

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 17 August 2023 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)  
Ruth Clark  
Matthew Bedford  
Philip Hearn  
David Raw  
Stephen King

Steve Drury (Vice-Chair)  
Chris Lloyd  
Ian Morris  
Debbie Morris  
Khalid Hussain

*Joanne Wagstaffe, Chief Executive  
8 August 2023*

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 are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

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

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

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

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

(Pages 7  
- 22)

To receive the minutes from the Planning Committee meeting held on 22 June 2023 for the Chair to sign following agreement of the minutes at the meeting on 13 July 2023.

To confirm as a correct record the minutes from the Planning Committee meeting held on 13 July 2023.

**3. DECLARATIONS OF INTEREST**

**To receive any declarations of interest.**

Where a member of this Planning Committee is also a member of a Parish Council they are entitled to take part in any debate at this Committee on an application within that Parish area provided that the Councillor

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

**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.

**PLANNING APPLICATIONS**

The following applications (agenda items 5 to 7) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual report.

- 5. 23/0747/RSP - RETROSPECTIVE: PART SINGLE, PART TWO STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION, LOFT CONVERSION INCLUDING INCREASE IN RIDGE HEIGHT, REAR DORMER WINDOWS TO THE REAR, ERECTION OF PORCH, ALTERATIONS TO FENESTRATION, RENDER TO EXTERIOR AND ALTERATIONS TO DRIVEWAY AT SANDLEWOOD, 7A WOLSEY ROAD, MOOR PARK, HERTS, HA6 2HN**

(Pages  
23 - 38)

That Part Retrospective Planning Permission be granted

- 6. 23/0942/ADV - ADVERTISEMENT CONSENT: INSTALLATION OF NON-ILLUMINATED FASCIA SIGN TO BUILDING AT CHANGING ROOMS, OXHEY PAVILION EXTENSION, GREEN LANE, OXHEY HALL**

(Pages  
39 - 48)

That advertisement consent be GRANTED subject to conditions

7. **23/1003/FUL - VARIATION OF CONDITION 2 PURSUANT TO PLANNING PERMISSION 22/0958/FUL (PART SINGLE PART TWO STOREY SIDE AND REAR EXTENSION INCLUDING HIP TO GABLE ROOF EXTENSION, REAR DORMER, ROOFLIGHTS, ALTERATIONS TO FENESTRATION AND THE CONSTRUCTION OF A DETACHED OUTBUILDING) TO INCREASE SCALE OF REAR DORMER AND RECONFIGURATION OF FRONT ROOFLIGHTS AT 129 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3DX** (Pages 49 - 60)

Recommendation: That Planning Permission be Granted

8. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**
9. **EXCLUSION OF PRESS AND PUBLIC**

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 to 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.)

10. **21/0228/COMP - PROPOSED USE OF POWERS TO TAKE DIRECT ACTION UNDER SECTION 219 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)** (Pages 61 - 94)

To take direct action against a property in the District which has failed to comply with a Section 215 Notice.

11. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**

### **Livestreaming details**

To watch the Part I items of the meeting remotely please use the livestream details below:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTBhMGY5MjQtMTRlYy00OWI4LWlxZDUtYjNkY2Q0MDdkMTIy%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTBhMGY5MjQtMTRlYy00OWI4LWlxZDUtYjNkY2Q0MDdkMTIy%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

The Part ii item of the meeting will not be livestreamed.

**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)

# Public Document Pack Agenda Item 2

## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 22 June 2023 from 7.30 - 8.25 pm**

**Present:**

Councillors:

Sara Bedford (Chair)

Matthew Bedford

Ruth Clark

Stephen Cox (substitute for Cllr Stephen King)

David Raw

Chris Lloyd

Philip Hearn

Debbie Morris

Khalid Hussain

Raj Khiroya (substitute for Cllr Steve Drury)

**Also in Attendance:**

Councillors Louise Price and Phil Williams

**Officers in Attendance:**

Matt Roberts, Scott Volker, Sarah Haythorpe

**PC12/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Steve Drury and Stephen King with the named substitutes being Councillors Raj Khiroya and Stephen Cox.

An apology for absence was also received from Councillor Ian Morris.

**PC13/23 MINUTES**

The minutes from the Planning Committee Meeting held on 25 May 2023 were confirmed as a correct record and were signed by the Chair.

**PC14/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

**PC15/23 DECLARATIONS OF INTEREST**

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the planning policies of the Council and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

Councillor Raj Khiroya declared a non-pecuniary interest in agenda item 5 (22/1912/OUT - Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) at 24

Denham Way and Land to the Rear, Maple Cross) as they had visited the site as a Local Ward Councillor and would leave the meeting.

Councillor Raj Khuroya left the meeting.

**PC16/23**

**22/1912/OUT - OUTLINE APPLICATION: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 50 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE, LANDSCAPING AND SUDS BASIN (APPEARANCE, LAYOUT, LANDSCAPING AND SCALE AS RESERVED MATTERS) AT 24 DENHAM WAY AND LAND TO THE REAR, MAPLE CROSS**

The Planning Officer reported that Herts Ecology had provided comments but had raised no objection to the development of the site. All the detailed matters raised can and will be addressed via the Section 106 obligations securing 10% biodiversity net gain and at reserved matters stage where details on layout and landscaping will be provided. An air quality assessment had been provided by the applicant in response to the initial comments from the Environmental Health Officer. The Environmental Health Officer had reviewed the report and considered its conclusions acceptable subject to the inclusion of a pre-commencement condition requiring submission of a dust management plan. The recommendation would therefore be amended to remove any reference to the Environmental Health Officer. Condition 13 is duplicated within the wording of Condition 5 and thus Condition 13 will be deleted.

The Planning Officer summarised this is an outline application for up to 50 units of which 50% would be affordable. The matters for consideration this evening are only access and the principal of the development of the site. The finer details of layout, appearance, landscaping and scale would be assessed at a subsequent reserved matters stage should this outline application be deemed acceptable. Any consent would be subject to the completion of a Section 106 which would include Heads of Terms to secure on site affordable housing, biodiversity net gain and open space provision.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application emphasising points on the balance of flats and houses, layout, height of buildings, 50% affordable housing, sustainability, biodiversity net gain, play area provision and urban wildlife strategy.

In accordance with Council Procedure Rule 35(b) a member of the public spoke on behalf of local residents against the application emphasising points on how the development would impact on the open green space around their properties, biodiversity loss, loss of wildlife and habitation, invasion of privacy, pollution, out of character, implications of additional traffic on the highway junction, impact on local services including the local doctors and loss of significant local building.

Members of the Committee made the following points:

There was not much reference or weight given to the loss of commercial business. Whilst they appreciated that there was only one business on site at present the report did state that there was no evidence that the site would not be attractive for other commercial uses.

In justifying the recommendation reference is made to the impact of the residential development being only at a localised level. Any development in Green Belt has an impact on a localised level and queried why there was a justification for building on the Green Belt.

On the impact on the Local Heritage asset and the statement the applicant had provided that there would be no impact on the Grade II listed buildings and locally

listed building, there was no Conservation Officer comments and wondered why the Conservation Officer had not been instructed when there is potential for impact on these assets.

The site is in flood risk zone 1. The LPA had appointed a consultant to comment on the potential flooding issues and part of their recommendation had been accepted with the inclusion of permeable paving to be maintained by a management company. Management companies may not be around forever and did not feel this was a perfect solution. On Plots 31-35 surface water would be dealt with by rear garden soakaways but the consultant had said that surface water would not be managed successfully and this was not an acceptable solution.

With regard to a dust condition it was felt this was essential.

On the larger buildings proposed they would prefer to see them smaller or put in a more appropriate location so residents don't feel overlooked.

Noted there had been no highways objection.

There had been a not too dissimilar application come forward to the Committee where it was a disused industrial site in the Green Belt and where the Committee had come to the conclusion that redeveloping the site for housing based on the rules, we need to follow was probably the best option although were mindful there is great pressure on the Green Belt in terms of housing sites. If we are not going to look at sites like this, it puts further pressure onto open Green Belt sites around the District. It was difficult to see there could be an objection with would stand up.

All reserved matters would come back to the Committee at a future meeting. Nothing can happen on the site until the applicant comes back with more details for the Committee to consider.

Whilst some of the site had previously been used for industrial purposes, it was only around a quarter of the site.

