, it is not considered that the development would adversely affect the character and appearance of the area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted 2011).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies LDD also states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.
- 7.3.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The scale and use of the building would not result in any noise and disturbance of the closest neighbouring properties.
- 7.4 Impact on Sports Facilities
- 7.4.1 Policy DM11 of the Development Management Policies DPD deals with Open Space, Sport and Recreation Facilities and Children's Play Space.
- 7.4.2 The proposed development would be within the public playing fields. Given the position and small extent of the application site, and the temporary nature of the proposed development, it is not considered that the development would reduce the sporting capability of the site, but would support the use of the existing tennis courts. The proposal would not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site. The proposed development is therefore acceptable in this regard.
- 7.5 Highways, Access & Car Parking
- 7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.
- 7.5.2 The existing access to the existing car park would not change as a result of the development. It is therefore considered that the proposed development is acceptable in this regard. No intensification of use is proposed that would require additional parking.
- 7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies 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.

7.6.2 The proposed development would not require the removal or result in any harm to trees

## 7.7 Biodiversity

7.7.1 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.

7.7.2 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 Development Management Policies document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

## 8 **Recommendation**

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

C1 The limited period for the use or development hereby permitted shall be 2 years from the date of this permission; on or before the expiration of which period the use shall be discontinued, buildings removed, and the land restored to its former condition on or before the date of this decision in accordance with a scheme of work, to be first submitted to and approved in writing by the Local Planning Authority, within three months of the use ceasing.

Reason: Based on the submitted information it is acknowledged that a two year period is required and justified for the refurbishment of the existing facilities on site and the proposal is considered acceptable in accordance with Policies CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 of the Development Management Policies LDD (adopted July 2013)

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004, 005

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as stated within the Planning Statement, including for the building hereby permitted to be painted green, and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

8.2 Informatives

- 11 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](mailto: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](http://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.

- 12 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.
- 13 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.



## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

**11. 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**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 19.07.2021  
(Extension of time agreed until 19.08.2021)

Ward: Chorleywood South & Maple Cross  
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse as concerns have been raised relating to character and impact on street scene.

#### **1 Relevant Planning History**

1.1 21/1508/FUL – First floor extension to create two storey dwelling including increase in ridge height, single storey rear extension, front porch, insulated render cladding, alterations to fenestration and associated landscape works including excavation, extension to drive and installation of retaining walls to front and rear - **Pending Consideration and on this Committee agenda**

1.2 21/1345/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey rear extension, front porch and insertion of door to side elevation - 19.07.2021 - **Permitted**

1.3 21/0588/FUL - First floor extension to create two storey dwelling including increase in ridge height, provision of rooflights, two storey rear extension, alterations to external materials including render cladding alterations to fenestration detail, associated landscaping works including alterations to driveway and rear staircase and terrace - 10.05.2021 – **Refused**

R1 The proposed rear extension including an extension to the main roof form, would result in an overbearing, unduly prominent, visually intrusive and un-neighbourly form of development which would have an adverse impact on the residential amenity of occupiers of no.110 Whitelands Avenue. The proposed rear staircase providing access from first floor level to the garden, by virtue of its depth and height, would result in harmful overlooking to the neighbouring occupiers of no.110 Whitelands Avenue. The proposal is therefore 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).

1.4 21/0022/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (2.91m in height) to result in an overall height of 9.19m (Class AA) – 03.03.2021 – **Permitted**

1.5 20/2404/FUL - Demolition of existing bungalow and construction of two storey dwelling with associated landscaping, vehicular crossover and associated parking and alterations to land levels - 06.01.2021 – **Refused**

R1 The proposed replacement dwelling, by virtue of its excessively bulky roof design and form, would detract significantly from the character and appearance of the area resulting in demonstrable harm to the streetscene. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted

July 2013), Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) and the NPPF (2019).

1.6 AM/1141/73 - Vehicular access and standing for 2 cars - 28.05.1973

## **2 Description of Application Site**

2.1 The application site contains a detached bungalow located on the northern side of Whitelands Avenue, Chorleywood. The land levels on this part of Whitelands Avenue slope upward in a northern and western direction, meaning that the adjoining neighbour to the north-west is positioned at a higher level, the adjoining neighbour to the south east to a lower level and that the rear amenity garden slopes upwards towards the rear. The dwelling is also positioned at a higher level relative to the public highway.

2.2 The application dwelling is traditional in character with a hipped roof form and red facing brick exterior. Forward of the dwelling is a partially paved driveway and front garden including steps up to the dwelling. To the rear of the dwelling is an amenity garden of some 550sqm in area.

2.3 The street scene of Whitelands Avenue is relatively varied in terms of the style and design of dwellings within it. The street is comprised of a mixture of detached bungalows, detached two-storey dwellings and two-storey semi-detached dwellings. The direct neighbour to the west is a bungalow which has implemented roof extensions and the direct neighbour to the east is a bungalow.

## **3 Description of Proposed Development**

3.1 It is proposed that alterations are made to the site frontage to accommodate an additional, third parking space. The altered driveway would incorporate retaining walls given the raised land level that the dwelling is positioned on. The steps up to the dwelling would be repositioned to the eastern side of the frontage and a ramp provided. No alterations are proposed to the existing vehicular access.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Chorleywood Parish Council: [Objection]

*"The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

*The proposed car parking and landscaping are out of character with the street scene and the development at the neighbouring property only highlights the harm the changes to the front boundary and car parking causes to the street scene.*

*The proposal would result in the loss of the grass verge and the proposal is contrary to the Chorleywood Neighbourhood Plan.*

*The property is located in a Cul De Sac, the proposed building line is not consistent with that of the neighbouring properties.*

*The development would be imposing and out of character with the surrounding area.*

*The proposal is contrary to Policy 4.1, 2.1, 2.2, 2.4 Chorleywood Neighbourhood Plan*

*The development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011)."*

4.1.2 London Underground Infrastructure Protection: [No objection]

*"I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.*

*This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities."*

4.1.3 National Grid: [No response received]

**4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 0

4.2.3 Site Notice posted 07.06.2021, expired 28.06.2021

4.2.4 Press notice not required.

**5 Reason for Delay**

5.1 Committee cycle.

**6 Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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 of the adopted Core Strategy include CP1, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). Relevant policies include Policy 2.

### 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 Appearance

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 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.

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.

7.1.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.