With regard to building on the Green Belt, the report stated that there would be significant harm to the Metropolitan Green Belt but then seems to misquote the NPPF on this. The report highlights why very special circumstances exist but the most principal one relates to 5 years housing land supply and sights this location as being very sustainable, but the Member struggled to see the site as being very sustainable. This is an edge of village/town development which if approved would set a precedent for many other Green Belt locations which are on edge of settlements. The NPPF includes details on limited infill development which this does not meet the definition of.

If the site is not going to be used anymore it should be put back to fields.

The development would provide for 44 flats and 6 houses but did not represent the sort of development we want in the area and did not represent the local context of housing, amenities and the qualities of the area.

There needs to be a balance between harm to the Green Belt and the need for affordable housing but what sort of affordable housing will we get.

On the split of affordable housing they thought they had looked at the South West Herts details and not what we require.

Had concerns about the 3 storey flats backing onto Crosslands on the southwest side of the site which would be unneighbourly in that setting. Flats are not out of keeping in Maple Cross but all flats on the site would be out of keeping.

Not in favour of any development here and it should remain open.

The indicative plan shows 28 flats and 22 houses which would provide for a mixed development. The weighting between the affordable homes and the private housing is something the developer will need to look at the detailed stage.

Would like to see in the Construction Management Plan that unless wheel washing facilities are available and usable no work can start.

Could we go back to the Highways Authority and ask if reducing the speed limit on the service road is a possibility and relook at the concerns raised before any further application comes back.

There was no prospect of a single non-private four bedroom house being on offer.

Local Ward Councillors spoke raising points on the 3 storey buildings on the site and the impact on residents in Denham Way and Crosslands, impact on Bats, like the developer to reconsider their plans and should development go ahead the best possible outcome for the neighbours, setting precedent on building on the Green Belt, traffic impact on Denham Way and access to the site, highways safety issues and impact on local facilities.

The Planning Officer advised that with regard to the loss of employment detailed at section 9.3 of the report it acknowledged there is a bit of tension with regard to Policy CP6 which discusses the loss of existing employment space. It is a balancing act between the loss of the employment space and the provision of much needed houses (up to 50 units). There will be a loss of employment space, but it is considered the provision of houses outweighs that loss. The impact on the Green Belt at a localised level as detailed in section 9.4 of the report discusses the impact on the Green Belt and sets out the reasons why it is considered that the impact is at a localised level. There is a clear defensible boundary along the northeastern and northwestern areas of the site and development will be contained by the existing urban development. Those boundaries would be defensible against any further encroachment into the Green Belt preventing any further urban sprawl and the merging of towns which is consistent with the NPPF and the purposes of the Green Belt. In terms of Heritage Assets, the report had taken into account the impact. The Listed Buildings are 300 to 400 metres away to the north, closer to Woodoaks Farm and there is a Locally Listed building at Crosslands, around 35 metres away. Given those distances and the positioning of the Locally Listed building it was not considered that there would be demonstrable harm to those heritage assets. Details would follow at the reserved matters stage in respect of any impact and officers can ensure that the Conservation Officer is consulted as part of a subsequent application. On drainage, a consultant was instructed in the absence of the LFA. There is a suggestion of a covenant that would ensure that the private owners of those properties would allow access to the management company to access those properties to ensure that the drainage was maintained throughout the development with the finer details provided at reserved matters stage.

The Planning Officer advised that the application was only indicative at this stage to provide a mixture of flats and terraced/semi-detached properties but this had not been confirmed with details to be provided at the reserved matters stage.

Councillor Matthew Bedford moved the recommendation that outline planning permission be granted with the amendments to remove any reference to the Environmental Health Officer, deleting Condition 13, including a dust management condition and completion of a S.106 legal agreement to secure 50% affordable housing of the total number of dwellings and agreement to a tenure mix of 70% social



rent, 25% first homes and 5% shared ownership, biodiversity net gain and open space provision seconded by Councillor Ruth Clark.

The Planning Officer said it was important that certain details were secured at this time with regard to the Section 106. The layout and mix was indicative but officers will require agreement in terms of the affordable housing mix and tenure. On the information provided so far, we are looking at 70% social rent, 25% first homes and 5% shared ownership which is in accordance with our policy. The Committee need to agree the mix and tenure at this stage. The reference in the report on a 3-bed flat should be a 3-bed house. In terms of the recommendation the Committee will also need to agree the Heads of Terms of the commitment of the applicant to provide 10% biodiversity net gains which is important as part of the planning balance, the open space provision to be secured as part of the Section 106 and being maintained for the lifetime of the development and affordable housing.

The Chair clarified with regard to Point 3.2 of the report on the details of the development, if the Committee were to grant permission tonight, we would be agreeing that it would be 50% affordable housing broken down to 70% social rent, 25% first homes and 5 shared ownership and we are not going to be agreeing the size of the properties. It is not possible to build just houses there has a mixture of houses and flats and goes against all our policies with regard to the number of dwellings provided per hectare.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 5 For, 3 Against and 1 Abstention.

RESOLVED:

That Outline Planning Permission be Granted (in accordance with the officer's recommendation) and to include additional condition regarding dust management plan, removal of Condition 13 (Submission of verification report) and the agreement to the following Heads of Terms as part of the S106:

- agreement to 50% affordable housing of the total number of dwellings
- agreement to tenure mix of 70% social rent, 25% first homes and 5% shared ownership
- open space provision
- 10% biodiversity net gain.

Additional Dust Management condition and Materials:

Prior to the commencement of the development hereby permitted, a Dust Management Plan, shall be submitted for the written approval of the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.

Reason: This is a pre-commencement condition in the interests of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2019).

Materials

Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows, doors, eaves, verges and cills (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 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

Councillor Raj Khiroya returned to the meeting

PC17/23

**23/0657/RSP – PART RETROSPECTIVE: CONSTRUCTION OF TWO STOREY REAR INFILL EXTENSION, REPLACEMENT OF EXISTING ROOF FORM AND PROVISION OF NEW ROOF FORM TO ACCOMMODATE ACCOMMODATION IN THE ROOF SPACE, INCREASE IN HEIGHT OF TWO STOREY SIDE PROJECTION, INSTALLATION OF REAR DORMER WINDOWS, CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION AND ALTERATIONS TO FENESTRATION DETAIL, AT 63 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2ER**

The Planning Officer reported that this application had come forward following a decision made in March by the Committee who had refused the previous scheme on the grounds that the replacement roof had failed to replicate the original roof and loss of the stepped roof form leading to an unsympathetic replacement. Upon the finalisation of the officer report, Batchworth Community Council advised that following a review of the amended plans they wished to withdraw their call-in request. They had commented that “we note the revised scale and that the bulk and massing of the roof now seems to have corrected previous comments raised and seemed acceptable. The proposed design was more in keeping with the original form and design. This is a Pre 1958 property and the rear dormer windows are now the same size but request that the Council ensure that the windows do not have a negative impact on neighbouring dwellings. Any windows in the side elevation to be obscured glazed and any velux windows to be top level opening only. They also commented on the importance of all future works to be constructed in accordance with the approved plans.” The Conservation Officer was reconsulted with regard to the amended plans and had no objections. In response the Community Council comments officers do not consider that the dormer windows would have an impact on privacy of neighbouring dwellings as set out in the report. Condition 3 requires a Construction Demolition Method Statement to be submitted prior to any further works on site. The plans do not include any flank roof lights as they were removed during the planning process. There would be no additional first floor flank windows which are required to be obscurely glazed. The ground floor windows are such that officers do not consider they would result in harm to neighbours.

Members made the following points:

Condition 4 talks about the requirement for samples and details of proposed external materials to be provided and asked if the condition could be amended to incorporate the Conservation Officer comments on the new windows and the details on doors, eaves, verges and cills to be submitted. Did the door reference include the garage door.

Councillor Debbie Morris moved, duly seconded, that permitted development rights be removed. There will be 16.5% plot coverage but under the Conservation Area Appraisal the recommended plot coverage was 15%.

The Planning Officer advised that if Members believe that the condition needs to be strengthened in accordance with the Conservation Officer comments the condition could be amended. The garage door is being retained and not replaced. On removing permitted development rights, the Committee need to consider whether it is reasonable and meets the test as set out in the NPPF as we can be challenged. With regard to this development, they would not be able to utilise much permitted development rights

in respect of extensions to the house because they had been used up from this application. The Conservation Area does have specific restrictions applied via the Article 4 so some care would be needed on whether or not that would be reasonable to prevent development. It could be considered on whether to remove permitted development for outbuildings. There are things which can be done under permitted development unless there are very special circumstances why we should restrict it. The 15% is a guideline and is not a rule and it would not justify the removal of permitted development.