7.1.4 It is not considered that the proposed alterations to the driveway and frontage would result in harm to the character and appearance of the area. The existing frontage is currently made up of lawn, hard and soft landscaping features including a series of raised brick-clad planters, raised steps and an area of paving to accommodate two car parking spaces. The proposal to accommodate one additional parking space and associated works such as the construction of new retaining walls would slightly alter its existing appearance however it is not considered however that harm would arise as a result. The frontage would retain a significant portion of soft landscaping along with the proposed increased driveway size and it is not considered that the frontage would appear out of character with the dwelling or street scene particularly given the driveway alterations made across Whitelands Avenue as a whole. The submitted plans indicate that the proposed retaining walls would have a brickwork finish and subject to a condition requiring that brickwork to match the existing dwelling, it is considered that this would result in an acceptable appearance to the frontage, which may reduce the number of different facing materials when compared to the existing situation.

7.1.5 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).

## 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 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 Given the nature and position of the proposed works, it is not considered that the proposed front driveway alterations would result in harm to the residential amenities of any neighbours in terms of a loss of light or overlooking.

7.2.3 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.3 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.3.2 The proposed extended driveway provides three parking spaces and as such it is considered that there will be adequate parking space for present and future occupiers. It is acknowledged that the proposed new parking space would not be independently accessible without other vehicles first moving from the site. However, this arrangement is not uncommon along Whitelands Avenue and other similar residential roads where tandem car parking arrangements are normal. It is not considered that this arrangement would result in any demonstrable adverse impact on highway safety. No changes to the existing access are proposed as part of the proposed development which would remain as existing.

## 7.4 Rear Garden Amenity Space

7.4.1 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.

7.4.2 The dwelling would retain a garden of approximately 500sqm in area which is considered to be acceptable.

## 7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies 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.

7.5.2 The proposed development would not require the removal of any trees and is not considered to result in any impact to trees. The proposed development is therefore considered to be acceptable in this regard.

## 7.6 Biodiversity

7.6.1 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.

7.6.2 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 Development Management Policies document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

## 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: P001, P009, P010

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and materials schedule and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area 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).

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](mailto: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](http://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.

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## PLANNING COMMITTEE - Thursday 12<sup>th</sup> August 2021

**12. 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 (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 27.07.2021

Ward: Abbots Langley and Bedmond  
Case Officer: Aaron Roberts

Recommendation: That Part Retrospective Planning Permission is Granted

Reason for consideration by the Committee: The previous withdrawn application (21/0417/RSP) was called in by three Members of the Planning Committee due to the extent of land levels changes meaning that the proposal may affect the privacy of the neighbour. This application has been called in, given the previous application was withdrawn.

**Update 30.07.2021:**

The application was considered by Members at the Planning Committee Meeting on 15 July 2021. At that meeting Members agreed to defer the application to enable a site visit to take place.

**1 Relevant Planning and Enforcement History**

- 1.1 18/0506/FUL - Proposed two storey rear extension, single storey side and rear extension, front bay, internal alterations and extension to raised patio to the rear - Permitted, partly implemented.
- 1.2 18/0166/COMP - Breach of Conditions 5 & 6 of Planning Permission 18/0506/FUL – Case Closed (breach remedied via the approval of planning application 19/0946/RSP).
- 1.3 19/0946/RSP - Retrospective: Proposed two storey rear extension, single storey side & rear extension, internal alteration, front bay, and raised rear patio – Permitted and implemented.
- 1.4 21/0417/RSP-Part retrospective: Extension to existing patio and additional landscaping works to rear garden- Withdrawn.

**2 Description of Application Site**

- 2.1 The application site contains a detached dwelling located along the southern side of Abbots Road. The dwelling is finished in brick to the front and finished in white render to the rear.
- 2.2 The dwelling has a stepped front elevation. The land levels drop from the front to the rear of the site and the dwelling is served by a series of raised patios to the rear, which are subject to this application. The front amenity space contains a drive that provides provision for three car parking spaces. The host dwelling also contains an attached garage towards the south-western boundary.
- 2.3 The property has been extended via a two storey rear extension and a single storey side and rear extension.
- 2.4 The neighbouring property to the south-west, No.175 is set on a lower ground level and has a similar original rear building line to that of the application dwelling. The main part of the dwelling of No.175 is set in approximately 1m from the common boundary. The neighbouring property to the north-east, No.171 is set on higher ground level and extends deeper than the extension at No.173.

- 2.5 The site contains protected trees, however, some of these were agreed to be removed as part of planning permission 18/0506/FUL.
- 2.6 During a recent site visit it was apparent that works had almost been completed. This included the planting of hedging along the boundary with No.175 as well as the partial demolition of the pre-existing patio and extension of the patio. A pergola has also been installed on the lowest level of patio (not subject of this application) and from measurements taken on site conforms to permitted development (see explanation below).

### **3 Description of Proposed Development**

- 3.1 This application seeks part retrospective planning permission an extension to existing raised patio and additional landscaping works to rear garden. The pre-existing patio approved under 19/0946/RSP has been partially demolished and works have taken place to extend the patio's depth and width, with the works almost complete. Hedging along the boundary with No.175 has also been planted.
- 3.2 Under application 19/0946/RSP a raised patio was permitted and implemented. This included Level +2 and a significant proportion of Level +1, which is to be extended in depth, via steps and composite decking. Level +0 was not permitted under 19/0946/RSP and forms part of this currently pending application.
- 3.3 The section of patio directly adjacent to the bi-folding doors of the rear extension (level +2 as denoted on the submitted plans) measures approximately 1.6m in depth and has a width of 7.3m. Steps lead down to the next section of patio (level +1). This 'middle section' of the patio has an overall maximum depth of approximately 10.6m, including the proposed composite decking and a maximum width of approximately 8.4m, up to the point adjoining the steps leading down to the lower level of the patio (level +0). The lowest level of patio has a depth of approximately 13.5m and a maximum width of 7.8m (when incorporating the steps leading down to the lawn). Given the western boundary's splayed nature, level +0 of the patio is set off the boundary with No.175 by a minimum of approximately 0.3m and a maximum of 0.7m. The lowest level of this section of patio is set a maximum of 0.5m higher than the pre-existing land level and adjoins the natural level of the side alleyway, although the majority of the 'raised patio' of level +0 is less than 0.3m high.
- 3.4 Towards the rear of the patio, there are retaining walls. The retaining walls serving level +1 of the patio have a height of 1.6m from the current external ground level, approximately 0.15m higher than the patio/decking level. The retaining wall serving level +0 of the patio has a height of 0.8m, approximately 0.35m higher than the patio level. Between these walls are steps leading down to the main garden. Additional retaining walls are located between Level +1 and Level +0 as well as separating part of the decking from Level +1.
- 3.5 Privacy measures have been included within the development. These include planting Leylandii hedging along the boundary with No.175 and cedar slatted fencing along the flank of the patio closest to the boundary with No.171, as well as retaining a solid screen along the western flank of level +2 of the patio.
- 3.6 A pergola has been erected on Level +0, which does not form part of this planning application. Given the pergola's height of less than 2.5m from the natural land level, it is considered that this would fall under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.7 During the course of the application, amended plans were submitted to better reflect the works on site.