Councillor Matthew Bedford moved that Planning Permission be Granted (in accordance with the officer's recommendation) with the addition of amendments to Condition 4 (Materials) to include details of proposed new windows, doors, eaves, verges and cills, seconded by Councillor Raj Khiroya.

On being to the Committee the amendment that permitted development rights be removed was declared LOST by the Chair the voting being 3 For, 6 Against and 1 Abstention.

On being put to the Committee the motion to grant planning permission and the amendments to Condition 4 (Materials) was declared CARRIED the voting being 7 For, 0 Against and 3 Abstentions.

**RESOLVED:**

That Planning Permission be Granted (in accordance with the officer's recommendation) with the addition of amendments to Condition 4 (Materials) to include details of proposed new windows, doors, eaves, verges and cills.

**Amended Condition 4:**

Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows, doors, eaves, verges and cills (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 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

**CHAIR**

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# Public Document Pack

## THREE RIVERS DISTRICT COUNCIL

### MINUTES

Of a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 13 July 2023 from 7.30 - 7.58 pm

**Present:**

Councillors:

Sara Bedford (Chair)

Matthew Bedford

Ruth Clark

David Raw

Stephen Giles-Medhurst (substitute for Cllr Steve Drury)

Khalid Hussain

Philip Hearn

Debbie Morris

Stephen King

**Also in Attendance:**

Diana Barber, Batchworth Community Council

**Officers in Attendance:**

Adam Ralton, Lilly Varnham, Clara Loveland, Sarah Haythorpe

**PC18/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Steve Drury, Ian Morris and Chris Lloyd with the named substitute for Councillor Drury being Councillor Stephen Giles-Medhurst.

**PC19/23 MINUTES**

The Minutes from the 22 June 2023 meeting were confirmed as a correct record and would be signed by the Chair at the next meeting.

The Committee Clerk apologised for the late circulation of the minutes.

**PC20/23 DECLARATIONS OF INTEREST**

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the planning policies of the Council and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

**PC21/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

**PC22/23 23/0948/FUL - DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF PART SINGLE, PART TWO STOREY FRONT, SIDE AND REAR EXTENSIONS; CONVERSION OF GARAGE INTO HABITABLE**

**ACCOMMODATION; ALTERATIONS TO FRONT FENESTRATION AND ALTERATIONS TO EXTERNAL MATERIALS, AT 34 GIRTON WAY, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3QN**

The Planning Officer reported an amendment to Paragraph 7.2.8 to take out the word “not”. The officer also confirmed that at the natural ground floor level it is not considered that the terrace would facilitate any additional overlooking of any neighbour. The Officer also reported that comments had been received from Croxley Green Parish Council who do not wish to object to the application but have raised concerns regarding the use of render to the front elevation. This was set out and addressed in the officer report and it was felt that there was enough variation among the wider streetscene and in Girton Way that Officers found the use of render to be acceptable in this regard.

Councillor Sara Bedford moved, seconded by Councillor Debbie Morris, that the decision be delegated to the Head of Regulatory Services to consider any representations received and that Planning Permission be Granted subject to the conditions and informatives set out in the officer report.

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

RESOLVED:

That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PLANNING PERMISSION BE GRANTED subject to the conditions and informatives set out in the officer report.

**PC23/23**

**23/0581/FUL - CONSTRUCTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION; BASEMENT INFILL; GARAGE CONVERSION AND TERRACE BALCONIES; ALTERATIONS TO ROOF INCLUDING INCREASE IN RIDGE HEIGHT; ALTERATIONS TO FENESTRATION AND ASSOCIATED INTERNAL ALTERATIONS AT 111 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EB.**

The Planning Officer reported that amended plans were received between the writing of the report and the meeting which added a chimney into the building and further annotation regarding areas of the roof to be removed and which parts were to be retained on the roof plan. Following the acceptance of amended plans conditions do need to be altered. Condition 2 would need to be amended to add in the new amended plans, Condition 4 to reference the new chimney and an additional condition which would be listed as Condition 6 which would relate to the areas of the roof for construction and demolition.

The Chair advised that the reason for the application coming to the Committee was because of the objections from Batchworth Community Council for the reasons set out a Paragraph 4.1.2. The Chair wondered how much of those objections had been addressed by the alterations.

The Planning Officer advised that the objections were largely on the scale and bulk of the building in addition to the increase in ridge height. The roof had not reduced in ridge height in the amended plans. The amendments were the new chimney and the further annotation with regards to which parts would be demolished and which parts would be maintained. Officers thought that part of the objection had been addressed with adding in the condition. With regards to the comments on overdevelopment of the site, bulk and scale it was a judgement made within the planning assessment.

Batchworth Community Council advised that the applicant seemed to have ignored the pre planning advice, policy DM3 which stated that approval would only be given if the scale and design preserves and enhances the character and appearance of the area, advice on inappropriate glazing, added huge fenestrations at the rear which bears no resemblance to the pre 1958 appearance and style. The increase in the ridge height would create a negative effect on the streetscene. The demolishing of the internal walls would see almost a total loss of the characteristics of the pre 1958 dwelling. A flood risk assessment and topographical survey for the basement had not been provided along with a tree root protection plan and construction management plan. The windows would have an unneighbourly aspect and it would exceed the 15% plot rate. Some changes are desirable, but these were made prior to the 2006 Conservation Area Appraisal. The further loss of a pre-1958 host dwelling is now becoming evident in Moor Park and asked the Committee to give the application careful consideration.

Members raised the following points:

Did not share all the concerns which the Community Council had raised and welcomed the amendments which had been made during the course of the application.

Noted that the Conservation Officer had identified the loss of the chimney as being a key architectural feature so now it was being reinstated is good news.

Noted the Conservation Officer had some concerns about the increase in the ridge height but if you look at the streetscene images you can see that the proposed increase in ridge height matches the houses each side.

The plot coverage is under the 15% as recommended in the Moor Park Conservation Area Appraisal.

Concerns regarding neighbouring amenity, noting No.109 had made objections with regard to the potential loss of boundary screening. Officers had relied on the material vegetation being protected by virtue of the Conservation Area and providing sufficient screening for the neighbour at No.109 however from the photographs it looked like there are a few conifers and bushes but they did not believe the bushes would be protected by the Conservation Area.

Concerned that if the trees fail or get cut down the neighbour would be adversely impacted and would like to see a condition securing the screening and if they fail then they are required to reinstate or replant the screening in order to ensure the privacy is retained.

Concerns with regard to dust being generated during the project and if there might be an informative on appropriate screening to protect the neighbours.

Councillor Debbie Morris moved that planning permission be granted in accordance with the officer recommendation but to ensure the continuing protection of the amenity of the neighbour at No.109 and that appropriate vegetation screening is maintained at the boundary for a period of time although were happy to receive advice on this, seconded by Councillor Matthew Bedford.

Could an informative be added on hoardings to be added during the construction work at the boundary in order to protect the neighbour?

The Chair advised that the easiest way to protect the neighbour during the construction would be to have a construction management plan submitted which would cover details with regard to dust. With regard to vegetation any trees would be protected by

TPOs as it is within a Conservation Area but did not know if it would be possible to protect the existing vegetation on the boundaries.

Could not see any planning reason for refusal.

Whilst the trees are protected there is no requirement for householders to replant if they fail or fall after the construction.

With regard to the windows and their conservation why had officers not made any comments as the site is within the Conservation Area.

Was nervous about including a construction management plan pre-commencement condition and was not sure if it would meet the test in the NPPF.

Had officers considered the 45% degree line and referred to a previous case in another part of the district as this application would go beyond the 45% degree breach line although appreciated the property already does.

Condition 3 does cover the tree issue and requires an arboricultural method statement. Conifers only have a certain lifespan and would not be permanent and if those trees were to fail it would have a significant effect on the neighbour seeing as this property is set so far back to the neighbour. Can we include a condition if the trees were to fail during the construction they would need to be replanted. They thought Condition 3 also covered other vegetation as it refers not just to trees.

The Planning Officer advised that as part of one of the recommended conditions there is a tree protection plan required during the construction phase. With regard to the trees and vegetation, Condition 3 requires submission of a method statement and tree protection so through that condition we could approve details that show that the building works would be implemented in such a way that they protect the trees which means fencing to stop you from getting to the trees and tramping on their root systems. It could also potentially include foundation types to make sure there are construction and foundation methods used which are most suitable for being in close proximity to trees and which would cause less damage to the tree roots. Through that condition we could safeguard as far as we can the trees surviving the construction works but in terms of the trees surviving beyond that it is not clear whether those trees are within the application site or in the neighbour's site. If they are in the neighbour's site whilst we could assume if they fail, they would replant something that is not under our control. If they are in the application site there is not a huge amount of space to the side of the house to re-provide but if there is vegetation there, there must be something they are growing and some space for a new tree to be put back. If it is a concern of members, you could consider a landscaping scheme that requires details of the trees and vegetation that is to be retained, if anything new is going to be put in place or anything within the site to increase the boundary treatment. Anything captured by that condition could then be controlled by us for 5 years but could only be things which could be planted within the site itself. The block plan does not show a huge amount of space but there is some vegetation there. The landscaping condition would enable us to receive details on what landscaping is going to be kept and anything new and we could include an informative, if members were minded to, which encourages the applicant to increase the density of planting along the boundary so there is a sense of purpose for the condition.

The Chair asked if the TPO tree was felled would it be subject to replanting. The Planning Officer advised that they did not know if the trees had a TPO but they thought they were protected due to being in the Conservation Area

The Planning Officer said with regard to the windows, the windows to the front would be maintained as existing and the windows to the rear would either be added as part of



the extension or altered in terms of width of the glazing. The Conservation Officer raised no objection to the windows at the rear of the property which is already modern, would be keeping, would not be visible from any public vantage points and would preserve the existing building.

The Chair summarised that the proposal was to grant planning permission with the alterations regarding the construction method statement and a landscaping condition.

The Planning Officer advised that a member had asked if a pre commencement construction management condition would meet the test for conditions in the NPPF and why is this site different to other sites. The Officer advised that it is not something we put on every time but if members think there is a reason that there might be concerns with construction activity at this site and had explained this during the debate that would represent an explanation as to why members felt it necessary to attach that condition. If it is a pre-commencement condition the applicant would need to agree it and we will need to write to them to ask them to agree. If they don't we might need to come back to the Committee.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against and 1 Abstention.

RESOLVED:

That Planning Permission be Granted in accordance with the officer recommendation with landscaping condition and construction management plan pre-commencement conditions to be added along with the amendments to Condition 2 and 4 and the new Condition 6 relating to the proposed construction works.

#### Landscaping condition

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development and measures to increase soft landscape screening particularly along the northern boundary of the site with No. 109 Wolsey Road which shall include details of species, planting size, position and density.

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 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 and to provide screening when viewed from the neighbouring property. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

Construction management plan pre-commencement conditions

No development or site works shall take place on site until a Construction Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The Plan shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution including from dust. The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety (having particular regard to the proximity of the site to the junction with South Approach) and minimising pollution in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Amendments to Condition 2

The development hereby permitted shall be carried out in accordance with the following approved plans: 5868 PL 001 REV C; 5868 PL 100 REV B; 5868 PL 200 REV B; 5868/PLLP REV A; 5868 PL 101 REV B; 5868 PL 201 REV B.

Reason: For the avoidance of doubt, in the proper interests of planning and residential amenity and to safeguard the character and appearance of the Moor Park Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

Condition 4

Before any building operations above ground level hereby permitted are commenced, a schedule of samples and details of the proposed external materials (inclusive but not limited to the chimney, roof tiles, windows and doors) 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

New Condition 6 relating to the proposed construction works

No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing numbers 5868 PL 101 Rev B to be retained in situ (i.e. hatched in grey) will be maintained throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown dashed in orange) to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of

the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

Chair

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## PLANNING COMMITTEE – 17 AUGUST 2023

### PART I – DELEGATED

5. **23/0747/RSP – Part Retrospective: Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior and alterations to driveway at SANDLEWOOD, 7A WOLSEY ROAD, MOOR PARK, HERTS, HA6 2HN**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 10 July 2023  
Extension of Time: 24 August 2023

Ward: Moor Park and Eastbury  
Case Officer: David Heighton

Recommendation: That Part Retrospective Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss overlooking and impact on neighbour privacy.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RU6L8FQFFML00>

#### 1 Relevant Planning and Enforcement History

- 1.1 20/2292/FUL - Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway - Permitted - 30.12.2020.
- 1.2 21/0167/COMP: Enforcement Investigation: Works not in accordance with planning permission 21/1370/FUL including land level alterations and erection of air conditioning units. An enforcement notice has been served, see paragraph XX below for more details.
- 1.3 21/1370/FUL - Variation of Condition 2 (Approved Plans) of planning permission 20/2292/FUL: (Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway) to include alterations to fenestration - Permitted - 27.07.2021.
- 1.4 21/2425/FUL - Variation of Conditions 2 (Approved Plans) and 4 (Materials) of planning permission 21/1370/FUL: To include additional rear dormer, alterations to fenestration and change to materials - Permitted and implemented (with the exception of the rear patio and fenestration changes) - 10.01.2022.
- 1.5 22/0566/RSP - Part Retrospective: Formation and raising of terrace to rear garden and introduction of privacy screen - Withdrawn - 21.04.2022.
- 1.6 22/1309/RSP – Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens – Refused - 01.03.2023, for the following reason:

R1: *The raised rear patio including the plant room results in unacceptable levels of overlooking to the neighbouring property at No.9 Wolsey Road which significantly erodes their privacy levels and therefore has a detrimental impact on their living conditions. In addition the proposed introduction of privacy screens by virtue of their siting, height and nature combined with the scale of the raised patio results in an un-neighbourly and overbearing form of development which would have a harmful impact on the visual amenity of the neighbouring occupiers at No.9 Wolsey Road. The development is therefore contrary to Policy 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).*

At the time of writing this report an appeal has been lodged against this refusal (APP/P1940/D/23/3320782) and is currently progressing under the Householder Appeals Service (HAS). This mode of appeal may change if the enforcement notice referred to above is appealed as both enforcement and planning appeals can be linked.

## **2 Description of Application Site**

- 2.1 The application site contains an extended two storey detached dwelling located on the north eastern side of Wolsey Road within the Moor Park Conservation Area. The application site outlined in red on the location plan includes the house and frontage but does not consist of the land to the rear of the dwellinghouse which encompasses the unauthorised rear raised patio and plant room (subject to an enforcement notice) and rear garden.
- 2.2 The dwelling is a modern infill development between No.7 and No.9. The streetscene of Wolsey Road comprises detached dwellings of varied architectural design, located on relatively large plots. The application dwelling is however constructed close to the south eastern boundary. The land levels of the site drop from the front to the rear and the rear amenity space provision contains a number of mature trees.
- 2.3 The neighbouring property to the south east (No.9) is also constructed close to the common boundary. No.9 sits forward of the rear most point of the application dwelling and is set on a similar land level. The neighbouring property to the north west, No.7, is set in a significant distance from the flank boundary, has a similar rear building line to the rear most point of the application dwelling and has a large bay window in the flank elevation facing the application site.

## **3 Description of Proposed Development**

- 3.1 This application seeks part retrospective planning permission for a part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior and alterations to driveway.
- 3.2 Permission was granted under planning application 20/2292/FUL for various works and extensions to the house. The previous description is below:

*The proposed part single, part two storey rear extension would extend the dwelling to the rear by a maximum of 5m at ground floor level and 2.9m at first floor level. The extension at both ground and first floor levels would have a width of 13.3m to be constructed in line with the flank elevations of the main two storey aspect of the dwelling. The proposal would include the removal of the existing roof and construction of a replacement pitched roof with a height of approximately 9.4m*

*(measured from the front elevation) to be set approximately 1m higher than the existing roof form. The development would include a loft conversion including the insertion of three dormers within the rear roof slope. Each dormer would measure a maximum of 1.8m in width, 1.9m in height and 2.8m in depth.*

*The proposal would include a first floor side extension. This would involve removal of the existing roof over the garage and replacement with a true first floor level and would have a depth of 7.8m and width of 5.4m to be constructed in line with the existing flank elevation. It would have a pitched roof with gabled flank elevation and a height of approximately 8.3m; to be set approximately 1.5m higher than existing. Fenestration would be inserted within the front, side and rear elevations of the development at ground and first floor level. The flat roof of the existing rear projection would be increased in height by approximately 0.7m.*

*The development would include the removal of the existing single storey front ground floor projections including the covered area to the front of the garage. A single storey front porch projection would be inserted along the front of the dwelling which would have a depth of 1.3m, width of 3.6m and height of 3m with a flat roof design.*

*The development would also include alterations to land levels to the rear and creation of a raised patio to the rear. The patio and raised planter area would project a total of 5.2m beyond the rear line of the extension and have a width of 13.6m to cover the width of the main aspect of the dwelling. A 1.4m deep raised area would be sited to the rear of the side projection.*

*To the front the development would include an extension to the existing drive to allow four cars to be parked within the frontage.*

3.3 During the course of the build two further applications for variations to the above approved scheme were approved. Planning permission 21/1370/FUL included the following amendments:

- Installation of one window in front elevation over garage in place of three windows;
- Change of design of garage door;
- Insertion of full height window in north west flank elevation;
- Internal alterations.