### **4 Consultation**

#### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: [Concerns raised]

*'Members have concerns about the height of the privacy screen and overlooking of the neighbouring property'.*

4.1.2 National Grid: [No comments received]

4.1.3 Landscape Officer: [No Objections, subject to conditions]

*'Vegetation is present within the rear garden of number 173. No trees are planned to be removed, as part of the proposed landscaping plans.*

*Protection of trees (non-dischargeable)*

*During construction of the development hereby permitted, the trees present within the rear garden of 173 Abbots Road Abbots Langley WD5 0BN shall not be lopped or felled without the written consent of the local planning authority. During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted'.*

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 7

4.2.2 No of responses received: 1 objection.

4.2.3 Site and Press Notice: N/A

4.2.4 Summary of Responses: One Objection

- Overdevelopment
- Overshadowing
- There is a large pergola structure which is not on the plans. **Officers Note:** given the height of the pergola, which is less than 2.5m, it is considered that this is permitted development
- There are 10 conifer trees approximately 5m tall on the boundary, this is not in accordance with Planning Guidelines that stipulate a maximum of no more than 2 conifer trees and hedging a maximum of 2m. **Officers Note:** TRDC planning policy or guidance does not refer to the above
- Tree roots will damage No.175's fence. **Officers Note:** potential damage to property is not a material planning consideration.
- The trees will not be able to be maintained due to the fence and pergola. **Officers Note:** The High Hedges Act enables the Council to intervene if the height of the hedge is having an adverse impact on the neighbour's enjoyment of their home. This act is under the remit of the Environmental Health department.
- A side gate has been erected attached to No.175's fence. **Officers Note:** The side gate does not form part of this planning application and potential damage to property is not a material planning consideration.
- The trees are overhanging into No.175 and obscure light
- Trees have been removed, which may be protected. **Officers Note:** As will be discussed in the Trees and Landscape section, it is not considered that any protected trees were detrimentally impacted as a result of the development

5 **Reason for Delay**

5.1 N/A.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

In 2019 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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 Design and Impact on Character**

7.1.1 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.

- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials.
- 7.1.3 The raised patio would be to the rear of the property and therefore would not be readily visible from the streetscene. Given the nature of the land levels within the gardens of properties along Abbots Road, raised patios are common within rear gardens in Abbots Road. Due to its scale, design and the fact that both neighbouring properties contain a raised patio, it is not considered that the raised patio and associated privacy screens result in any harm to the character of the dwelling or wider area.
- 7.1.4 The development therefore does not result in unduly prominent additions and is acceptable with regard to its impact on the host dwelling, street scene and wider area. The development complies with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

## 7.2 Impact on amenity of neighbours

- 7.2.1 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.
- 7.3 The rear patios extend a total depth of approximately 12.9m from the rear wall of the existing dwelling and due to the drop in land levels and height of the fencing along the boundary with No.175 there is potential for overlooking into this neighbouring property. It must be noted, however, that prior to the works, there was a pre-existing situation of mutual overlooking between properties along this part of Abbots Road due to the sloping land levels and existing raised patios. In order to resolve the issues relating to potential overlooking, along the south-western boundary with No. 175, Leylandii hedging has been planted, the full depth of the patio. According to the agent, this will grow to a height of approximately 12-14ft, which will offer comprehensive screening. Given the relative proximity of level +0 to the boundary with No.175 and the maximum 0.5m raised height to level off the patio, it could be argued that there is the potential for overlooking. However, it is considered that overlooking from level +0 is limited given the hedging along the boundary with No.175. Additionally, the highest section of Level +0 relative to No.175's fence is at the very rear of the patio, a significant distance from the private amenity space of No.175 and this area of patio is unlikely to be readily used. Without the hedging, overlooking from level +1 would be achievable and would not be acceptable in terms of impact to neighbouring amenity without the provision of a higher boundary enclosure/screen to protect the amenities of neighbours. As such, a condition would be added to ensure that the hedging is maintained permanently, to act as a privacy screen. Additionally, to prevent overlooking from level +2 into No.175, a solid screen along the western flank of level +2 of the patio has been erected, with a height of 1.8m from the patio level and would be conditioned to be maintained permanently. Given the proposed privacy measures including hedging along the western boundary and solid privacy screen at level +2, it is not considered that the proposed alterations to the patio leads to a perceived sense of or actual overlooking into No.175. The objection comments refer to the hedging resulting in a loss of light. Whilst the newly planted hedging is visible above the fencing, it is not considered that it is so prominent so as to appear overbearing or result in unacceptable loss of light to the neighbouring garden given the orientation of the

sun to warrant the refusal of the planning application. A condition has been recommended which seeks to control the height of the hedging.

7.4 The patio would also be extended in depth close to the boundary with the other neighbouring dwelling, No.171. The pre-existing cedar slatted fence along the flank of the patio closest to the boundary with No.171, has been extended the entire depth of the patio. This has a height of approximately 2m from level +1 of the patio. Given the vegetation along the eastern boundary and that this neighbour sits on a higher land level, the screening does not detrimentally impact the amenity of this neighbour and prevents a perceived sense of or actual overlooking.

7.4.1 In summary, subject to conditions, the proposed development does not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development is therefore acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.5 Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.5.2 The proposed development has not altered the levels of amenity space provided. Sufficient amenity space provision therefore has been maintained in accordance with the standards as set out within the Design Criteria of the DMP LDD.

#### 7.6 Parking

7.6.1 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.

7.6.2 The number of bedrooms within the dwelling has not changed as a result of the development. The dwelling has four bedrooms. According to Appendix 5 of the DMP LDD a four-bedroom dwelling should have three assigned spaces. The front amenity space provision can accommodate three cars in accordance with the requirements of the DMP LDD.

#### 7.7 Wildlife and Biodiversity

7.7.1 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.

7.7.2 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 Development Management Policies 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. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests have been affected as a result of the development. 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.

#### 7.8 Trees and Landscaping

- 7.8.1 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.
- 7.8.2 The application site is not located within a conservation area, however the site contains a number of individually protected trees. Records show that a protected tree (Blue Spruce) was located in close proximity to the rear of the dwelling however it no longer exists and this was also noted within the delegated report for 18/0506/FUL. As such there is not a protected tree located near the vicinity of the dwelling or patio. It is not known when the protected Blue Spruce was removed. The un-protected tree close to the boundary with No.171 would be retained within the composite decking. Following previous correspondence with the agent, the decking would be built around the tree, with a gap between the decking and tree. As part of the application process, the Landscape Officer was consulted. They suggested a condition relating to felling and lopping and tree protection measures. However, given that the works are substantially complete and the remaining works are not in the vicinity of any protected trees, it is not considered that their recommended conditions are necessary in this case.
- 7.8.3 It is not considered that the development has resulted in any direct harm to any protected trees within the site.

## 8 **Recommendation:**

8.1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was started and is subject to the following conditions:

C1 Those parts of the development hereby permitted that have not yet been carried out 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 and maintained in accordance with the following approved plans: DPM.21.173AR.SITE.01 REV A, DPM.21.173AR.P01 REV G, DPM.21.173AR.P02 REV A, DPM.21.173AR.P03 REV G.

Reason: For the avoidance of doubt and in the proper interests of 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 Within ONE MONTH from the date of this permission, a Landscape Management Plan for the hedging adjacent to the boundary with No.175 Abbots Road for the full depth of the rear patio level +0 (as shown on drawing number DPM.21.173AR.P01 REV G) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include details as to the on-going future maintenance (to ensure the planting does not fall below a height of 2.5m) and confirmation that replacement planting of a similar height will be planted in the event of death or damage. The Landscape Management Plan as approved shall be carried out as agreed.

Reason: To ensure that the planting will provide acceptable screening to prevent unacceptable levels of overlooking into 175 Abbots Road, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The privacy screen along the western side of level +2 of the rear patio shall be permanently maintained in accordance with drawing numbers DPM.21.173AR.P01 REV G and DPM.21.173AR.P03 REV G.

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).

**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](mailto: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](http://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 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I3 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.





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## PLANNING COMMITTEE - 12 AUGUST 2021

### PART I - DELEGATED

**13. 21/1472/RSP - Retrospective: Continued use of ground floor for training and counselling accommodation for charitable and not-for-profit organisations at HILLSIDE COMMUNITY HUB, 4 SCHOOL MEAD, ABBOTS LANGLEY WD4 OLB**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 04.08.21 (Agreed Extension)

Ward: Gade Valley  
Case Officer: Clara Loveland

Recommendation: That Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: This application was called in by three Members of the Planning Committee regardless of Officer Recommendation on the grounds that the development is within a residential area and the proposed evening use may have a detrimental impact on neighbouring residents.

#### **1 Relevant Planning History**

- 1.1 05/0953/FUL - Variation of planning permission 8/410/91: Extension of hours for evening meetings and increase the number of evening meetings per month to 4, one Saturday per month, increase the number of people attending meetings. Approved.
- 1.2 8/410/91 - Use of ground floor as an estate management office and relaxation of Cond.1 (opening hours) of planning permission 8/814/89 dated 1.9.89.
- 1.3 8/147/89 - Use of ground floor as estate management office.
- 1.4 8/942/86 - Office for social workers renewal.
- 1.5 8/905/85 - Office for social workers renewal.
- 1.6 8/667/83 - Office for social workers renewal.
- 1.7 8/388/82 - Office for social workers renewal.
- 1.8 8/215/81 - Office for social workers renewal.
- 1.9 8/12/80 - Office for social workers renewal.
- 1.10 8/279/78 - Office for social workers renewal.
- 1.11 8/228/75 - Change of use from doctor's surgery to office.

#### **2 Description of Application Site**

- 2.1 The application site consists in part the ground floor of a two storey building and a single storey flat roofed extension which comprises office facilities; including 3 meeting rooms and a toilet. The building fronts School Mead and is located on the corner of Gable Close in Abbots Langley.
- 2.2 The wider building accommodates a dwelling, No.4A School Mead which does not form part of the application site.
- 2.3 Outside of the application site but under the ownership/control of the applicant there is an area of open amenity to the front and side of the building. In front of the flat roofed extension there is a driveway for one vehicle.

- 2.4 School Mead is generally a residential area although the application site itself is not in a residential use. There is also a Baptist Church located opposite the application site and further to the west, on the other side of the open green area, are a row of shops.

### **3 Description of Proposed Development**

- 3.1 This application seeks retrospective planning permission for the continued use of ground floor for training and counselling accommodation for charitable and not-for-profit organisations.
- 3.2 There would be no external or internal alterations.
- 3.3 The Planning Statement submitted with the application indicates that there is no longer a requirement for estate management (previous principle use) at the application site. It sets out that the range of users has expanded beyond those of the Watford Council, Ward Councillors and the Hillside Tenants Association (who were granted personal planning permission). Additionally, the current use of the site is no longer consistent with the extant planning permission.
- 3.4 The extant planning permission (05/0953/FUL) is conditioned to restrict the hours, numbers of people and the users. The conditions are:

*Condition 1: The use of the premises hereby permitted for estate management purposes shall only be carried on during the hours of 08.30 and 17.30 Mondays to Fridays and at no time on Saturdays, Sundays or Bank Holidays. No variation of these hours shall occur without first obtaining written permission from the Local Planning Authority.*

*Condition 2: The use of the premises hereby permitted for meetings outside of the hours stated in condition 01 shall only be carried on during the hours of 17.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays. There shall be no meetings held on Sundays or Bank Holidays. No variation of these hours shall occur without first obtaining written permission from the Local Planning Authority.*

*Condition 3: The premises shall be used for not more than 4 evening meetings per month and not more than 1 Saturday meeting per month. There shall be no variation in the number of outside of house meetings per month unless written permission has been obtained from the Local Planning Authority.*

*Condition 4: Meetings held outside of normal estate management operating hours shall not be attended by more than 6 people. The only exception to this is attendance by a maximum of 18 people at one evening meeting per calendar month.*

*Condition 5: This permission shall ensure for the benefit of Watford Borough Council with ancillary use by the Hillside Tenants Association and any/all of the Langleybury Councillors only, and for no other person, company, firm or organisation without the prior written permission of the local planning authority.*

- 3.5 It is proposed to continue to use the application site for a mixture of office, training and counselling accommodation for a charitable, not-for-profit organisation. It is also proposed that the application site would be used for meetings. Meetings would vary from health, social and community-care activities. Each meeting would have a maximum of 12 people and the building is proposed to only have 1 meeting at a time. Further details provided by the application during the application process indicates that the hub is to be used in partnership with Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing. The nature of the use would be smaller support groups/therapy sessions focused on specific subjects such as carer support, hoarding and compulsive behaviour. The space would also be used for by community event organisers.