3.4 Planning permission 21/2425/FUL included the following amendments:

- Removal of windows at ground and first floor elevations along flank elevations;
- Replacement window with a door along southern elevation;
- Addition of dormer within the rear elevation of side projection; the additional dormer would measure 1.8m in width, height of 1.8m and depth of 2.7m.
- Alterations to fenestration along the rear elevation of side projection at ground and first floor level including additional window at first floor level;
- Addition of Juliet balcony to rear at first floor level;
- Changes to fenestration at ground floor to include bi fold doors;
- Removal of the sash windows to the windows to the front elevation.

3.5 With regard to the most recent approved scheme, under reference 21/2425/FUL (the extant scheme), the differences between that approved scheme and the current application are in relation to fenestration changes only and are as follows:

- Front window position over garage door amended
- Ground floor flank door changed to a full length glazed window with the position altered
- Ground floor rear glazing altered with the additional of two further full-length glazed windows forming bi-fold doors
- First floor rear glazing amended over garage to include a full length window the addition of glass balustrade to an existing approved window with alterations to its design.

3.6 No other changes are proposed. All the works forming part of this application have been completed with the exception of the installation of the glass balustrade.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Batchworth Parish Council: [No objections]

*Batchworth Community Council (BCC) and all parties are aware that there has been considerable history in respect of this property with a number (seven since 2020) of applications. Some of these were approved whilst others have been withdrawn and refused. There is also an outstanding Enforcement Notice and Application 22/1309/RSP is subject to an ongoing appeal.*

*BCC has no comment in respect of the changes to the window over the garage or either ground floor glazing amendments that are different to the consented application. However, BCC is of the opinion that very careful consideration is given to the amended first-floor rear window that is a variance from the consented application. We strongly believe that it needs to revert to the approved form. This window element should be reinstalled as per that application and a Juliet Balcony in this location removed. Significant discussion has previously taken place on earlier applications & at TRDC Planning Meeting including some of those that were refused, in part due to the impact on the privacy of the neighbours and the detrimental effect that none approved works have had.*

*It is for that reason we would urge that the TRDC LPA & PO refuse this application and ensure that this particular window reverts to the form as detailed in the approved planning consent. It should be highlighted that access could potentially be gained onto the roof at some future date and that has been refused in earlier applications.*

*Finally, we are strongly of the opinion that this application should be refused for the above reason and should not be considered until such time as the appeal has been handled with and even added to the ongoing enforcement notice.*

#### 4.1.2 Conservation Officer [No objections]

*The proposed alterations would not result in any additional harm to the character and appearance of the Moor Park Conservation Area. I would not raise an objection.*

#### 4.1.3 Moor Park 1958 [No objections]

*The Directors of Moor Park (1958) Limited consider the amendments to the approved plans as described on the application form to have no detrimental effect and raise no objections to the proposals. However, they would request that conditions be imposed on any grant of permission which state:*



*A) Should the garage area shown on the plans be used for any purpose other than the parking of cars that the flank window of the area be glazed with obscure glazing and be non-openable, as this window looks into the conservatory of the adjoining property.*

*B) That the screen shown affixed to the outside of the external doors of bedroom 2 should remain in situ at all times and that the flat roof area outside the doors should at no time be used as a balcony or accessed except for maintenance, as this area looks directly into the adjoining property.*

*We also request that prior to final consideration of the application more detailed plans of the rear elevation be submitted clearly showing the height of all doors and windows, eaves height and ridge height, as the various plans submitted previously and those subject to the current appeal appear to conflict. Also, the raised ground level that has not been approved should be removed from the drawings as it does not form part of the application as described.*

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 8

4.2.2 No of responses received: 2 objections received.

4.2.3 Site Notice: Posted: 19.05.2023 Expired: 10.06.2023.

Press Notice: Published: 26.05.2023 Expired: 17.06.2023.

4.2.4 Summary of Objections:

- Window changes impact privacy including access to flat roof at first floor level.
- Ridge height appears higher than neighbours.
- Out of character.
- Retrospective permission sets an unwelcome precedent.

## **5 Reason for Delay**

5.1 Not applicable.

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

### **6.1 Legislation**

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the Conservation Area.

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

- 6.1.4 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.

Policy / Guidance

6.2 National Planning Policy Framework and National Planning Practice Guidance.

6.2.1 In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

6.2.2 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 unless there is a clear reason for refusing the development (harm to a protected area).

6.3 The Three Rivers Local Development Plan

6.3.1 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.

6.3.2 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.

6.3.3 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, DM6, DM8 and DM13 and Appendices 2 and 5.

6.3.4 The Moor Park Conservation Area Appraisal (adopted 2006)

6.4 Other

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

**7 Planning Analysis**

7.1 Overview:

7.1.1 Following the refusal of 22/1309/RSP in respect of the raised rear patio, plant room and installation of privacy screens, the local planning authority have served an enforcement notice. The notice seeks to remove the plant room, raised rear patio including associated concrete steps (x2) and concrete base, or amend it so it accords with the raised patio approved via planning permission 21/2425/FUL.

7.1.2 This application simply seeks to formalise other changes to the dwelling from 21/2425/FUL.

## 7.2 Principle of Development

- 7.2.1 The most recent approved planning permission under reference 21/2425/FUL is an extant permission that has been implemented. The current application including further amendments has been submitted to regularise parts of the development that has been constructed. The development would not result in any changes to the footprint, height or depth or width of the approved extensions to the dwelling and would not alter the depth, height or width of approved raised patio to the rear and no changes to the drive or soft landscaping are proposed.
- 7.2.2 The as built raised patio and plant room to the rear is the subject of a current pending appeal and enforcement notice and does not form part of this application.
- 7.2.3 The analysis section of this report will therefore only discuss the impact of the proposed changes as set out within the 3.5 of the 'Proposed Development' section of this report.

## 7.3 Impact on Heritage Assets, 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 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' and 'conserve and enhance natural and heritage assets.'
- 7.3.2 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. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. Although it is noted that this criteria relates to extensions to a dwelling and the proposal is for a patio etc, the guidance facilitates the assessment of the proposed development.
- 7.3.3 The site is located within the Moor Park Conservation Area and Policy DM3 of the Development Management Policies LDD sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The Moor Park Conservation Area Appraisal (adopted 2006) states that the bulk and massing of large extensions will also be considered in terms of consistency with the characteristic building form of the Conservation Area.
- 7.3.4 As previously highlighted the development does not materially change the apparent bulk or massing of the approved scheme. The amendments to the fenestration do not materially alter the appearance of the dwelling in comparison to the approved scheme along the front elevation. The introduction of glazed windows to the side and rear match the as-built fenestration in terms of design, and preserves the character of the Conservation Area and does not result in prominent or contrived features within the street scene or Conservation Area. It is not considered that the alterations to fenestration result in any harm to the overall character and appearance of the Conservation Area or diminish the design objectives of the previously approved schemes.
- 7.3.5 The additional of a further Juliet balcony to the rear on a modern dwelling and similar to previously consented elements would not be visible from Wolsey Road and would in keeping with what has been approved. As a result, this addition would not result in

any harm to the character and appearance of the Conservation Area. No external access to the flat roof would be permitted from the Juliet balcony. The alterations to fenestration along the rear elevation does not materially change the overall design of the permitted scheme as to result in an unacceptable form of development. Further, taking into consideration the modern nature of the existing dwelling and considering that the dwelling is not a pre-1958 dwelling the design of the rear elevation and alterations to the fenestration preserve the character of the Conservation Area and does not detract from it.

7.3.6 In summary, the proposed amendments to the previously approved scheme preserves the character and appearance of the Conservation Area and does not result in any demonstrable harm to the character and appearance of the host dwelling or Conservation Area. As such, the development complies with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal.

#### 7.4 Impact on amenity of neighbours

7.4.1 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 extensions 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.

7.4.2 The amendments do not result in any increase in the bulk and massing of the extensions to the dwelling as approved. No other loss of light or harm to visual amenities of any of the other surrounding neighbouring properties results from the alterations and additions of fenestration.

7.4.3 The development as constructed alters previously approved fenestration. This results in a full-height window and the addition of glass balustrade to previously approved fenestration at first floor level and the addition of full length windows at ground floor level towards the south eastern flank. Whilst this results in the addition of slightly larger glazing sited closer to the boundary with No.9 at first floor and ground floor level, it does not result in any materially greater overlooking into the surrounding neighbouring properties in comparison to the approved scheme.

7.4.4 No external balconies are proposed. It is noted that there has been concern raised with regards to the use of the flat roof at first floor level. A Juliet balcony is proposed which would prevent access to the flat roof. However, the use of the flat roof is also subject to a recommended condition that would prevent the use of the first floor flat roof for amenity purposes due to the potential to overlook neighbouring properties. The alterations therefore would not result in any greater overlooking into the surrounding neighbouring properties in comparison to the approved scheme or original dwelling.

7.4.5 The alterations from a door to full length window to the south eastern flank would serve a non-habitable garage, similar in comparison to the approved scheme, which would is not considered to result in overlooking.

7.4.6 The dormer window serving the store, close to the boundary with No.7 was required to be inserted with obscure glazing which has not been done to date. This was a requirement of the extant permission. There have been no changes in the site circumstances which would render this condition no longer reasonable. A suitably

worded condition is therefore imposed to require the window to be altered within 4 months.

- 7.4.7 Subject to conditions, it is not considered that the additional or variations to the glazing along the rear elevation would permit any material greater levels of overlooking into the neighbouring properties in comparison to the approved scheme. In summary it is not considered that the amendments result in demonstrable harm to neighbouring amenity and subject to conditions complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

## 7.5 Parking and Amenity Space

- 7.5.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. 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 proposed amendments would not affect the parking provision serving the site.

## 7.6 Trees

- 7.6.1 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.

- 7.6.2 The application site is located within a Conservation Area and as such all trees are protected. The proposed amendments to the approved scheme would not affect any 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.

- 7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment. As per the approved scheme as the proposal would result in the removal of the existing roof form an informative regarding bats would be added to any approval.

7.8 Conditions:

- 7.8.1 Whilst this application is a new planning application it is necessary to consider whether the conditions imposed under the extant permission are still relevant.
- 7.8.2 The condition relating to the privacy screen along the boundary with No.7 Wolsey Road has been omitted as it is now a requirement of the enforcement notice. In the event the notice is quashed by any Inspector (subject to any future enforcement appeal) and planning permission is granted for 22/1309/RSP, the installation of the privacy screen along the boundary with No.7 is shown on the plans and thus would form part of this planning permission.
- 7.8.3 Other conditions relating to obscure windows to the flank windows and to the dormer window serving the store are still considered relevant and have therefore been attached.
- 7.8.4 Due to the potential to use the flat roofs, as discussed above, conditions preventing their use for amenity purposes is considered reasonable.

**8 Recommendation**

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

**8.2 Conditions**

- C1 WITHIN 4 months from the date of the decision, the windows in the rear dormer serving the store 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.

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).

- C2 The first-floor flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The 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).

- C3 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October

2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The flat roof of the single storey rear projection to the rear of Bed 2 (shown on drawing 1360/P/2B) shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- C5 The flat roof of the single storey rear projection to the rear of Bed 1 and Bed 4 (shown on drawing 1360/P/2B) shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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).

### 8.3 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes,

where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

A) Making a Non-Material Amendment

B) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/egcl-page/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

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









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## PLANNING COMMITTEE – 17 AUGUST 2023

### PART I – DELEGATED

**6. 23/0942/ADV - Advertisement Consent: Installation of non-illuminated fascia sign to building at CHANGING ROOMS, OXHEY PAVILION EXTENSION, GREEN LANE, OXHEY HALL**

Parish: Watford Rural Parish Council

Ward: Oxhey Hall and Hayling

Expiry of Statutory Period: 25.08.2023 (Agreed Extension)

Case Officer: Lilly Varnham

Recommendation: That advertisement consent be GRANTED subject to conditions

Reason for consideration by the Committee: The application made is on TRDC land and TRDC is the applicant.

To view all documents forming part of this application please go to the following website:

[23/0942/ADV | Advertisement Consent: Installation of non-illuminated fascia sign to building | Changing Rooms Oxhey Pavilion Extension Green Lane Oxhey Hall Hertfordshire \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/0942/ADV)

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

- 1.1 11/2433/FUL - Two storey extension (including pitched roof) to existing modular sports changing pavilion at South Oxhey Playing Fields - Permitted.
- 1.2 12/1546/NMA – Non-Material Amendment to planning permission 11/2433/FUL: Construction of new roof at 15-degree pitch – Permitted.

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

- 2.1 The application site contains a two-storey detached building adjacent to Oxhey Pavilion, accessed via Green Lane, Oxhey Hall and is sited adjacent to South Oxhey Playing Fields. The existing building has a red tiled pitched roof form with an exterior finish consisting of a light smooth render and a dark green painted exterior.
- 2.2 The building serves as a changing room for use by users of South Oxhey Playing Fields and appears to have implemented a two-storey extension including a new pitched roof form. To the south of the building is South Oxhey Playing Fields, to the west is The Pavilion (PH) which also includes a residential unit and to the North is an existing area of hardstanding used for car parking, accessed via Green Lane. To the east are residential dwellings including Oxhey Warren Cottage, also accessed via a separate track to the area of hardstanding off Green Lane.
- 2.3 Green Lane is characterised by a flatted developments and the commercial units adjacent to the application site.

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

- 3.1 The application seeks advertisement consent for the installation of non-illuminated fascia sign to building.
- 3.2 The proposed signage would be sited on the Northern elevation of the Changing Rooms fronting the area of hardstanding that forms part of the wider site boundary for South Oxhey Playing Fields. The signage would facilitate a welcome sign and read 'Welcome to South

Oxhey Playing Fields. The sign would be approximately 8.6m x 3.05m, the sign would not protrude from the building and would be non-illuminated.

- 3.3 The graphic panels are supplied as a high tac adhesive vinyl applied direct to the surface of the building. The vinyl is classified as a permanent adhesive, this is gauged on the expected life span based on outside weathers. The graphic panels are applied like wallpaper drops (in equal width sections by length). The submitted information indicates that although classified as a permanent installation the vinyl's can be removed as no actual fixtures are used within the installation.
- 3.4 It is understood from the applicant that following last year's (2022) Green Flag Awards site visit to South Oxhey Playing Fields, it was highlighted that the site was difficult to navigate from the main entrance (next to the Pavilion pub and car park area) as well as being a very uninviting space. The proposed signage on the pavilion building is in response to the feedback from the Green Flag Awards.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Watford Rural Parish Council: No comments at time of writing.

4.1.2 National Grid: No comments at time of writing.

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

4.2.1 Number consulted: 5                      No of responses received: 0

4.2.2 Site Notice Posted: 07/07/2023, Expires: 28/07/2023.

4.2.3 Press Notice: [Not Required]

4.2.4 Summary of Responses: [No responses received at time of writing, any comments to be reported verbally to the committee]

## **5 Reason for Delay**

5.1 No delay.

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

### **6.1 Legislation**

6.2 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

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.

### **6.3 Planning Policy and Guidance**

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

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

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 unless there is a clear reason for refusing the development (harm to a protected area).

### 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, DM6, DM13 and Appendices 2 and 5.

## **7 Planning Analysis**

### **7.1 Advert Regulations**

7.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

7.1.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of “amenity” and “public safety”.