- 3.6 The submitted plans indicate that there are 3 meetings rooms with 1 of these used as a kitchen and break out space. The meetings rooms would be used interchangeably for the meetings. A hallway and toilet also exist.
- 3.7 There would be 2 employees (Officers) working in the premises.
- 3.8 The Planning Statement also seeks to alter the hours of operation of the premises and proposes 08.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays. No meetings are proposed to be held on Sundays or Bank Holidays.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: [No objection]

4.1.2 Hertfordshire Council Highways: [No objection]

*The building is located on a corner plot in a largely residential area and opposite a church across the road. School Mead is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.*

*The application does not include any new or altered access nor any car parking. Following consideration of the continued use of an existing function and the nature of the use, which presumably supports other uses and local residents in the vicinity of the site who would have the potential to travel sustainably to and from the site, HCC as Highway Authority would not have an objection to the granting of planning permission.*

4.1.3 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

##### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 1 (objection)

4.2.3 Summary of responses:

- Site attached to my house
- Room is below my bedroom
- Had previous issues with noise disruption as work night shifts

4.2.4 Site Notice: Not required.

4.2.5 Press notice: Not required.

#### **5 Reason for Delay**

5.1 Committee Cycle.

#### **6 Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

- 6.1.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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 PSP2, CP1, CP6, 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 DM6, DM9, DM12, DM13 and Appendix 5.

## 6.3 Other

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

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

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

## **7 Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The application site is located within a largely residential area within the Key Centre of Abbots Langley.

- 7.1.2 Place Shaping Policy (PSP) 2 of the Core Strategy (adopted October 2011) requires that development in Key Centres, such as Abbots Langley, will;

*(m) Improve provision of, and access to, services and facilities, to meet future demands, specifically through: viii (improve the range of youth facilities in all Key Centres)*

- 7.1.3 Policy CP1 of the Core Strategy (adopted October 2011) seeks to provide necessary infrastructure to enable and/ or support development, including, (but not limited to) transport, education, health, green infrastructure, utilities, waste facilities, waste water,

leisure, cultural and community facilities. Policy CP6 of the Core Strategy advises that the Council will support development proposals promotes skills and learning of the local workforce.

- 7.1.4 The application site has historically been used as a community facility, formally a doctor's surgery before changing its use to an office with estate and social care management. The proposed use of the premises which seeks to retain the community facility would therefore not alter the existing and historic site circumstances with regard to usage. Although the application seeks to widen the range of uses and its operational hours from those existing, it would provide a community facility opportunity in accordance with PSP2, Policy CP1 and CP6 of the Core Strategy. Its use is therefore given weight in favour of the development.
- 7.1.5 Nevertheless, it is necessary to consider the possible impacts on the immediate area from the use and its greater operational hours which are discussed in greater detail below.
- 7.1.6 Impact on amenity of neighbours
- 7.1.7 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.1.8 Policy DM9 of the Development Management Policies document sets out that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planning development. Also, would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.
- 7.1.9 Historically, the site has been used for estate management and social care work with the most recent planning permission restricting the hours of use, users and numbers of people (05/0953/FUL).
- 7.1.10 The Planning Statement sets out that the estate management use is no longer required. Further, that the range of users has expanded and become more varied since the previous permission. Additional information provided by the applicant sets out that the building is to be used in partnership with Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing. Further, that there would be a variety of meetings in smaller groups focused on various topics such as such as therapy sessions. Consequently, the application seeks permission to use the building for meetings to meet the needs of the current users. It is proposed that no more than 12 attendees would be present within the building at any one time. However, further details provided by the applicant indicate that it would be more likely a maximum of 8 attendees would be present.
- 7.1.11 During the course of the application the applicant provided information on the meetings. The meeting are proposed to be 'drop-in-style' with small break out groups rather than formal training /meetings in larger groups. As such, it is not expected that the proposed maximum number of attendees (12) would regularly be at the site at any one time. It is also considered that in the evenings (after 17:30) the numbers of attendees would likely be less. The proposal is put forward to be enable further flexibility from the extant permission which is more suited to the needs of the former users.
- 7.1.12 Historical use for the site and existing permission permits meetings between the hours of 08:30 and 17:30 Monday to Fridays and between 12:30 to 17:30 on Saturdays with no meetings on Sundays and Bank Holidays. The proposed continued use of meetings within these hours is no different from the existing permission. Consequently, there would be no material difference and the hours would be acceptable when considering in respect of safeguarding neighbouring residential amenity.