7.1.3 Amenity is not defined in the regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

7.1.4 Paragraph 136 of the National Planning Policy Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **7.2 Design and Impact on the Host Building and Streetscene**

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 The proposal would include the installation of a new vinyl sign, designed to welcome residents and the community to South Oxhey Playing Fields from its entry via Green Lane. The sign does result in a notable feature as viewed from the area of hardstanding/parking accessed via Green Lane, however, it would only become noticeable at the entrance to the area of hardstanding; the colour also adds to the noticeability of the sign.

- 7.2.3 The sign however is not considered to be prominent or obtrusive in long range views along Green Lane nor is it visible from South Oxhey Playing Fields or within the wider landscape. The sign is placed on the existing Changing Room building and would not protrude from the building. The sign is also non-illuminated. The sign does not result in an unduly urbanising, prominent or contrived feature within the street scene or significantly detract from the character of the building or wider streetscene.
- 7.2.4 The proposed signage when read against the backdrop of the commercial unit and playing fields would appear subordinate and represent an appropriate and sympathetic form of development which is not considered to result in demonstrable harm to the character of the building or wider streetscene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 7.3 Amenity
- 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 of disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 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.
- 7.3.3 The proposed signage would not project from the fascia of the building and is not considered to significantly alter the appearance of the building relative to the existing. The signage would largely be screened from view of neighbouring properties owing to its siting on the North Elevation facing the existing hardstanding/parking area adjacent to the application site. Views of the advert would predominantly be visible from this area of hardstanding, the closest neighbours would be those to the West at Flat 1, The Pavilion, however, by virtue of this property's positioning relative to the application site the location of the proposed signage would be largely screened from view of this neighbour. Views of the proposed signage from the neighbours to the East at Oxhey Warren Cottage would be largely screened from view by virtue of the existing built form.
- 7.3.4 Given that the signage would not be illuminated and would sit flush to the wall of the building it is not considered that there would be any significant impact as a result. The signage may be visible from the wider area, including from residential properties, however, given the separation distances between buildings it is not considered that the signage would result in harm.
- 7.3.5 Overall, it is not considered that the proposal would be imposing on any neighbouring residential or commercial units or would result in a significant adverse impact on the neighbouring residents. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011).
- 7.4 Public Safety
- 7.4.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.
- 7.4.2 The proposed signage would be set inside of the application site on the changing rooms premises and would not project such that it would pose an obstruction to the highway, pedestrians or drivers. It is therefore not considered that the proposed advertising signage would result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).
- 7.5 Wildlife considerations



- 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 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.
- 7.5.3 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.

## 7.6 Trees and landscape

- 7.6.1 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.
- 7.6.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.

## 8 **Recommendation**

8.1 That ADVERTISEMENT CONSENT BE GRANTED subject to the following conditions:

C1 Standard advertisement conditions:

1] The period of the validity of this permission is for five years commencing from the date of the decision notice.

2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3] No advertisement shall be sited or displayed so as to;

(a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C2 The advertisements hereby permitted shall be carried out and maintained with the following approved plans: TQRQM23158 125948488 (Block Plan), BL220330-04 REV C (Location Plan), TRC\_0061 (South Oxhey Playing Field Graphics), TRDC01 (Detailed Drawing), TRDC02 (Nearby Buildings), TRDC03 (Site Plan), TRDC04 (NU-COAT TECHNICAL DATA SHEET - M12-H-K), TRDC05 (NU-COAT TECHNICAL DATA SHEET - T25 -P-P).

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended), Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM9 and DM13 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.

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.

- 13 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 – 17 AUGUST 2023

### PART 1 - DELEGATED

7. **23/1003/FUL - Variation of Condition 2 pursuant to planning permission 22/0958/FUL (Part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding) to increase scale of rear dormer and reconfiguration of front rooflights at 129 Watford Road, Croxley Green, Rickmansworth, Hertfordshire, WD3 3DX**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 11 August 2023  
Extension agreed to 25 August 2023

Ward: Dickinsons  
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted subject to the conditions set out below.

Reason for consideration by the Committee: Call in by Croxley Parish Council if officer is minded to approve on the grounds that the increase in the scale of dormer is large and not in accordance with what TRDC previously amended.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWCD8DQFG3300>

#### 1 Relevant Planning and Enforcement History

- 1.1 23/0865/NMA: Non materials amendment to planning permission 22/0958/FUL: Increase in depth of the rear dormer. Withdrawn on 19.06.2023 (following receipt of advice from officers that the change was not considered non-material).

- 1.2 22/1757/RSP: Part Retrospective: Part single, part two storey side and rear extension, lot conversion including hip to gable roof extension with rear dormer and front rooflights, alterations to fenestration and construction of a detached outbuilding. Refused, for the following reason:

*The proposed development by virtue of the size and dominating scale of the proposed rear dormer would adversely affect the character and appearance of the host dwelling. The proximity of the first floor side element to the boundary would appear incongruous, cramped, and excessively prominent within the streetscene, with the cramped appearance exacerbated by the gable roof form, to the detriment of the visual amenity of the area. The development would therefore harm the character and appearance of the host dwelling and the street scene and would fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of The Croxley Green Neighbourhood Plan August 2018) and the NPPF (2021).*

This application was appealed, and the appeal was dismissed (APP/P1940/D/22/3313578).

- 1.3 22/0958/FUL: Part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding. Permitted. 02.08.2022. Commenced and currently under construction.

- 1.4 21/2422/FUL: Construction of part single, part two storey side and rear extension, loft conversion including hip to gable roof alterations, rear dormer and front rooflights, alterations to fenestration and construction of detached outbuilding to rear. Withdrawn. 22.12.2021.

## **2 Description of Application Site**

- 2.1 The application site occupies a plot on the northern side of Watford Road, Croxley Green, close to the junction with New Road. The application dwelling is a two storey semi-detached property finished in mixed red brick and render, with a dark tiled hipped roof form.
- 2.2 The pre-existing single storey integral garage to the eastern flank has been demolished and is in the progress of being replaced with a part single, part two storey side and rear pertaining to 22/0958/FUL.
- 2.3 To the front of the application site is a driveway which can currently accommodate 2 cars, although it is currently enclosed with hoarding. To the rear, there is a garden area and at the very rear the detached outbuilding is currently under construction (permitted via 22/0958/FUL).
- 2.4 The adjoining semi-detached property to the west at No. 127 Watford Road mirrors the original style and design of the host dwelling and has a hipped roof form. It is located on a similar front building line and land level in relation to the host dwelling. It has a single storey flat roofed rear extension. The common boundary is marked by close boarded fencing and hedging.
- 2.5 The neighbouring property at no. 131 is a dental surgery which was constructed following the demolition of a residential dwelling and the erection of a two-storey building. It is set on a similar land level and set forward in relation to the host dwelling and projects deeper in its plot in relation to the host dwelling. The common boundary is marked by close boarded fencing.
- 2.6 To the rear is a garage court and private road with properties fronting New Road beyond.

## **3 Description of Proposed Development**

- 3.1 This application seeks planning permission to vary condition 2 (Plan Numbers) of planning permission 22/0958/FUL to allow for an increase in the size of the rear dormer and a reconfiguration of the front rooflights. Details of the proposed changes are provided from paragraph 3.3 below.
- 3.2 Application 22/0958/FUL was granted planning permission for a 'part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding'. The development description for the application was described as the following:

"The existing garage would be demolished. The proposed part single, part two storey side and rear element would have a width of 2.3m at ground floor level, set in from the common boundary with No. 131 by 0.4m (where it projects beyond the existing side wall) and a width of 1.5m at first floor level, set in from the common boundary with No. 131 by 1.2m to the front and 1m to the rear due to the splayed nature of the boundary. The proposed side extension would be built in line with the front wall of the house. At ground floor level, it would have a total depth of 13.6m, projecting beyond the original rear elevation by 6m. The single storey rear element would span the width of the plot at a width of 8.5m, built up to both neighbouring boundaries and would have a flat roof and part gabled (adjacent to No.127) at a height of 2.9m to the flat section and 3.3m to the top of the gable roof measured from the rear elevation. A parapet wall would be built adjacent to the boundary with No.131 with a maximum height of 3m. At first floor level, the proposed side and rear extension would have a total depth of 11.3m, extending a maximum of 3.6m from the existing rear elevation.



The first-floor rear element would have a width of 4.6m set in from the common boundary with No.131 by 0.9m (measured from the rear facing wall) and set in from the common boundary with No. 127 by 2.7m with a splayed elevation towards the rear. The first-floor rear element would have a gable roof form with a central valley with vertically hung tiles. This extension would have a maximum height of 6m and eaves height of 5.2m, set down from the main ridge by 2.3m.