- 7.1.13 It is acknowledged that the proposal seeks to increase the number of attendees within the evening (after 17:30). Historically, a maximum of 6 people could attend meetings 4 times per month with the exception of 1 evening with 18 people. Therefore, the proposal which seeks up to 12 people between 17:30 and 21:30 Monday to Friday, which would be an increase in the number of potential people attending the meetings in the evening from the previous permission. Although the potential number of attendees would increase in number of regularity, details provided by the applicant also indicates that reaching the maximum of 12 people would be unlikely due to the proposed drop-in and break out nature of the facility.. It would also be restricted by the limited physical size of the building.
- 7.1.14 Nevertheless, it is acknowledged that the application site is located within a residential area with No.4A School Mead located immediately adjacent and partially above the application site. Thus, this neighbour would be most directly affected by the development and an objection has been raised during the course of this application in relation to noise. Noise is a material planning consideration. It is acknowledged that any increase in number of people at the application site would likely increase the activity on the premises which may contribute to increased noise levels. Notwithstanding this, the proposed use of the building would be styled a 'drop-in' sessions with break out areas and therefore, the indented use of the site would be limited. However, in order to safeguard residential amenity, it is recommended to restrict the hours of use and the numbers of attendees to 12 people, between 8:30 and 21:30 Monday to Fridays and 12:30 and 17:30 Saturdays and not at all on Sundays. The extant permission also allows for an exception of 18 attendees on 1 evening meeting per calendar month. Additionally information provided by the applicant indicates that this is unlikely to be used however, would provide a degree of flexibility for the site. Given that this exception could also be utilised in accordance with the existing permission, it is not considered it would arise in any further harm. Additionally, it is considered reasonable to restrict the use of meeting room 2 (as shown on plan number A1.1) after 17:30 as a meeting/consultation room, given this particular room is attached and below the neighbouring dwelling. Subject to a restriction on the hours of use and the number of attendees at the building, it is considered that there would be no additional adverse impact on this neighbour as a result of the proposal.
- 7.1.15 The application site is located on a corner plot and therefore, other neighbours such as no.1 Gable Close and no.3 School Mead are physically separated from the site. Given the degree of separation of these neighbours compared with the application site and the intended use of the building, it is not considered these neighbours would experience adverse harm as a result of the proposal.
- 7.1.16 The development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

## 7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM12 of the Development Management Policies document sets out that proposal for the redevelopment or change of use of any premises resulting in the loss of services that support the local community will only be permitted where the Council is satisfied that:
- i) The existing facility can be satisfactorily relocated within the development; or
  - ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or



- iii) The premises or site cannot readily be used for, or converted to, any other community facility and:
- iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

7.2.3 There are no external alterations proposed thus, there would be no change or harm to the appearance of the existing building or wider area.

7.2.4 Historically the site has been used for community facilities. Therefore, the proposed continued use of the site for such purposes would not arise in harm to the character of the building or wider area.

7.2.5 The application seeks to increase the number of people using the facility within the evening between the hours of 17:30 and 21:30. However, given the size of the site and the nature of the 'drop-in' use, it is considered unlikely that the proposed number of people would be reached on a regular basis and would not have an adverse impact on the character of the building or area.

7.2.6 It is considered that the proposal would not result in any adverse impact on the existing building or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM12 of the Development Management Policies Document (adopted July 2013).

### 7.3 Wildlife and Biodiversity

7.3.1 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.

7.3.2 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.

7.3.3 The application has been submitted with a Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

### 7.4 Highways, Access and Parking

7.5 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.6 Non-residential Institution (Community/Family Centre) as set out within Appendix 5 of the Development Management Policies LDD states that the car parking standards for D1a community centres is 1 space per 9sqm gross floor area plus 1 space per full time staff member or equivalent

7.7 The gross floor area of the community facility is approximately 66sqm and therefore would require 7.3 spaces. It would also require an additional 2 spaces for the 2 Officers who will work at the site.

7.8 The application site has a driveway facing School Mead which could accommodate 1 vehicle. Therefore, there would be a shortfall of 8.3 spaces. A Highways Officer was consulted during the course of the application and commented that local residents would have the potential to travel sustainably to and from the site. There are also a number of public parking spaces in close proximity to the application site. Further, given the nature of the intended use of the site, it is unlikely to a substantial increase and unlikely to alter the existing parking circumstances.

## 7.9 Summary

7.9.1 The continued use of the community facility is given weight within the planning balance. However, given its location, regard must be had for safeguarding the residential amenities of occupiers at 4A School Mead. Consequently, it is considered that conditions can be imposed to ensure the residential amenity of the neighbouring property is protected and planning permission can be granted.

## 8 **Recommendation**

8.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The use of the premises hereby permitted shall only be carried on during the hours of 08.30 and 21.30 Mondays to Fridays and between 12.30 and 17.30 on Saturdays and no time on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C2 The use of the premises hereby permitted in accordance with Condition 1, shall have a maximum number of 12 attendees during the hours of 17:30 and 21:30 Monday to Fridays. The only exception to this attendance is a maximum of 18 attendees at 1 evening (between 17:30 and 21:30) per calendar month. There shall be no meetings/consultations or similar whatsoever between the hours of 17:30 and 21:30 within meeting room 2 (as shown on Plan Number A1.1).

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C3 This permission shall ensure the benefit of Watford and Three Rivers Trust, Three Rivers District Council and Watford Community Housing and relevant ward Councillors only and for no other person, company, firm or organisation.

Reason: To seek control on how the premises is used in order to safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 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.
- 13 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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## PLANNING COMMITTEE – 12 AUGUST 2021

### PART I - DELEGATED

14. **21/1508/FUL – First floor extension to create two storey dwelling including increase in ridge height, single storey rear extension, front porch, insulated render cladding, alterations to fenestration and associated landscape works including excavation, extension to drive and installation of retaining walls to front and rear at 112 WHITELANDS AVENUE, CHORLEYWOOD, WD3 5RG (DCES)**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 09.08.2021  
(Extension of time agreed until 19.08.2021)

Ward: Chorleywood South & Maple Cross  
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse as concerns have been raised relating to character and impact on street scene.

#### 1 Relevant Planning History

- 1.1 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 - **Pending Consideration and on this committee agenda.**

- 1.2 21/1345/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey rear extension, front porch and insertion of door to side elevation - 19.07.2021 - **Permitted**

- 1.3 21/0588/FUL - First floor extension to create two storey dwelling including increase in ridge height, provision of rooflights, two storey rear extension, alterations to external materials including render cladding alterations to fenestration detail, associated landscaping works including alterations to driveway and rear staircase and terrace - 10.05.2021 – **Refused**

R1 The proposed rear extension including an extension to the main roof form, would result in an overbearing, unduly prominent, visually intrusive and un-neighbourly form of development which would have an adverse impact on the residential amenity of occupiers of no.110 Whitelands Avenue. The proposed rear staircase providing access from first floor level to the garden, by virtue of its depth and height, would result in harmful overlooking to the neighbouring occupiers of no.110 Whitelands Avenue. The proposal is therefore 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).

- 1.4 21/0022/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (2.91m in height) to result in an overall height of 9.19m (Class AA) – 03.03.2021 – **Permitted**

- 1.5 20/2404/FUL - Demolition of existing bungalow and construction of two storey dwelling with associated landscaping, vehicular crossover and associated parking and alterations to land levels - 06.01.2021 – **Refused**

R1 The proposed replacement dwelling, by virtue of its excessively bulky roof design and form, would detract significantly from the character and appearance of the area resulting in demonstrable harm to the streetscene. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011),

Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) and the NPPF (2019).