The proposal would include a loft conversion with a hip to gable roof enlargement which would increase the width of the ridge of the host dwelling by 5m. The loft conversion would include a flat roofed rear dormer. The proposed dormer would have an amended width of 5.8m, depth of 2.7m and height of 2m. It would be set down 0.3m from the extended ridge and set in from both the eastern and western flanks. The proposed rear dormer would be finished in materials to match the existing roof. Five rooflights would be inserted into the front roofslope.

Glazing is proposed at ground floor level within the eastern flank to serve the utility and w/c and at first floor to serve the master ensuite. Glazing is also proposed within the rear elevation at ground, first floor and within the rear dormer, including bi-folding doors to the rear elevation.

The proposed extension would be finished in white render with the new windows in grey.

The proposal would also include the construction of a detached outbuilding towards the rear of the application site. It would have a width of 7.6m to span the width of the plot and have depth of 3.7m. It would have a gabled roof form with a maximum height of 5m and eaves height of 2.6m. It would also have a canopy to the front. Bi-folding doors would be inserted into the northern flank and a door into the northern flank. It would be sited approximately 13m from the main dwelling and a minimum of 0.7m from the rear splayed boundary of the site. It would be used as a home gym.

Amended plans were sought during the course of the application to:

- Reduce the dimensions of the proposed rear dormer;
- To omit the obscurely glazed window in the angled part of the first-floor rear extension facing No. 127:
- Reduce the width of the proposed part single, part two storey side and rear extension to maintain 1.2m spacing to the eastern boundary at first floor to the front reducing to 1m to the rear;
- Confirm the external materials and window materials.”

3.3 This current application now seeks amendments to the previously approved scheme. The amendment to the front elevation is to reduce the number of front rooflights from five to four and the reconfiguration of them on the front roofslope. The proposed amendment to the rear would result in the previously approved rear dormer window being increased in width from 5.8m to 6.7m, set in from the western flank by 0.3m and set in from the eastern flank by 0.7m. The proposed depth of the dormer would be increased from 2.7m to 3.4m and the proposed height would also be increased from 2m to 2.5m.

3.4 Amended plans were sought during the course of the application to reduce the width of the proposed dormer to set it in from the side of the edge of the roof by 0.7m in width and to remove the word indicative from the proposed plans.

3.5 It is noted that this current application follows a refused scheme and subsequent dismissed appeal. The differences between the current application and the dismissed scheme are listed below:

- The increase in the width of the first floor side extension as sought in the dismissed scheme is no longer proposed.
- The proposed rear dormer has a depth of 3.5m, height of 2.5m and width of 6.7m, and is therefore larger than the rear dormer which formed part of the dismissed scheme (which had a depth of 3.5m, height of 2.8m and width of 8.1m).
- Four rooflights are proposed instead of seven and reconfigured on the extended main ridge.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Croxley Green Parish Council: [Objection]

CGPC objects to the significant proposed increase in size of the rear dormer, and notes that TRDC previously required the rear dormer to be reduced in size before it would allow approval. If the officer is minded to approve, CGPC request that the application is called to the TRDC Planning Committee.

#### 4.1.2 National Grid: No response received.

### 4.2 Public/Neighbour Consultation

#### 4.2.1 Number consulted: 7

#### 4.2.2 Site Notice Posted: 29/06/2023, Expired: 20/07/2023.

#### 4.2.3 No Press Notice required.

#### 4.2.4 Responses received: [1 objection]

#### 4.2.5 Summary of Responses:

- Devalue my home
- Any further enlargement would turn a semi into a terrace
- Concerns about the number of people using/living in the detached outbuildings
- Concerns regarding renting as an HMO.

**Officer comments:** It is noted that the value of property is not a material planning consideration. No change of use is proposed as part of this application. If the use was to materially change in the future without planning permission (if required), then this would be an enforcement matter.

A re-consultation took place following receipt of amended plans for 14 days from 02/08/2023 to 16/08/2023. Any further comments received will be verbally reported at the committee meeting.

## 5 Reason for Delay

### 5.1 Committee Cycle.

## 6 Relevant Planning Policy, Guidance and Legislation

### 6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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.

## **6.2 Planning Policy and Guidance**

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

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

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 unless there is a clear reason for refusing the development (harm to a protected area).

### 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.

Croxley Green Neighbourhood Plan (Referendum Version December 2018), Policy CA2 and Appendix B and C are relevant.

### Other

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

## **7 Planning Analysis**

### **7.1 Principal of Development**

- 7.1.1 Planning permission has previously been granted under application 22/0958/FUL for a part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding.

- 7.1.2 The principal of the above works has therefore been approved and this application will focus on the changes proposed as outlined at paragraph 3.3 above. There has been no change to relevant planning policy or site circumstances which would affect the acceptability of the development in relation to those matters previously approved. The impact of the proposed alterations as set out in the 'Proposed Development' section are considered in the relevant analysis sections below. This variation of condition application would not result in any change to impact on amenity space, highway, access and parking impact, biodiversity or trees and landscape compared to the previously approved application 22/0958/FUL.
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene
- 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 DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, 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 the roof form, positioning and style of windows and doors, and materials.
- 7.2.3 Policy CA2 of the Croxley Green Neighbourhood Plan states that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas through the careful control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. In relation to dormers, Appendix C of the Croxley Green Neighbourhood Plan states that the construction of front dormers which are out of scale with the host building will not be supported and that "Box" dormers should be avoided on front and side elevations and any roof lights should be appropriately scaled. Appendix 2 of the Development Management Policies LDD states the following with regard to dormer windows; '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'. Whilst it is acknowledged that the proposed rear dormer would be large, given that amended plans show that it would be set in from the flanks, (0.7m from the eastern flank and 0.3m from the western flank) and set up from the plane of the rear wall and set down from the ridge, it is considered to appear suitably subordinate to the main dwelling given its scale and siting with its scale mitigated through its tiled exterior appearance and the addition of the first floor rear extension beneath.. In addition, it is noted that there are examples of other rear dormers in the vicinity. Given the above, it is not considered that the increased scale of the proposed rear dormer would result in significant demonstrable harm over and above the previously approved scheme.
- 7.2.4 The proposed front rooflights would be readily visible from the streetscene of Watford Road. With regards to the proposed front rooflights, there are others within the vicinity and whilst the proposed are larger than the previously approved, overall they are not considered to be uncharacteristic or harmful. Whilst acknowledging that there will be 4 in total, they would not over-clutter the front roofslope. Given their scale and siting and set down from the main ridge the front rooflights would not result in demonstrable harm to the character of the host dwelling or result in any adverse impact to the wider streetscene of Watford Road.
- 7.2.5 In summary, the proposed increase to the scale of the rear dormer and the reconfiguration of the front rooflights would not result in any demonstrable harm to the host dwelling or wider streetscene. The development would comply with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policies CA2, CA3 and

Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted Dec 2018).

### 7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy (2011) advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD (2013) comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The proposed rear dormer, as amended, whilst large in scale, would be set in from the 0.3m from the western flank and set in 0.7m from the eastern flank, it would be set up from the plane by 0.3m and set down from the main ridge by 0.3m. As such, it would not result in any overbearing impact to any neighbouring properties in terms of loss of light or overbearing impact. The rear dormer would still contain two windows, serving a home-office area and a bedroom which is the same use as proposed in the original planning permission. The rear dormer would overlook the rear amenity space of the application site and as such would not give rise to any unacceptable overlooking to any neighbouring properties.
- 7.3.3 The proposed reconfiguration of the front rooflights given their scale and siting would not result in a loss of light to the windows of any surrounding properties. They would overlook the front amenity space of the host dwelling and as such would not result in any harm to any neighbouring properties.
- 7.3.4 As such, it is not considered that the proposed development would result in any significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.4 Summary

- 7.4.1 The changes to the original planning permission are considered acceptable. All relevant previous conditions have been re-imposed.

## 8 **Recommendation**

- 8.1 Subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 017, 024 REV E.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13, Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the Croxley Green Neighbourhood Plan (Referendum Version August 2020).

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 prevent the extensions 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).

C3 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 flank roof slopes of the extensions 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:**

- 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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification.

Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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 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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129 Watford Road – Site Photos





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