1.6 AM/1141/73 - Vehicular access and standing for 2 cars - 28.05.1973

## **2 Description of Application Site**

- 2.1 The application site contains a detached bungalow located on the northern side of Whitelands Avenue, Chorleywood. The land levels on this part of Whitelands Avenue slope upward in a northern and western direction, meaning that the adjoining neighbour to the north-west is positioned at a higher level, the adjoining neighbour to the south east to a lower level and that the rear amenity garden slopes upwards towards the rear. The dwelling is also positioned at a higher level relative to the public highway.
- 2.2 The application dwelling is traditional in character with a hipped roof form and red facing brick exterior. Forward of the dwelling is a partially paved driveway and front garden including steps up to the dwelling. To the rear of the dwelling is an amenity garden of some 550sqm in area.
- 2.3 The street scene of Whitelands Avenue is relatively varied in terms of the style and design of dwellings within it. The street is comprised of a mixture of detached bungalows, detached two-storey dwellings and two-storey semi-detached dwellings. The direct neighbour to the west is a bungalow which has implemented roof extensions and the direct neighbour to the east is a bungalow.

## **3 Description of Proposed Development**

- 3.1 It is proposed that the existing bungalow is increased in height to form a two-storey dwelling. The proposed additional storey would have a height of 2.905m above the existing ridge, a width of 8.8m and a depth of 10.5m. The extended dwelling would therefore have an eaves height of 5.5m and an overall ridge height of 9.2m. The dwelling would maintain its existing hipped roof design and form. Prior approval has previously been granted for the works described above, under reference 21/0022/PDT, for the enlargement of the dwellinghouse by the construction of one additional storey with raising of ridge height under the provisions of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 3.2 The extended dwelling would contain glazing within its front, rear and flank elevations at ground and first floor level. A rooflight would also be inserted within the eastern flank roofslope of the dwelling. It is proposed that external finish materials are altered to the whole dwelling to include grey metal framed windows, white render and grey artificial slate roof tiles.
- 3.3 It is proposed that a single-storey extension is built to the rear of the extended dwelling. The extension would have a depth of 3.0m from the principal rear elevation and would have a width of 8.3m. The extension would have a flat roof with an overall height of 3.0m. Within the rear elevation the extension would contain a set of bifold doors. It is proposed that a porch is constructed outside the main front door of the dwelling. The porch would have a depth of 2.0m and a width of 1.4m. The porch would have a hipped roof form with an eaves height of 2.8m and an overall height of 3.0m.
- 3.4 It should be noted that the LPA have confirmed that the proposed single-storey rear extension and front porch benefit from deemed planning permission under the Town and Country Planning (General Permitted Development) Order 2015, as amended, through the determination of Lawful Development Certificate reference 21/1345/CLPD.
- 3.5 It is proposed that alterations are made to the frontage to accommodate an additional third parking space. The altered driveway would incorporate retaining walls given the raised land

level that the dwelling is positioned on. The steps up to the dwelling would be repositioned to the eastern side of the frontage. No alterations are proposed to the existing vehicular access. These alterations to the frontage of the site are also subject of a separate planning application (reference 21/1346/FUL) which is on the same committee agenda.

- 3.6 It is proposed that the rear patio is extended by some 3.0m in depth at the rear. The sloped land levels would be excavated by a maximum depth of 1.5m from its current level and a retaining wall, which would have a width of some 11.5m, would be inserted.
- 3.7 This application seeks to establish two previously approved applications to be built as a single building operation with alterations to the external materials including light render and grey metal windows. These approved applications include a prior approval application for the construction of an additional storey to form a two-storey dwelling and a lawful development certificate for a single-storey rear extension and front porch.
- 3.8 Two planning applications have previously been refused at the site, as set out in the planning history. One application for the total demolition of the dwelling and the construction of a new dwelling was refused on the grounds of its individual design. Another application, which proposed to extend deeper in the site at first floor level than the existing dwelling, was refused on the grounds of neighbour impact. This current application does not bear resemblance or is, in any way, an amended version of these applications.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [Objection]**

*"The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

*The proposed car parking and landscaping are out of character with the street scene and the development at the neighbouring property only highlights the harm the changes to the front boundary and car parking causes to the street scene.*

*The proposal would result in the loss of the grass verge and the proposal is contrary to the Chorleywood Neighbourhood Plan.*

*The property is located in a Cul De Sac, the proposed building line is not consistent with that of the neighbouring properties.*

*The development would be imposing and out of character with the surrounding area.*

*The proposal is contrary to Policy 4.1, 2.1, 2.2, 2.4 Chorleywood Neighbourhood Plan The development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011)."*

#### **4.1.2 London Underground Infrastructure Protection: [No objection]**

*"I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.*

*This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities."*

4.1.3 National Grid: [No response received]

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 11

4.2.2 Responses received: 4 (3 Objections, 1 Support)

4.2.3 Site Notice posted 17.06.2021, expired 08.07.2021

4.2.4 Press notice not required

4.2.5 Summary of objections received:

- The proposed development would lead to overshadowing
- The proposed development would be at odds with the street scene
- The proposed materials would be out of character with the street scene
- Previous applications have been refused
- Allowing this application would set a precedent for bungalows to disappear
- The proposed height dwarfs the neighbouring dwelling which is at a lower land level
- The proposed development would alter the character of the road
- The loss of grass frontage is also a cause for concern

4.2.6 Summary of support received:

- Support fully what this family is trying to accomplish
- The area is evolving and bungalows in the area are in need of repair and modernisation
- Demographics should have nothing to do with opposing this plan
- The proposal is well designed and in keeping with the street
- No objections to the proposed materials
- Parking on the road has become an issue and I see no reason to object to the expansion of the driveway

## **5 Reason for Delay**

5.1 Committee cycle.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside 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 is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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 of the adopted Core Strategy include CP1, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). Relevant policies include Policies 2 and 4.

### 6.3 Other

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

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

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

## 7 **Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan relates to 'Housing to meet the needs of local people'. This policy states that "in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings". The proposal would result in a loss of a bungalow and the creation of a 'multi-level dwelling' and would therefore not comply with the aforementioned Policy 4. Although the Chorleywood Neighbourhood Development Plan can now be given significant weight in decision making, it is not considered that the principle of constructing an additional storey to the bungalow to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the extended dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people. As referenced in Policy 4, various alterations can be made to properties without the need to apply for planning permission, via 'permitted development' and as such can transform a bungalow into a 'multi-level dwelling'. As set out in the planning history above, prior approval (21/0022/PDT) has been granted for the enlargement of the application dwellinghouse by the construction of one additional storey.

### 7.2 Impact on Character and Appearance

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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.
- 7.2.2 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. The Design Criteria at Appendix 2 states that the first floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.
- 7.2.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that All developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.
- 7.2.4 The proposed development would involve the construction of an additional storey to an existing detached bungalow to form a two-storey dwelling. The adjoining neighbour to the south-east is a bungalow of similar design to the application dwelling and is positioned at a lower land level. The adjoining neighbour to the north-west is a bungalow that has undergone a front and rear gable extension to its roof form and an increase in ridge height of approximately 1.0m, and is positioned on a higher land level to the application dwelling. The wider context of Whitelands Avenue is relatively varied in character. The neighbouring dwellings located to the south east consist of a row of bungalows and then two-storey dwellings. The neighbouring dwellings to the north-west include a mix of bungalows with roof accommodation and two-storey dwellings. The opposite side of the road is predominantly made up of two-storey semi-detached dwellings.
- 7.2.5 The proposed additional storey extension would follow similar design principles to the existing dwelling in terms its general dimensions and hipped roof profile. The proposed development would give rise to a dwelling that appears somewhat larger in its overall scale and massing however the dwelling itself is not considered to be significantly wide or deep such that an additional storey would give rise to a dwelling of an overly dominant scale. It is considered that the proposed development would respect the heights relative to neighbours. It is acknowledged that the maximum overall roof height slightly exceeds that of the neighbour to the northwest however is not considered to appear at odds with the street scene due to the hipped nature of the roof. In summary, is not considered that the proposed extensions to form a two-storey dwelling would result in harm to the character and appearance of the dwelling or street scene. Furthermore, it is acknowledged that Prior Approval (210022/PDT) has been granted for the same form of development which could be implemented should planning permission be refused.
- 7.2.6 In addition to the above, the proposed development includes the construction of a single-storey rear extension and a front porch. The proposed single-storey rear extension would have a depth of 3.0m which would comply with the Design Criteria for extensions to detached dwellings. The extension would also be positioned to the rear of the dwelling therefore views would be significantly obscured from public vantage points. In summary, it is not considered that the single-storey rear extension would result in harm to the character and appearance of the dwelling or street scene. The proposed front porch would be visible from the street scene however, given its relatively small scale and hipped roof design to match the dwelling, it is not considered that this element of the proposal would result in harm to the character and appearance of the dwelling or street scene.

- 7.2.7 This application proposes changes to the external finish materials of the dwelling. These include relatively modern finish materials such as white render and grey framed windows. Given the general variance of the street scene of Whitelands Avenue, it is not considered that there would be an in principle objection to a dwelling of a more modern and contemporary character and it is not considered that the proposed materials would result in harm to the character of the dwelling or street scene.
- 7.2.8 It is not considered that the proposed alterations to the driveway and frontage would result in harm to the character and appearance of the area. The existing frontage is currently made up of lawn, hard and soft landscaping features including a series of raised brick-clad planters, raised steps and an area of paving to accommodate two car parking spaces. The proposal to accommodate one additional parking space and associated works such as the construction of new retaining walls would slightly alter its existing appearance however it is not considered however that harm would arise as a result. The frontage would retain a significant portion of soft landscaping along with the proposed increased driveway size and it is not considered that the frontage would appear out of character with the dwelling or street scene particularly given the driveway alterations made across Whitelands Avenue as a whole. The submitted plans indicate that the proposed retaining walls would have a brickwork finish and subject to a condition requiring that brickwork to match the existing dwelling, it is considered that this would result in an acceptable appearance to the frontage, which may reduce the number of different facing materials when compared to the existing situation. It is not considered that the extension to the rear patio would result in any harm to the character and appearance of the dwelling or street scene.
- 7.2.9 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two-storey development should not intrude the 45 degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 The proposed block plan indicates that the proposed development would adhere to the 45 degree splay line and would not intrude at first floor level from a point taken on the shared boundary with each adjoining neighbour. The proposed ground floor rear extension would extend some 3.0m beyond the rear elevations of each adjoining neighbour which would comply with the Design Criteria and is not considered to be excessively deep. Furthermore there would be a spacing of at least 1.5m maintained to each flank boundary. It is therefore not considered that the proposed development would result in an overbearing impact or a loss of light to either adjoining neighbour. Given the relative scale and position of the proposed porch, it is not considered that this would result in harm to the residential amenities of any neighbouring occupiers.
- 7.3.3 The extended dwelling would contain ground and first floor level glazing within its front and flank elevations and within the eastern flank roofslope there would be a rooflight serving a stairwell. It is acknowledged that the introduction of first floor glazing would provide an elevated front and rear outlook however it is not considered that this would be detrimentally harmful to the residential amenity of either adjoining neighbour. It is considered appropriate for the proposed first floor flank windows to be conditioned to be obscure glazed and top

level opening only to prevent overlooking and a condition will be included on any permission granted stating this.

7.3.4 It is not considered that the proposed front driveway or rear patio alterations would result in harm to the residential amenities of any neighbours in terms of a loss of light or overlooking.

7.3.5 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The proposed extended driveway provides space for at three parking spaces and as such is considered that there will be adequate parking space for present and future occupiers. No changes to the existing access are proposed as part of the proposed development which would remain as existing.

#### 7.5 Rear Garden Amenity Space

7.5.1 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.

7.5.2 The dwelling would retain a garden of approximately 500sqm in area which is considered to be acceptable.

#### 7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies 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.

7.6.2 The proposed development would not require the removal of any trees and is not considered to result in any impact to trees. The proposed development is therefore considered to be acceptable in this regard.

#### 7.7 Biodiversity

7.7.1 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.

7.7.2 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 Development Management Policies document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

## 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: P001, P009, P011

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies 2 and 4 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and materials schedule and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area 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 Before the first occupation of the development hereby permitted the windows in the first floor flank elevations and outer flank roofslopes shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the window are installed. The proposed window serving the stairwell shall be fitted with translucent glass. 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).

### **Informatives**

11 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](mailto: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](http://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.

- 12 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.
- 13 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.